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12 **APPENDIX A DESIGNATED TYPE 2 STREAM CORRIDORS**

**Commented [DD1]:** *GMA Update - Critical Areas Checklist Questions Explained* (GUCACQE) Question 1: Did the CAO drafting process include the public?  
**Answer:** Public involvement has not been conducted as of yet, but will be conducted soon. This questions is similar to questions 10.a. and 18.a. in the Department of Commerce's *Periodic Update Checklist for Counties* (CPUC).

**Commented [DD2]:** GUCACQE Question 2: Did the process to draft your current CAO "include the best available science"?  
**Answer:** Yes. BOCC Ordinance 4-2013 satisfied the inclusion of BAS in Title 16C.

**Commented [DD3]:** GUCACQE Question 3: Was the best available science information that was reviewed documented in the record?  
**Answer:** This is a work in progress. This question is similar to CPUC 11.b.

**Commented [DD4]:** GUCACQE Question 4: Does the local record include specific findings that are accurate and explanatory?  
**Answer:** This is a work in progress. This question is similar to CPUC 11.b.

26  
27  
28 **Chapter 16C.01**  
**GENERAL PROVISIONS**

29 Sections:

29 16C.01.01 Title and Authority  
30 16C.01.02 Language Interpretation  
31 16C.01.03 Purpose of Title  
32 16C.01.04 Intent of Title  
33 16C.01.05 Applicability  
34 16C.01.06 Science and Protection of Anadromous Fish  
35 16C.01.07 Administrative Authority  
36 16C.01.08 Severability

37  
38 **16C.01.01 Title and Authority**

39 Yakima County Code (YCC) Title 16C is established pursuant to RCW 36.70A.060 (Growth  
40 Management Act Natural resource lands and critical areas -- Development regulations), RCW  
41 Chapter 43.21C (State Environmental Policy Act), and federal requirements for eligibility in the  
42 National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR). This title  
43 shall be known as the "Critical Areas Ordinance of Yakima County, Washington."  
44

45 **16C.01.02 Language Interpretation**

46 Unless specifically defined in Chapter 16C.02, words, phrases and terms in this title shall be  
47 interpreted so as to give them the meaning they have in common usage and to give this title its  
48 most reasonable application. "Shall" is mandatory; "may" is discretionary and does not impose a  
49 requirement; "should" is always advisory; "include(s)" means includes but not limited to. When  
50 not inconsistent with the context, words used in the present tense include the future; the singular  
51 includes the plural; and the plural, the singular.  
52

53 **16C.01.03 Purpose of Title**

54 The purpose of Title 16C is the following:

55 (1) Protect and maintain the function and values of critical areas and give special consideration to  
56 conservation or protections measures necessary to reserve or enhance anadromous fisheries.  
57 (2) to ~~e~~Establish to establish a single, uniform system of procedures and standards to be applied to  
58 development within designated critical areas of unincorporated Yakima County.  
59

60 **16C.01.04 Intent of Title**

61 (1) Title 16C establishes policies, standards, and other provisions pertaining to development  
62 within designated critical areas regulated under the provisions of the Growth Management Act  
63 (RCW 36.70A), and development regulated under the National Flood Insurance Program.  
64 Additional purpose and intent for the protection of critical areas is provided in the chapter on  
65 each subject. Stream corridors, flood hazard areas, wetlands, critical aquifer recharge areas,  
66 geologically hazardous areas and fish and wildlife habitat areas constitute Yakima County's  
67 critical areas. These areas are of special concern to the people of Yakima County and the state  
68 of Washington because they are environmentally sensitive lands, or hazardous areas, which  
69 comprise an important part of the county's natural resource base. The policies, standards and  
70 procedures of this title are intended to:

**Commented [DD5]: GUCACQE Question 12 (Part 1):** Does the CAO include science-based standards to protect critical areas?  
**Answer:** Yes. The word "maintain" has been added to the purpose for clarity. Please see other sections that address how question 12 is satisfied.

This edit needs to be added in the white paper.

**Commented [DD6]: GUCACQE Question 5:** Does the CAO include a purpose statement and, if so, is it consistent with the GMA and the locally adopted comprehensive plan?  
**Answer:** A revision has been made to the purpose statement to be consistent with the GMA. The revise statement is consistent with YC's comprehensive plan.

This edit needs to be added in the white paper.

- 71 (a) Preserve development options within designated critical areas where such development  
 72 will not adversely impact critical area values and functions, particularly the functional  
 73 properties of stream corridors and other hydrologically related critical areas;  
 74 (b) Prevent further degradation of critical areas;  
 75 (c) Conserve, protect and, where feasible, restore essential or important natural resources.  
 76 (d) Protect the public health, safety and general welfare;  
 77 (e) Further the goals and objectives of the Yakima County Comprehensive Plan and all of its  
 78 elements;  
 79 (f) Implement the goals and requirements of the Washington Growth Management Act (RCW  
 80 Chapter 36.70A), and the National Flood Insurance Program;  
 81 (g) Recognize and protect private property rights;  
 82 (h) Provide development options for landowners of all existing lots to the greatest extent  
 83 possible, through the establishment of Adjustment, Reasonable Use provisions and Non-  
 84 Conforming Use and Facility provisions;  
 85 (i) Recognize that mining and related uses are an appropriate use within designated critical  
 86 areas when conducted in a manner consistent with the laws of the state that already govern  
 87 mining including, but not limited to, the Surface Mining Act, RCW Chapter 78.44.  
 88 (2) In addition, the policies, standards and procedures of this title:  
 89 (a) Are not intended to regulate the operation and maintenance of existing, legally established  
 90 uses and structures, including but not limited to vegetative buffers on existing uses that  
 91 have been reduced in width prior to the effective dates of provisions in the Critical Areas  
 92 Ordinance;  
 93 (b) Are not intended to result in an unconstitutional taking of private property;  
 94 (c) Are not intended to retroactively require the restoration of degraded critical areas for  
 95 properties in a degraded condition prior to the effective dates of provisions in the Critical  
 96 Areas Ordinance; but rather to utilize restoration as a tool to mitigate impacts of new  
 97 development;  
 98 (d) Are not intended to presume that regulatory tools are the only mechanism for protection,  
 99 but rather integrated with non-regulatory tools in as balanced a manner as possible;  
 100 (e) Are not intended to prohibit the use of valid water rights.

101  
 102 **16C.01.05 Applicability**

- 103 (1) Except as provided in subsections (3) and (4) below, the provisions of this title shall apply to  
 104 any new development, construction or use within the unincorporated portion of Yakima  
 105 County designated as a critical area, irrespective of parcel boundaries, outside Shoreline  
 106 jurisdiction, as determined by the Shoreline Master Program (YCC Title 16D), and upon any  
 107 land mapped and designated as a special flood hazard area under the National Flood Insurance  
 108 Program, however, this title does not apply to the situations below, except that the Flood  
 109 Hazard protection provisions of Chapters 16C.05.20 through 16C.05.72 will continue to apply  
 110 as determined by the applicability provision in 16C.05.20:  
 111 (a) Within critical areas designated by this title or amendments that may later be adopted, there  
 112 may exist lots, structures and uses which were lawfully established before this title was  
 113 initially adopted, amended or readopted, as provided below, but which would be  
 114 subsequently prohibited, regulated or restricted under this ordinance. It is the intent of this  
 115 title to permit these pre-existing legal non-conformities to continue without requirement to  
 116 change said non-conformity until such time as conformance is required through permits for

**Commented [TV7]:** CPUC II. Required Components of Development Regulations 11(m). Provisions that allow "reasonable use" of properties constrained by presence of critical areas.

**Commented [TV8]:** This text is on the codified version. It somehow was deleted from this version. RESO where it came from?

