

Feds check floodplain buildings

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MOUNT VERNON — If the City of Mount Vernon is to keep its federal flood insurance intact, it may have to prove "good intent" in building permits issued during the last few years for construction within the floodplain.

Because of a statement attributed to Mount Vernon Building Official Ron Maynock in the January 14 issue of a weekly newspaper, the Mount Vernon Argus, the Federal Emergency Management Agency (FEMA) will be "touring" building sites in Mount Vernon sometime during March to see if buildings have been elevated above the 100-year flood level. That flood level is at least four feet in Skagit County.

In the news article, Maynock stated that he does not force property owners to build above the 100-year flood plain if they don't want to. Elevating or flood-proofing construction in the floodplain is one of the requirements for qualifying for federal flood insurance.

"Is it better to come down hard on a guy, or is it better to work with them and come to an equitable solution? These people out there pay my salary. I can't just say 'obey my rules,'" he is quoted as saying.

Because FEMA hasn't actually gone through the process of publishing floodway regulations yet, strict enforcement is not possible, said Chuck Steele, with FEMA's Seattle office. But cities and counties are expected to "adhere to them to the best of their ability," he added.

"Just because of the statements in the article, we need to take a second look (at the building permit process)," Steele said.

But Maynock says that Mount Vernon has been showing good intent. The city is not required to enforce elevations in the floodplain, because that's the Department of Ecology's responsibility, he said.

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"Why should we have a duplication of effort? I dare them — FEMA — or anyone else to show me that Mount Vernon has violated the law."

"The state requires us to conform with their flood control regulations, and so does FEMA, but the state's requirements and FEMA's differ in some aspects. There are some questions about how the law could be interpreted," Maynock said.

The two agencies give differing flood plain elevation restrictions, he explained. With FEMA, no building can occur anywhere below the 100-year flood level unless it is flood-proofed, while the Department of Ecology allows no building less than three feet below the 100-year flood level.

And there is a "grandfather clause" in the state's Flood Control Act which permits construction on property platted prior to 1966 or 1967 without conforming to the Act, Maynock said.

"Who am I supposed to listen to?" he asks.

Maynock said he had been notified that FEMA was going to do an audit in mid-March that would include going through the files and visiting specific sites. Steele would not predict how Mount Vernon might rate, but said that if bad intent was detected, the city could be suspended from the flood insurance program.

"We have nothing to hide. We are not going counter to the law in any respect," Maynock stated.

Although he isn't worried about the audit, Maynock has some complaints about the way FEMA is handling the issue.

"FEMA must assume that we are functioning with validity. They can't take some reporter's statement or (the statements) of some resident who starts complaining. It bothers me that they are reading articles in the newspaper and making assumptions," he said.