

# Pacific County PLANNING COMMISSION

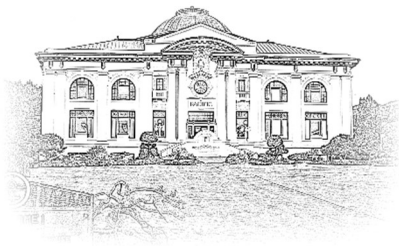
PO Box 68, 1216 W. Robert Bush Dr., South Bend, WA 98586  
360.875.9356 or 360.642.9356  
[planningcommission@co.pacific.wa.us](mailto:planningcommission@co.pacific.wa.us)

## ORDINANCE NO. 191 Flood Damage Prevention Ordinance

### **SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

#### **FINDINGS OF FACT**

1. Pacific County participates in the National Flood Insurance Program (NFIP), a federal program designed to provide flood insurance for those properties located within identified flood hazards.
2. Participation in the National Flood Insurance Program requires the adoption and enforcement of a flood hazard reduction ordinance meeting the minimum requirements of the federal NFIP program.
3. Chapter 86.16 RCW, Washington Floodplain Management Law has instituted additional requirements above and beyond the National Flood Insurance Program and requires that local jurisdiction adopt regulations consistent with both the Washington Floodplain Management Law and the National Flood Insurance Program.
4. The National Flood Insurance Program requires that local participants in the National Flood Insurance Program adopt and implement the more restrictive State requirements.
5. The flood hazard areas of Pacific County are subject to periodic inundation which could potentially result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
6. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
7. Pacific County adopted the 2020-2040 Pacific County Comprehensive Plan on April 27, 2021.
8. Pacific County is required to update its existing development regulations to ensure consistency with the 2020-2040 Comprehensive Plan.
9. Pacific County Ordinance No. 176 was last updated May 18, 2015 to meet current state and federal requirements that were changed or revised since Pacific County Ordinance No. 116A's original adoption date of August 7, 1989.



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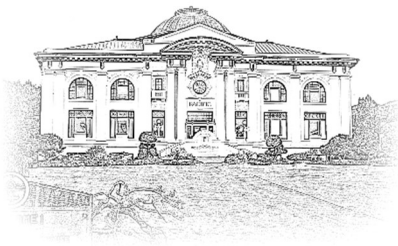
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10. Ordinance No. 191 will bring Pacific County Flood Damage Prevention Ordinance into consistency with the FEMA Model Ordinance for Washington State.
11. Pacific County Ordinance No. 191 implements minimum state and federal regulations and guidelines for the planning, construction, operation and maintenance of any works, structures and/or improvements within the designated floodplain which might, if improperly planned, constructed, operated or maintained, adversely influence the regime of a stream or body of water, or might adversely affect the security of life, health and property against damage by flood water.
12. Pacific County Ordinance No. 191 promotes the health, safety and welfare of the general public by establishing minimum standards and review criteria for actions within the floodplain.
13. Notice of Non-Project Action SEPA Determination of Non-Significance (DNS) was published in the Chinook Observer on April 5, 2023.
14. Pacific County sent Notice of Proposed Ordinance Adoption to the Washington State Department of Commerce (Growth Management Services Division) on April 3, 2023, in order to satisfy the Dept. of Commerce's 60-day notification requirement.
15. Notice of the public workshop and hearing was published in the Chinook Observer on February 22, 2023 and March 1, 2023.
16. The draft Ordinance No. 191 was available for public review on the County's website and the public was provided an opportunity to comment on the draft Ordinance.
17. The County has met, or exceeded, the requirements for public participation as delineated in Pacific County Ordinance No. 177.
18. The Planning Commission recommended approval of Ordinance No.191 to the Board of County Commissioners on March 2, 2023.
19. Pacific County Ordinance No. 176 will be rescinded and replaced with Pacific County Ordinance No. 191.

## CONCLUSIONS OF LAW

1. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, mandates that Counties and Cities required or choosing to plan under the authority of the Growth Management Act must adopt development regulations consistent with the jurisdictional Comprehensive Plan and state law.



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2. Ordinances relating to flood damage prevention are considered to be a GMA development regulation by State Law.
3. Pacific County opted to plan under the authority of the Growth Management Act in 1990 via adoption of Pacific County resolution No. 90-123.
4. Adoption of Ordinance No. 191, Flood Damage Prevention, which is an update to Ordinance No. 176, will adequately effectuate the intent of the Pacific County Comprehensive Plan.
5. Ordinance No. 191, Flood Damage Prevention, will produce no probable significant adverse environmental impacts. A determination of non-significance (DNS) under the State Environmental Policy Act (SEPA) is appropriate for this Ordinance.
6. Ordinance No. 191, Flood Damage Prevention, promotes the health, safety and welfare of the general public, will help to reduce costs related to significant flood events, and is consistent with GMA requirements

If any finding is in truth a conclusion of law, or if any conclusion stated is in truth a finding of fact, it shall be deemed so.