**Commented [DD9]:** GUCACQE Question 6: Does the CAO apply to all development near critical areas, irrespective of parcel boundaries?  
**Answer:** Yes, but to make it more clear that the CAO applies to all development near critical areas, irrespective of parcel boundaries, the words "irrespective of parcel boundaries" has been added. Because critical area buffers are considered critical areas themselves per 16C.06.03(6), the requirement to review project that are near critical areas is satisfied.

This revision needs to be added in the white paper.

117 development in the future. The adoption and amendment dates of the relevant regulations  
118 are provided below;

- 119 i) Critical Areas Ordinance adopted July 12, 1994;
- 120 ii) Critical Areas Ordinance amended October 1, 1995 (effective date);
- 121 iii) Flood Hazard Ordinance adopted June 5, 1985.

- 122 (b) Critical areas on federally owned lands are not subject to this title;
- 123 (c) Forest practices, as defined by this title, carried out under a Washington Department of  
124 Natural Resources Forest Practice permit are not subject to this title, except those that  
125 involve a conversion of forest land to a non-forestry use, involve a conversion option  
126 harvest plan, or take place on lands platted after January 1, 1960;
- 127 (d) Livestock grazing on publicly owned land, when carried out under an agreement that  
128 includes a resource management plan that will be monitored by a public entity is not subject  
129 to this title;
- 130 (e) Changing agricultural crops within an existing farming operation is not considered new  
131 development, construction or use, provided that the existing area under agricultural  
132 production is not extended further into a vegetative buffer identified under 16C.06.16, and  
133 provided that the natural contour of the land subject to this title is not altered by excavation  
134 and filling;
- 135 (f) Minor, temporary or transient activities, including those of a recreational nature, that do  
136 not alter the environment or require a dedicated staging area, use area, or route are not  
137 subject to this title, and including temporary signs (election, sale, rent, etc.);
- 138 (g) Critical Areas within the exterior boundaries of the Yakama Nation that are located within  
139 the designated Closed Areas or not under County jurisdiction as a result of the Supreme  
140 Court decision COUNTY OF YAKIMA et. al. v. CONFEDERATED TRIBES AND  
141 BANDS OF THE YAKIMA INDIAN NATION (1991) are not subject to this title;
- 142 (h) Mining, as defined by this title, that is carried out under a Washington Department of  
143 Natural Resources reclamation permit is not subject to, the geologically hazardous areas  
144 provisions of this title for erosion hazard areas, oversteepened slope hazard areas, landslide  
145 hazard areas and suspected geologic hazard areas. Other critical areas provisions continue  
146 to apply.

147 (2) Other rules and regulations, including the Yakima County Unified Land Development Code  
148 (YCC Title 19), Shoreline Master Program (YCC Title 16D), and the Building and  
149 Construction Ordinance (YCC Title 13), shall remain in full force and effect as they apply to  
150 a designated critical area. Wherever the requirements of Title 16C conflict with the  
151 requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other  
152 lawfully adopted County rules or regulations, the most restrictive standards shall govern.

153 (3) Yakima County has opted into the Voluntary Stewardship Program (VSP), an alternative to  
154 regulatory protection of critical areas on agricultural lands. A working group comprised of  
155 agricultural groups, environmental groups, and the Yakama Nation is developing a work plan  
156 that identifies goals and benchmarks to protect critical areas while maintaining the viability of  
157 agriculture through voluntary, incentive-based measures (WAC 365-191-010(1)).

158 a) If the work plan developed by the VSP working group is approved by the Washington State  
159 Conservation Commission, the provisions or standards of this title will not apply to  
160 agricultural activities, defined as agricultural uses and practices including, but not limited  
161 to: Producing, breeding, or increasing agricultural products; rotating and changing  
162 agricultural crops; allowing land used for agricultural activities to lie fallow in which it is

Commented [DD10]: Not required revision, but I think it would be helpful to make it clear when the CAO become fully effective.

Commented [TV11]: CPUC II. Required Components of Development Regulations #11(n) Forest Practices.

163 plowed and tilled but left unseeded; allowing land used for agricultural activities to lie  
164 dormant as a result of adverse agricultural market conditions; allowing land used for  
165 agricultural activities to lie dormant because the land is enrolled in a local, state, or federal  
166 conservation program, or the land is subject to a conservation easement; conducting  
167 agricultural operations; maintaining, repairing, and replacing agricultural equipment;  
168 maintaining, repairing, and replacing agricultural facilities, provided that the replacement  
169 facility is no closer to the shoreline than the original facility; and maintaining agricultural  
170 lands under production or cultivation (RCW 36.70A.703(1) and RCW 90.58.065).

171 b) If the work plan is not approved by the Washington State Conservation Commission, or  
172 fails to meet goals and benchmarks, the provisions and policies of the title will apply to  
173 agricultural activities (RCW 36.70A.735(1)(c)).

174 (2) ~~Due to the requirements of Substitute Senate Bill 5248, the provisions or standards of this title~~  
175 ~~shall not apply to agricultural activities in certain areas, as defined below. Such agricultural~~  
176 ~~activities are still subject to the requirements of YCC Title 16A as adopted October 1, 1995.~~

177 (-) ~~"Agricultural activities" means agricultural uses and practices currently existing or legally~~  
178 ~~allowed on rural land or agricultural land designated under RCW 36.70A.170 including,~~  
179 ~~but not limited to: Producing, breeding, or increasing agricultural products; rotating and~~  
180 ~~changing agricultural crops; allowing land used for agricultural activities to lie fallow in~~  
181 ~~which it is plowed and tilled but left unseeded; allowing land used for agricultural activities~~  
182 ~~to lie dormant as a result of adverse agricultural market conditions; allowing land used for~~  
183 ~~agricultural activities to lie dormant because the land is enrolled in a local, state, or federal~~  
184 ~~conservation program, or the land is subject to a conservation easement; conducting~~  
185 ~~agricultural operations; maintaining, repairing, and replacing agricultural equipment;~~  
186 ~~maintaining, repairing, and replacing agricultural facilities, when the replacement facility~~  
187 ~~is no closer to a critical area than the original facility; and maintaining agricultural lands~~  
188 ~~under production or cultivation.~~

189 (4) Due to the requirements of Engrossed Substitute House Bill (ESHB) 1933, the provisions of  
190 this title shall apply to any new development, construction or use within the unincorporated  
191 portion of Yakima County designated as a critical area inside Shoreline jurisdiction from the  
192 effective date of this title until the date of the next subsequent update of the Shoreline Master  
193 Program (anticipated to be YCC Title 16D), as approved by the Washington Department of  
194 Ecology per RCW 90.58.090. After the Shoreline Master Program (SMP) is approved, critical  
195 areas within Shoreline jurisdiction shall be governed by the SMP.

#### 197 **16C.01.06 Science and Protection of Anadromous Fish**

198 This title has been updated consistent with the requirements for:

- 199 (1) Using the best available science as required by RCW 36.70A.172 (Critical areas -- Designation  
200 and protection -- Best available science to be used) and WAC 365-195-900 through WAC 365-  
201 195-920 (BAS Background and purpose);
- 202 (2) Giving special consideration to conservation or protection measures necessary to preserve or  
203 enhance anadromous fish (salmon, steelhead, pacific lamprey, etc.) and their habitat, as  
204 required by RCW 36.70A.172 (Best available science to be used) and WAC 365-195-925  
205 (Criteria for demonstrating "special consideration" has been given to anadromous fisheries).

#### 207 **16C.01.08 Administrative Authority**

**Commented [TV12]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

**Commented [BG13]:** Pacific Lamprey added, as it is an anadromous fish that is native to the Yakima River Basin.

**Commented [TV14]:** CPUC II. Required Components of Development Regulations #11(h) Regulations that protect the functions and values of **fish and wildlife habitat conservation areas**. In addition, counties shall give special consideration to conservation or protection measures necessary to preserve or enhance **anadromous fisheries**.

208 1) The Yakima County Public Services Department - Planning Division shall be responsible for  
209 the general administration of this title. The Planning Division Manager or the Manager's  
210 designee shall serve as the Administrative Official of this title, except as noted in Chapters  
211 16C.05.20 through 16C.05.72. The Administrative Official shall establish procedures for  
212 implementation of this title.

213 (a) Where the provisions of these regulations may be unclear in special circumstances, or  
214 where judgment must be made because of the nature of the language used, the  
215 Administrative Official shall make such interpretations. A separate record of all  
216 interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may  
217 relate to a pending action shall be examined by the Administrative Official for its effect or  
218 influence on the pending action.

219 (b) A written request for interpretation of any provision of this title, or any rule or regulation  
220 adopted pursuant to this title may be submitted to the Administrative Official. Each request  
221 shall set forth the specific provision or provisions to be interpreted and the facts of the  
222 specific situation giving rise to the request for an interpretation. Interpretations shall be  
223 processed in accordance with YCC Title 16B.03.070.  
224

225 **16C.01.09 Severability**

226 If any provision of the ordinance codified in this title, or its application to any person or legal entity  
227 or circumstances is held to be invalid, the remainder of said ordinance or the application of the  
228 provision to other persons or legal entities or circumstances shall not be affected.  
229

**Chapter 16C.02**  
**DEFINITIONS**

**16C.02.001 Definitions Generally**

(1) Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of YCC Title 13 and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.

(2) Definitions listed in this chapter shall be applied to all critical areas, including Flood Hazard Areas, unless the definition itself identifies the term as applying to Flood Hazard administration, in which case the definition only applies to that situation.

**16C.02.005 Abutting**

"Abutting" means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

**16C.02.010 Adjacent**

"Adjacent" means to be nearby and not necessarily abutting.

**16C.02.012 Administrative Official**

"Administrative Official" means the duly appointed Planning Division Manager of the Public Services Department, or his designee, or the relevant decision maker identified in YCC Title 16B (Project Permit Administration); synonymous with "administrator" or "director."

**16C.0102.020 Agricultural Activities**

"Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

**Commented [BG15]:** Definition was added to reflect the definition used in the VSP process to determine if the CAO applies to the activity.

**16C.02.025 Alluvial fan**

"Alluvial fan" is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley, or where a tributary stream is near or at its junction with the main stream, or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases; it is steepest near the mouth of the valley where its apex points upstream, and it slopes gently and convexly outward with gradually decreasing gradient.

**16C.02.030 Applicant**

275 "Applicant" means a person, party, firm, corporation, or other legal entity that proposes a  
276 development, construction or use on a site.

277  
278 **16C.02.035 Aquifer**

279 "Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to  
280 serve as a private or public water supply.

281  
282 **16C.02.040 Critical Aquifer Recharge Area**

283 "Critical Aquifer Recharge Area" means an area with a critical recharging effect on aquifers used  
284 for potable water, or areas where a drinking aquifer is vulnerable to contamination that would  
285 affect the potability of the water.

286  
287  
288 **16C.02.042 Bank**

289 "Bank" means the land surface above the ordinary high water mark that abuts a body of water and  
290 contains it to the bankfull depth.

291  
292 **16C.02.043 Bankfull depth**

293 "Bankfull depth" means the average vertical distance between the channel bed and the estimated  
294 water surface elevation required to completely fill the channel to a point above which water would  
295 enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the  
296 bankfull depth is the average depth of all channels along the cross-section.

297  
298 **16C.02.044 Base Flood**

299 "Base Flood" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the  
300 flood having a one percent chance of being equaled or exceeded in any given year. (Ref. IBC  
301 1612.2)

302  
303 **16C.02.045 Base Flood Elevation**

304 "Base flood elevation" for purposes of administering Chapters 16C.05.20 through 16C.05.72  
305 means the elevation of the base flood, including wave height, relative to the National Geodetic  
306 Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on  
307 the Flood Insurance Rate Map (FIRM). (Ref. IBC1612.2)

308  
309 **16C.02.046 Basement**

310 "Basement" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any area  
311 of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2)

312  
313 **16C.02.055 Bed**

314 "Bed" means the land below the ordinary high water lines of state waters. This definition shall not  
315 include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses  
316 except where they exist in a natural watercourse that has been altered by man.

317  
318 **16C.02.060 Bedrock**

319 "Bedrock" means in-place solid rock.

320



321 **16C.02.065 Berm**  
322 "Berm" means a mound of earth material used as a protective barrier or to control the direction of  
323 water flow.  
324

325 **16C.02.067 Best Management Practices**  
326 "Best Management Practices" or "BMPs" means schedules of activities, practices, maintenance  
327 procedures, and structural and/or managerial practices that, when used singly or in a combination  
328 prevent or reduce adverse impacts to the environment.  
329

330 **16C.02.070 Bioengineering**  
331 "Bioengineering" means project designs or construction methods which use live woody vegetation  
332 or a combination of live woody vegetation and specially developed natural or synthetic materials  
333 to establish a complex root grid within the existing bank which is resistant to erosion, provides  
334 bank stability, and maintains a healthy riparian environment with habitat features important to fish  
335 life. Use of wood structures or limited use of clean angular rock may be allowable to provide  
336 stability for establishment of the vegetation.  
337

338 **16C.02.075 Breakwater**  
339 "Breakwater" means a fixed or floating off-shore structure that protects the shore from wave action  
340 or currents.  
341

342 **16C.02.080 Bulkhead**  
343 "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the  
344 shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to  
345 erosion.  
346

347 **16C.02.085 Channel**  
348 "Channel" means an open conduit, either naturally or artificially created, which periodically or  
349 continuously contains moving water, or which forms a connecting link between two bodies of  
350 water.  
351

352 **16C.02.092 Chief Building Official**  
353 "Chief Building Official" or "building official" means the manager of the Building and Fire Safety  
354 Division of the Department of Public Services or designee.  
355

356 **16C.02.095 Classification**  
357 "Classification" means the definition of value and hazard categories to which critical areas and  
358 natural resource lands will be assigned.  
359

360 **16C.02.100 Clearing**  
361 "Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter  
362 from a site.  
363

364 **16C.02.110 Compaction**  
365 "Compaction" means compressing soil through some mechanical means to make it denser.  
366

367 **16C.02.115 Confinement Feeding Operation**

368 "Confinement feeding operation" means the use of structures or pens for the concentrated feeding  
369 or holding of animals or poultry, including but not limited to horses, cattle, sheep, or swine. This  
370 definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens,  
371 poultry and/or egg production facilities and fur farms, but does not include animal husbandry and  
372 normal farming practices.

373

374 **16C.02.120 Construction**

375 "Construction" means the assembly, placement, or installation of structures, roadways,  
376 transmission lines, and other improvements within a project site.

377

378 **16C.02.125 Designated**

379 "Designated" means formal legislative action to identify and describe a critical area.

380

381 **16C.02.130 Department**

382 "Department" means the Yakima County Public Services Department, Planning Division.

383

384 **16C.02.135 Development**

385 "Development" means the division of land into lots or parcels in accordance with the county  
386 Subdivision Ordinance, and any clearing, excavation, dredging, drilling, filling, dumping, removal  
387 of earth and mineral materials, or other permanent or temporary modification of a site up to, but  
388 not including, construction as defined in this chapter. For the purpose of Chapters 16C.05.20  
389 through 16C.05.72, "development" also means any manmade change to improved or unimproved  
390 real estate located within the special flood hazard area, including but not limited to buildings or  
391 other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or  
392 permanent storage of equipment and works defined in this chapter. (Ref. IBC G 201.2)

393

394 **16C.02.140 Dike**

395 "Dike" means an embankment to prevent flooding by a stream or other water body. A dike is also  
396 referred to as a levee.

397

398 **16C.02.145 Dock**

399 "Dock" means a structure built over or floating upon the water and used as a landing place for  
400 boats and other marine transport, fishing, swimming, and other recreational uses.

401

402 **16C.02.150 Dredging**

403 "Dredging" means removal of earth from the bed of a stream, lake, or pond for the purpose of  
404 increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill  
405 materials. This definition does not include excavation for mining within a pond created by a  
406 mining operation approved under this title or under a local zoning ordinance, or a mining operation  
407 in existence before Zoning, Shorelines, or Critical Areas permits were required for such operations.

408

409 **16C.02.160 Earth Material**

410 "Earth material" means any rock, natural soil, or combination thereof.

411

412 **16C.02.170 Enhance**

413 "Enhance" means to strengthen any of the basic functional properties listed in Section 16C.06.05  
414 that exist but do not perform at optimum efficiency. "Optimum" refers to the most favorable or  
415 best performance of each function achievable for a specific segment of stream corridor.

416

417 **16C.02.175 Ephemeral Stream**

418 "Ephemeral stream" means a stream that flows only in response to precipitation with no  
419 groundwater association, usually less than 30 days per year. The lack of any groundwater  
420 association results in a lack of a distinctive riparian vegetation compared to the surrounding  
421 landscape.

422

423 **16C.02.180 Erosion**

424 "Erosion" means the wearing away of the earth's surface as a result of the movement of wind,  
425 water, or ice.

426

427 **16C.02.190 Excavation**

428 "Excavation" means the mechanical removal of earth material.

429

430 **16C.02.200 Fill**

431 "Fill" means the addition of any material, such as (by way of illustration) earth, clay, sand, rock,  
432 gravel, concrete rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped  
433 upon the surface of the ground resulting in an increase in the natural surface elevation. The  
434 physical structure of a shore stabilization structure shall not be considered fill. However, fill  
435 placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions  
436 shall not be considered fill.

437

438 **16C.02.203 Fish and Wildlife Habitat Conservation Areas**

439 "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining  
440 needed habitats and species for the functional integrity of the ecosystem, and which, if altered,  
441 may reduce the likelihood that the species will persist over the long term. These areas may include,  
442 but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat  
443 elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and  
444 areas with high relative population density or species richness. These areas do not include such  
445 artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation  
446 canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district  
447 or an irrigation district or company.

448

449 **16C.02.205 Flood**

450 "Flood" means a general and temporary condition of partial or complete inundation of normally  
451 dry land areas from the unusual and rapid accumulation of runoff of surface waters from any  
452 source.

453

454 **16C.02.206 Flood Hazard Permit**

455 "Flood hazard permit" means written approval applied for and obtained in accordance with such  
456 rules and regulations as are established under this title.

457

458 **16C.02.207 Flood Insurance Rate Map**

**Commented [TV16]:** CPUC II. Required Components of Development Regulations #11(j). FWHCAs definition.

New section. Added as required by the CPUC. Obtained definition from WAC 365-190-030(c).

459 "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency  
460 Management Agency has delineated both the areas of special flood hazards and the risk premium  
461 zones applicable to the community.

462

463 **16C.02.208 Flood Insurance Study**

464 "Flood insurance study" means the official report provided by the Federal Emergency Management  
465 Agency that includes flood profiles, the flood boundary-floodway map, and the water surface  
466 elevation of the base flood.

467

468 **16C.02.210 Floodplain**

469 "Floodplain" means a land area adjoining a river, stream, watercourse or lake which has been  
470 determined likely to flood. The extent of the floodplain may vary with the frequency of flooding  
471 being considered. "Flood plain" is synonymous with the one hundred-year floodplain and means  
472 that land area susceptible to inundation with a one percent chance of being equaled or exceeded in  
473 any given year.

474

475 **16C.02.215 Flood-prone**

476 "Flood-prone" means a land area for which a floodway and floodplain has not been determined  
477 with respect to any specific flood frequency, but for which the potential for flooding can be  
478 identified by information observable in the field such as soils or geological evidence, or by  
479 materials such as flood studies, topographic surveys, photographic evidence or other data.

480

481 **16C.02.216 Flood-proofing**

482 "Flood-proofing" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any  
483 combination of structural and nonstructural additions, changes, or adjustments to structures which  
484 reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents  
485 of buildings.

486

487 **16C.02.220 Floodway**

488 "Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent  
489 land areas that must be reserved in order to discharge the base flood without cumulatively  
490 increasing the water surface elevation more than one foot.

491

492 **16C.02.225 Floodway Fringe**

493 "Floodway fringe" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means  
494 that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway.  
495 Floodway fringes serve as temporary storage for floodwaters.

496

497 **16C.02.230 Forest Land**

498 "Forest land" means land primarily devoted to forest practices activities.

499

500 **16C.02.240 Forest Practices**

501 "Forest practices" means activities conducted under federal forest practices approval or under a  
502 Forest Practices permit reviewed and approved by the Washington Department of Natural  
503 Resources pertaining to the management of forest land, including growing, managing, harvesting,  
504 and interim storage of merchantable timber for commercial value, as well as incidental activities

Commented [TV17]: CPUC II. Required Components of Development Regulations #11(n) Forest Practices.

Commented [TV18]: CPUC II. Required Components of Development Regulations #11(n) Forest Practices.

505 reviewed under federal or state approval, such as road construction and maintenance (including  
506 bridges) and mining activities.

507  
508 **16C.02.250 Grade**

509 "Grade" means the vertical location of the ground surface. "Natural grade" is the grade as it exists  
510 or may have existed in its original undisturbed condition. "Existing grade" is the current grade in  
511 either its undisturbed, natural condition or as disturbed by some previous modification. "Rough  
512 grade" is a stage where grade conforms approximately to an approved plan. "Finish grade" is the  
513 final grade of the site which conforms to an approved plan.

514  
515 **16C.02.255 Grading**

516 "Grading" means any excavation, filling, or combination thereof.

517  
518 **16C.02.260 Groundwater**

519 "Groundwater" means water that occurs beneath the land surface, also called subsurface water or  
520 subterranean water. Groundwater includes water in the zone of saturation of a water-bearing  
521 formation.

522  
523 **16C.02.061 Hazardous Materials**

524 "Hazardous materials" means any material, either singularly or in combination, that is a physical  
525 or health hazard as defined and classified in the International Fire Code, whether the materials are  
526 in usable or waste condition; any material that may degrade groundwater quality when improperly  
527 stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged; any  
528 hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a  
529 physical or health hazard as defined or classified in Chapter 70.105 RCW and Chapter 173-303  
530 WAC, whether the materials are in usable or waste condition; and petroleum or petroleum products  
531 that are in a liquid phase at ambient temperatures, including any waste oils or sludge.

532  
533 **16C.02.263 Hydrologically Related Critical Areas (HRCA)**

534 "Hydrologically related critical areas (HRCA)" include all those areas identified in Section  
535 16C.06.03, within Yakima County that are important and deserving of protection by nature of their  
536 value for the functional properties found in Section 16C.06.05.

537  
538 **16C.02.266 Hyporheic**

539 "Hyporheic" means a groundwater area adjacent to and below channels where water is exchanged  
540 with channel water and water movement is mainly in the downstream direction.

541  
542 **16C.02.270 Intermittent Streams**

543 "Intermittent stream" means a stream which flows only during certain times of the year, with inputs  
544 from precipitation and groundwater, but usually more than 30 days per year. The groundwater  
545 association generally produces an identifiable riparian area. This definition does not include  
546 streams that are intermittent because of irrigation diversion or other manmade diversions of the  
547 water.

548  
549 **16C.02.275 Lake or pond**

550 "Lake or pond" means an inland body of standing water. The term includes the reservoir or  
551 expanded part of a river behind a dam, but excludes a man-made body of water created for surface  
552 mining purposes.

553

554 **16C.02.281 Lowest Floor**

555 "Lowest floor" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the  
556 lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant  
557 enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a  
558 basement area, is not considered a building's lowest floor, provided that such enclosure is not built  
559 so as to render the structure in violation of the applicable non-elevation design requirements of  
560 this title.

561

562 **16C.02.282 Manufactured Home**

563 "Manufactured home" means a structure fabricated on a permanent chassis that is transportable in  
564 one or more sections; is designed to be used with or without a permanent foundation when  
565 connected to the required facilities; has sleeping, cooking, and plumbing facilities or any  
566 combination thereof; and is intended for human occupancy or is being used for residential  
567 purposes. Although Washington Administrative Code (WAC) and Yakima County Code Titles 13  
568 and 19 separately define and distinguish between "manufactured home" and "mobile home"  
569 according to federal or state construction codes for such dwellings, the term "manufactured home"  
570 shall include "mobile home" for regulatory purposes under this chapter. The term shall not include  
571 "recreation vehicle," "commercial coach," "camping vehicle," "travel trailer," "park trailer," "tip-  
572 out," and any other similar vehicle which is not intended, designed, constructed or used for  
573 residential purposes for use as a single-family dwelling and is not otherwise labeled as a  
574 manufactured or mobile home under any federal or state law. For floodplain management purposes  
575 only under this chapter, park trailers, camping vehicles, travel trailers, tip-outs, and other similar  
576 vehicles shall be considered manufactured homes when placed on a site for greater than one  
577 hundred eighty days.

578

579 **16C.02.283 Manufactured Home Park or Subdivision**

580 "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided  
581 into two or more manufactured home lots for rent or sale in accordance with YCC Title 19.

582

583 **16C.02.284 Manufactured Home Park or Subdivision, Existing**

584 "Existing manufactured home park or subdivision" means a manufactured home park or  
585 subdivision for which the construction of facilities for servicing the lots on which the manufactured  
586 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of  
587 streets, and either final site grading or the pouring of concrete pads) is completed before October  
588 1, 1995, the effective date of these floodplain management regulations.

589

590 **16C.02.285 Minerals**

591 "Minerals" means gravel, sand and metallic and non-metallic substances of commercial value.

592

593 **16C.02.290 Mining**

594 "Mining" means the removal of naturally occurring minerals and materials from the earth for  
595 commercial value. Mining includes processing and batching. Mining does not include large

596 excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation  
597 (Section 16C.06.20).

598  
599 **16C.02.295 Native**

600 "Native" means indigenous to or originating naturally within Yakima County.  
601

602 **16C.02.300 Natural Conditions**

603 "Natural conditions" means those conditions which arise from or are found in nature and not  
604 modified by human intervention; not to include artificial or manufactured conditions.  
605

606 **16C.02.302 New Construction**

607 "New construction" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means  
608 structures for which the start of construction commenced on or after June 5, 1985, the date Yakima  
609 County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood  
610 Insurance Program. October 1, 1995, the effective date of the ordinance codified in Title 16A shall  
611 be used for defining the term "new construction" as it applies to all other Critical Areas  
612 requirements established under Title 16A by Ordinance 8-1995.  
613

614 **16C.02.303 Nonconforming Structure**

615 "Nonconforming structure" for purposes of administering Chapters 16C.05.20 through 16C.05.72  
616 means a structure which was legally constructed prior to October 1, 1995, the effective date of  
617 Title 16A, but which would not be permitted as a new structure under the terms of this title because  
618 the structure is not in conformance with the applicable elevation and/or flood-proofing  
619 requirements.  
620

621 **16C.02.304 Nonconforming Use**

622 "Nonconforming use" for purposes of administering Chapters 16C.05.20 through 16C.05.72  
623 means the use of a building, structure or land which was lawfully established, existing and  
624 maintained at the effective date of provisions of this title but which, because of the application of  
625 this title to it, no longer conforms to the use or applicable elevation and/or flood-proofing  
626 requirements of this title and which would not be permitted as a new use under the terms of this  
627 title.  
628

629 **16C.02.305 Ordinary High Water Mark (OHWM)**

630 "Ordinary high water mark (OHWM)" means that mark on lakes and streams which will be found  
631 by examining the bed and banks and ascertaining where the presence and action of waters are so  
632 common and usual, and so long continued in ordinary years, as to mark upon the soil a character  
633 distinct from that of the abutting upland.  
634

635 **16C.02.310 Perennial Stream**

636 "Perennial stream" means a stream that flows year round in normal water years. Groundwater is a  
637 source of much of the water in the channel.  
638

639 **16C.02.320 Project Site**

640 "Project site" means that portion of any lot, parcel, tract, or combination thereof which  
641 encompasses all phases of the total project proposal.

642  
643 **16C.02.321 Qualified Professional**  
644 "A qualified professional" shall meet the following criteria:  
645 (1) A qualified professional for wetlands must have a bachelor's degree or higher in biology,  
646 ecology, soil science, botany, or a closely related field, and a minimum of five years of professional  
647 experience in wetland identification and assessment in the Pacific Northwest.  
648 (2) A qualified professional for stream corridors must have a bachelor's degree or higher in wildlife  
649 biology, ecology, fisheries, or closely related field, and a minimum of five years' professional  
650 experience related to the subject species/habitat type.  
651 (3) A qualified professional for geologically hazardous areas and preparation of geo-technical  
652 reports must be a professional engineering geologist or civil engineer, licensed in the state of  
653 Washington.  
654 (4) A qualified professional for critical aquifer recharge areas must be a professional  
655 hydrogeologist, or environmental engineer licensed in the state of Washington.  
656 (5) A qualified professional for channel migration zone reports must be a professional engineering  
657 geologist, civil engineer or geologist licensed in the state of Washington, with a minimum of five  
658 years of professional experience in geomorphology.  
659 (6) A qualified professional for flood studies must be a professional engineering geologist or civil  
660 engineer licensed in the state of Washington.  
661 (7) A qualified professional for economic studies must have a bachelor's degree or higher in  
662 economics or business administration with 5 years of professional experience. The five-year  
663 standard shall be waived for professionals with a PhD degree.  
664 (8) A qualified professional for habitat assessments and habitat management plans must have a  
665 bachelor's degree or higher in biology and professional experience related to the subject species  
666 or habitat.  
667 (9) Or other person/persons with experience, training, expertise and related work experience  
668 appropriate for the relevant critical area subjects determined to be acceptable to the Administrative  
669 Official.

670  
671 **16C.02.322 Recreation Vehicle**  
672 "Recreation vehicle" means a vehicle which is:  
673 (1) Built on a single chassis;  
674 (2) Four hundred square feet or less when measured at the largest horizontal projection;  
675 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and  
676 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for  
677 recreational, camping, travel, or seasonal use.

678  
679 **16C.02.325 Restore**  
680 "Restore" means to re-establish the basic functional properties listed in Section 16C.06.05 that  
681 have been lost or destroyed through natural events or human activity. This may be accomplished  
682 through measures including but not limited to re-vegetation, removal of intrusive structures and  
683 removal or treatment of toxic materials. Restoration does not imply a requirement for returning  
684 the site to aboriginal or pre-European settlement conditions.

685  
686 **16C.02.330 Revetment**

**Commented [DD19]:** GUCACQE Question 8: Does the CAO define "qualified professional"?  
**Answer:** 16C.02.321, "as is," satisfies the requirement for a definition of a qualified professional. No change is necessary.



687 "Revetment" means a facing placed on a bank or bluff to protect a slope, embankment, or shore  
688 structure against erosion by wave action or currents.

689  
690 **16C.02.335 Riparian vegetation**

691 "Riparian Vegetation" means the terrestrial vegetation that grows beside rivers, streams, and other  
692 freshwater bodies and that depends on these water sources for soil moisture greater than would  
693 otherwise be available from local precipitation.

694  
695 **16C.02.340 Riprap**

696 "Riprap" means a layer, facing, or protective mound of stones randomly placed to prevent erosion,  
697 scour, or sloughing of a structure or embankment; also the stone used for this purpose.

698  
699 **16C.02.345 Scour**

700 "Scour" means the removal of underwater material by waves and currents, especially at the base  
701 or toe of a shore stabilization structure.

702  
703 **16C.02.355 Shoreline**

704 "Shoreline," as used in the title, means those water areas, the associated features, and the land areas  
705 within Yakima County that are subject to the State Shoreline Management Act, especially as  
706 defined in RCW 90.58.030 (definitions), and as further identified in Section 16D.10.03 (Shoreline  
707 Jurisdiction) of the Shoreline Master Program (YCC Title 16D).

708  
709 **16C.02.360 Shore Stabilization**

710 "Shore stabilization" means the construction or modification of bulkheads, retaining walls, dikes,  
711 levies, riprap, breakwaters, jetties, groins, weirs, and other structures along the shore, for the  
712 purpose of controlling stream undercutting, stream erosion or lake shore erosion.

713  
714 **16C.02.365 Slope**

715 "Slope" means an inclined ground surface the inclination of which is expressed as a ratio of  
716 horizontal distance to vertical distance.

717  
718 **16C.02.366 Solid Waste**

719 "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but  
720 not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition and  
721 construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste  
722 shall not include earth, clay, sand or gravel.

723  
724 **16C.02.367 Special Flood Hazard Areas**

725 "Special flood hazard area" means the land in the floodplain identified by the Federal Emergency  
726 Management Agency that is subject to a one-percent or greater chance of flooding in any given  
727 year; commonly known as the 100-year floodplain.

728  
729 **16C.02.368 Start of Construction**

730 "Start of construction" for purposes of administering Chapters 16C.05.20 through 16C.05.72  
731 means the first placement of permanent construction of a structure (other than a manufactured  
732 home) on a site, such as the pouring of slabs or footings or any work beyond the stage of

733 excavation. "Permanent construction" does not include land preparation, such as clearing, grading  
734 and filling, nor does it include the installation of streets or walkways; nor does it include excavation  
735 for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it  
736 include the installation on the property of accessory buildings, such as garage, or sheds not  
737 occupied as dwelling units or not as part of the main structure. For a structure (other than a  
738 manufactured home) without a basement or poured footings, the "start of construction" includes  
739 the first permanent framing or assembly of the structure or any part thereof on its piling or  
740 foundation. For manufactured homes not within a manufactured home park, "start of construction"  
741 means the affixing of the manufactured home to its permanent site. For manufactured homes within  
742 manufactured home parks, "start of construction" is the date on which the construction of facilities  
743 for servicing the site on which the manufactured home is to be affixed (including, at a minimum,  
744 the construction of streets, either final site grading or the pouring of concrete pads, and installation  
745 of utilities) is completed.  
746

747 **16C.02.370 Stream**

748 "Stream" means water contained within a channel, either perennial, intermittent or ephemeral.  
749 Streams include natural watercourses modified by man, for example, by stream flow manipulation,  
750 channelization, and relocation of the channel. They do not include irrigation ditches, wasteways,  
751 drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial  
752 watercourses.  
753

754 **16C.02.380 Stream Corridor**

755 "Stream corridor," as used in this title, means those features listed and described in [Section](#)  
756 16C.06.03 and related appendices to this title.  
757

758 **16C.02.390 Structure**

759 "Structure" means anything constructed or erected which requires location on the ground, or  
760 attached to something having a location on the ground, but not including fences or walls used as  
761 fences less than six feet in height. The term also includes gas or liquid storage tanks when located  
762 principally above ground.  
763

764 **16C.02.395 Substantial Improvement**

765 "Substantial improvement" for purposes of administering Chapters 16C.05.20 through 16C.05.72  
766 means any repair, reconstruction, or improvement of a structure, the cost of which equals or  
767 exceeds fifty percent of the assessed value of the structure either:  
768

- 769 (1) Before the improvement or repair is started; or  
770  
771 (2) Before the damage occurred to a structure that has been damaged and is being restored.  
772

773 For the purposes of this definition "substantial improvement" occurs when the first alteration of  
774 any wall, ceiling, floor, or other structural part of the building commences, whether or not that  
775 alteration affects the external dimensions of the structure. The total value of all improvements to  
776 an individual structure undertaken subsequent to October 1, 1995, the effective date of Title 16A,  
777 shall be used to define "substantial improvement" for said structure. The term does not, however,  
778 include either:

Commented [TV20]: Corrected from "Chapter" to "Section."

- 779  
780 (1) Any project for improvement to a structure to comply with existing state or local health,  
781 sanitary or safety code specifications which are solely necessary to assure safe living  
782 conditions; or  
783  
784 (2) Any alteration of a structure listed on the National Register or Historic Places or a state  
785 inventory of historic places.  
786

787 **16C.02.400 Use**

788 "Use" means the activity to which land or a building is devoted and for which either land or a  
789 building is or may be occupied or maintained.  
790

791 **16C.02.415 Vegetative Buffer or Buffer**

792 "Vegetative buffer or Buffer" means an area extending landward from the ordinary high water  
793 mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise  
794 allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for  
795 the performance of the basic functional properties of a stream corridor, wetland and other  
796 hydrologically related critical areas as set forth in Chapter 16C.06.05 (Functional Properties) and  
797 16C.07.04 (Wetland Functions and Rating). It is understood that optimal conditions do not always  
798 exist due to degradation of the vegetative buffer before establishment of this title, or due to  
799 colonization by non-native species. Such conditions still provide functional properties, though at  
800 a lower level, depending on the difference from natural conditions.  
801

802 **16C.02.425 Wetland**

803 "Wetland" or "wetlands" means ~~that areas that are~~ inundated or saturated by surface water or  
804 groundwater at a frequency and duration sufficient to support, and ~~that~~ under normal circumstances  
805 ~~does~~ support, a prevalence of vegetation typically adapted for life in saturated soil conditions.  
806 Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include  
807 those artificial wetlands intentionally created from non-wetland sites, including, but not limited to,  
808 irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater  
809 treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1,  
810 1990, that were unintentionally created as a result of the construction of a road, street, or highway.  
811 ~~However, w~~Wetlands may include those artificial wetlands ~~specifically~~ intentionally created from  
812 non-wetland areas to mitigate conversion of wetlands.  
813

814 **16C.02.430 Wildlife**

815 "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild  
816 state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian,  
817 fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral  
818 domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).  
819

820 **16C.02.435 Wildlife Habitat**

821 "Wildlife habitat" means areas which, because of climate, soils, vegetation, relationship to water,  
822 location and other physical properties, have been identified as of critical importance to  
823 maintenance of wildlife species.  
824

**Commented [TV21]:** CPUC II. Required Components of  
Development Regulations #11(c) Definition of Wetland.

Added edits as displayed in RCW36.70a.030(21) Definitions.

825 **16C.02.440 Works**

826 "Works" means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road,  
827 abutments, projection, excavation, channel rectification, or improvement attached to, or affixed  
828 upon, the realty.

829

830 **Chapter 16C.03**  
 831 **APPLICATION AND REVIEW PROCEDURES**

832 Sections:

833 **General Provisions**

834 16C.03.01 Critical Area Development Authorization Required

835 **Inquiry and Early Assistance**

836  
 837 16C.03.02 Critical Area Identification Form and Critical Areas Reports  
 838 16C.03.03 Pre-application Conference  
 839 16C.03.04 Technical Assistance Conference

840 **Abbreviated Review Alternatives**

841  
 842 16C.03.05 Minor Activities Allowed without a Permit  
 843 16C.03.10 Mitigation Requirements

844 **Review Process**

845  
 846 16C.03.11 Application Submittal  
 847 16C.03.12 Determination of Review Process  
 848 16C.03.13 Development Authorization – Review Procedure  
 849 16C.03.14 Authorization Decisions – Basis for Action  
 850 16C.03.15 Conditional Approval of Development Authorization  
 851 16C.03.16 Fees and Charges

852 **Critical Areas Reports**

853  
 854 16C.03.17 Critical Areas Report Requirements  
 855 16C.03.18 Supplemental Report Requirements for Specific Critical Areas

856 **Permit Review Criteria**

857  
 858 16C.03.20 Standard Development Permit  
 859 16C.03.23 Adjustment  
 860 16C.03.24 Reasonable Use Exception  
 861 16C.03.25 Minor Revisions to Approved Uses or Developments  
 862 16C.03.26 Non-Conforming Uses and Facilities  
 863 16C.03.27 General Critical Areas Protective Measures  
 864

**Commented [TV22]:** Codified version has each section listed as Articles I thru VI.

**Commented [DD23]:** **GUCACQE Question 9:** Does the CAO provide a limited set of exemptions that won't result in significant impacts?  
**Answer:** No, the CAO provides no exemptions. The reason being that previous exemptions in the CAO were appealed and removed because they did not meet the requirements of the GMA. However, certain minor activities that result in no or negligible impact are allowed without permit (see 16C.03.05).

**Commented [TV24]:** CPUC II. Required Components of Development Regulations 11(m). Provisions that allow "reasonable use" of properties constrained by presence of critical areas.

865 **General Provisions**

866 **16C.03.01 Critical Area Development Authorization Required**

- 868 (1) No new development, construction or use shall occur within a designated critical area without  
869 obtaining a development authorization in accordance with the provisions of this title, except  
870 for those provided for in Section 16C.03.05 (Minor Activities Allowed Without a Permit).
- 871 (2) With respect to application and review procedures, it is the intent of this title to streamline and  
872 coordinate the authorization of critical area projects which require other local, state and/or  
873 federal permits or authorizations. Any nonexempt development, construction or use occurring  
874 within a designated critical area shall be processed according to the provisions of this chapter  
875 and the Project Permit Administration Ordinance (YCC Title 16B).
- 876 (3) Approval of a development authorization under this title shall be in addition to, and not a  
877 substitute for, any other development permit or authorization required by Yakima County.  
878 Approval of a development authorization under this title shall not be interpreted as an approval  
879 of any other permit or authorization required of a development, construction or use.
- 880 (4) Permits issued in accordance with this title ~~shall run with the land~~ are conveyed to the applicant,  
881 their grantees, and assignees.
- 882 (5) Coordination with Other Jurisdictions.
- 883 (a) Where all or a portion of a standard development project site is within a designated critical  
884 area and the project is subject to another local, state or federal development permit or  
885 authorization, then the Administrative Official shall determine whether the provisions of  
886 this title can be processed in conjunction with, and as part of, that local, state or federal  
887 development permit or authorization, or whether a separate critical area development  
888 authorization application and review process is necessary. The decision of the  
889 Administrative Official shall be based upon the following criteria:
- 890 i) The nature and scope of the project and the critical area features involved or potentially  
891 impacted;
- 892 ii) The purpose or objective of the permit or authorization and its relationship to protection  
893 of the critical area;
- 894 iii) The feasibility of coordinating the critical area development authorization with the  
895 permitting agency;
- 896 iv) The timing of the permit or authorization.
- 897 (b) When a determination has been made that provisions of this title can be handled through  
898 another applicable development permit or authorization process, project proponents will  
899 be required to provide any additional site plans, data and other information necessary as  
900 part of that process to fully evaluate the critical area project and ensure its compliance with  
901 this title. The Administrative Official's decision on the critical area development  
902 authorization shall be coordinated to coincide with other permits and authorizations.

903 **Inquiry and Early Assistance**

904 **16C.03.02 Critical Area Identification Form and Critical Area Report Requirements.**

- 905 (1) Prior to the review or consideration of any proposed development, construction or use, except  
906 those provided under Applicability (16C.01.05), and Minor Activities Allowed Without a  
907 Permit (16C.03.05), the County shall consider available information to determine if a critical  
908 area is likely to be present. The presence of a critical area found on the paper and electronic  
909  
910

**Commented [BG25]:** Changed to clarify and reflect potential ownership changes. Language is similar to that used in plat notes used in the subdivision process.

**Commented [DD26]:** **GUCACQE Question 7:** Does the CAO include a review process for those proposals that are near critical areas?  
**Answer:** Yes, 16C.03.02 and 03.03, "as is," satisfy the requirement for a review process for projects near critical areas. No change is necessary.

911 maps within or adjacent to the property proposed for development is sufficient foundation for  
912 the Administrative Official to require preparation of a critical area identification form,  
913 provided by the department, and a preliminary site plan. This critical area identification form  
914 and preliminary site plan may be one piece of information used to analyze how a critical area  
915 could be affected by a development proposal. To the extent possible, all critical area features  
916 must be identified on the critical area identification form and shown on the preliminary site  
917 plan prior to the Administrative Official determining whether the development is subject to  
918 this title.

919 (2) Upon receipt of a critical area identification form and site plan, the Administrative Official will  
920 typically conduct a site examination to review critical area conditions on site. The  
921 Administrative Official shall notify the property owner of the site examination prior to the site  
922 visit. Reasonable access to the site shall be provided by the property owner for the site  
923 examination during any proposal review, restoration, emergency action, or monitoring period.

924 (3) The Administrative Official shall review available information pertaining to the site and the  
925 proposal and make a determination as to whether any critical areas may be affected by the  
926 proposal. If so, a more detailed critical area report shall be submitted in conformance with  
927 Section 16C.03.17 (Critical Areas Reports) and Section 16C.03.18 (Supplemental Report  
928 Requirements for Specific Critical Areas), except as provided below:

929 (a) **No critical areas present.** If the Administrative Official is able to sufficiently determine  
930 that a critical area does not exist within or adjacent to the project area, then a critical area  
931 report is not required;

932 (b) **Critical areas present, but no impact.** If the Administrative Official is able to determine  
933 the existence, location and type of critical area sufficiently to indicate that the project area  
934 is not within or adjacent to the critical area and that the proposed activity is unlikely to  
935 degrade the functions or values of the critical area, then the Administrative Official may  
936 waive the requirement for a critical area report. A summary of the determination shall be  
937 included in any staff report or decision on the permit or review;

938 (c) **Critical areas may be affected by proposal.** If the project area is within or adjacent to a  
939 critical area or buffer the Administrative Official may waive the requirement for a critical  
940 areas report if:

941 i) The Administrative Official is sufficiently able to determine the existence, location and  
942 type of the critical area;

943 ii) The project is of a small scale or uncomplicated nature, such that a specialist is not  
944 needed to identify impacts and mitigation. Work within a wetland or stream channel  
945 would generally not meet this provision;

946 iii) The applicant agrees to provide mitigation that the Administrative Official deems  
947 adequate to mitigate for anticipated impacts. Restoration of degraded areas may serve  
948 as mitigation; and,

949 iv) A summary of the determination shall be included in any staff report or decision on the  
950 permit or review.

951 (d) If the applicant wants greater assurance of the accuracy of the critical area review  
952 determination, the applicant may choose to hire a qualified professional to provide such  
953 assurances.

954 (e) As guidance on the practical application of the requirement for critical areas reports, reports  
955 will generally fall into the following groups based on increasing complexity and cost of the  
956 report:

- 957 i) Determining the absence of a critical area (sometimes resulting when initial indicators  
958 show the likely presence of a critical area);  
959 ii) Determining the existence, location and type of a critical area;  
960 iii) Determining impacts of an encroachment on a critical area and general mitigation  
961 measures;  
962 iv) Developing a compensatory mitigation plan for replacement or mitigation of lost  
963 wetland or stream channel area.  
964

965 **16C.03.03 Pre-application Conference**

966 Any new development, construction or use falling under the provisions of this title shall be subject  
967 to a pre-application conference, except that project review for flood hazards shall follow the pre-  
968 application requirements established to administer Chapters 16C.05.20 through 16C.05.72 (Flood  
969 Hazard Areas). The department shall schedule a pre-application conference for as soon as is  
970 reasonably possible to allow attendance by the project proponent and necessary staff. To assist in  
971 project review and discussion, prior to the pre-application conference, the project proponent must  
972 submit a preliminary site plan showing the nature and scope of the proposed project along with  
973 any existing features of the property having a relationship to the project. The pre-application  
974 conference is intended to allow the Administrative Official to:

- 975 (1) Establish the scope of the project and the critical area features involved or potentially impacted;  
976 (2) Consider the degree to which the project may affect or impair a designated critical area and  
977 identify potential concerns that may arise;  
978 (3) Identify other permits and authorizations which the project proponent may need to obtain;  
979 (4) Determine whether the project will be processed through the development authorization  
980 procedures of this title or coordinated through the review and approval procedures of another  
981 development permit or authorization required of the project from Yakima County;  
982 (5) Provide the proponent with resources and technical assistance (such as maps, scientific  
983 information, other source materials, etc.) to assist the proponent in meeting the provisions of  
984 this title and any applicable rules and regulations of other agencies and jurisdictions;  
985 (6) Determine whether there is a need for a preliminary site assessment or a technical assistance  
986 conference to better define the critical area issues and alternatives;  
987 (7) Determine whether the project requires a permit, and what type of permits or reviews may be  
988 needed. Final determination of necessary permits will be made based on the project design  
989 and submittal materials;  
990 (8) Consider whether a preliminary site assessment should be scheduled in the field to determine  
991 the applicability of the development standards of this title to the project, based on information  
992 contained in the preliminary site plan.  
993

994 **16C.03.04 Technical Assistance Conference**

995 If requested by the project proponent or otherwise determined necessary, the department will  
996 arrange a meeting of representatives of those agencies and organizations with expertise, interest,  
997 or jurisdiction in the project. In conjunction with the invitation to attend the technical assistance  
998 conference, the department will provide the potential participants with a project summary  
999 compiled from the pre-application conference. The technical assistance conference may also  
1000 involve a preliminary site assessment, if it is determined that resolution of issues related to the  
1001 project can be achieved through an on-site review. The purpose of the technical assistance  
1002 conference will be to:



- 1003 (1) Confirm and define the requirements of any other applicable local, state or federal regulations;  
1004 (2) Clarify any identified procedural or regulatory conflicts and define the alternative courses of  
1005 action available to the applicant in addressing project requirements;  
1006 (3) Determine whether compliance with other existing statutes and regulations will adequately  
1007 address the provisions of this title;  
1008 (4) Provide the proponent with guidance, available data and information that will assist in  
1009 complying with the provisions of this title and other ordinances and regulations;  
1010 (5) Provide the proponent with guidance concerning project modifications or site enhancements  
1011 that would eliminate or minimize impacts to the critical area;  
1012 (6) Provide the proponent with alternatives for securing data, information, or assistance necessary  
1013 to the project but not available through the pre-application conference;  
1014 (7) Determine whether a critical area report is necessary, and if so, the qualifications, skills and  
1015 expertise required of a consultant to perform the special study.  
1016

#### 1017 **Abbreviated Review Alternatives**

##### 1019 **16C.03.05 Minor Activities Allowed without a Permit.**

- 1020 (1) The following activities are included under 16C.01.05(1) (Applicability) and are allowed  
1021 without a permit:
- 1022 (a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping  
1023 (including paths and trails) or gardens within a regulated critical area or its buffer.  
1024 Examples include, harvesting or changing crops, mowing lawns, weeding, harvesting and  
1025 replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or  
1026 indigenous native species to maintain the general condition and extent of such areas.  
1027 Excavation, filling, and construction of new landscaping features, such as concrete work,  
1028 berms and walls, are not covered in this provision and are subject to review;
  - 1029 (b) Minor maintenance and/or repair of lawfully established structures that do not involve  
1030 additional construction, earthwork or clearing. Examples include painting, trim or facing  
1031 replacement, re-roofing, etc. ~~Cleaning-Maintaining~~ canals, ditches, drains, wasteways, etc.  
1032 without expanding their original configuration is not considered additional earthwork, ~~as~~  
1033 ~~long as the e~~All cleared materials ~~are~~ shall be placed outside the stream corridor, wetlands,  
1034 and buffers;
  - 1035 (c) Low impact activities such as hiking, canoeing, viewing, nature study, photography,  
1036 hunting, fishing, education or scientific research;
  - 1037 (d) Creation of unimproved private trails that do not cross streams or wetlands that are less  
1038 than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
  - 1039 (e) Planting of native vegetation;
  - 1040 (f) Noxious weed control outside vegetative buffers identified in Chapter 16C.06.16, except  
1041 for area wide vegetation removal/grubbing;
  - 1042 (g) Noxious weed control within vegetative buffers, if the criteria listed below are met.  
1043 Control methods not meeting these criteria may still apply for a development authorization  
1044 as applicable:
    - 1045 i) Hand removal/spraying of individual plants only;
    - 1046 ii) No area wide vegetation removal/grubbing.
  - 1047 (h) Agricultural and other accessory uses or structures that maintain the existing natural  
1048 vegetation (rangeland, grazing, stock fences, outdoor recreation, etc.).

**Commented [BG27]:** Changed to provide clarification that minor maintenance and repair isn't limited to clearing out waterways. Previous language appeared to presume all work was related to water features; it was determined changing the language will allow minor repair to other legally established structures, such as levees or boat launches.

1049 **16C.03.10 Mitigation requirements**

- 1050 (1) All developments shall demonstrate that all reasonable efforts have been examined with the  
1051 intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is  
1052 proposed, such alteration shall be avoided, minimized, or compensated for in the following  
1053 order of preference:
- 1054 (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
  - 1055 (b) Minimizing impacts by limiting the degree or magnitude of the action and its  
1056 implementation, by using appropriate technology, or by taking affirmative steps, such as  
1057 project redesign, relocation, or timing, to avoid or reduce impacts;
  - 1058 (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
  - 1059 (d) Reducing or eliminating the impact over time by preservation and maintenance operations  
1060 during the life of the action;
  - 1061 (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or  
1062 environments;
  - 1063 (f) Monitoring the impact and taking appropriate corrective measures.
- 1064 (2) Mitigation for individual actions may include a combination of the above measures.
- 1065 (3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all  
1066 adverse impacts to or from critical areas and buffers resulting from a development proposal or  
1067 alteration shall be mitigated in accordance with an approved Mitigation Plan. Mitigation shall  
1068 not be implemented until after approval of the Mitigation Plan.
- 1069 (4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions  
1070 and values of the critical area, and to prevent risk from a hazard posed by a critical area. When  
1071 necessary, mitigation may be provided that is out-of-kind and/or off-site.

1072  
1073 **Review Process**

1074  
1075 **16C.03.11 Application Submittal**

- 1076 (1) Application for a development authorization under this title shall be made on forms provided  
1077 by the Department. The application submittal shall include a site plan drawn to scale showing:
- 1078 (a) the actual shape and dimensions of the property site to be used;
  - 1079 (b) existing and proposed structures;
  - 1080 (c) excavation, fill, drainage facilities, topography, slope, and;
  - 1081 (d) such other information as is needed to determine the nature and scope of the proposed  
1082 development, including the maximum extent of the project site with respect to construction,  
1083 excavation, equipment and material storage, and other project related work.
- 1084 (2) The site plan should also show the location of all critical areas, such as those identified in  
1085 Sections 16C.03.02 (Critical Areas Identification Form and Critical Areas Reports) and  
1086 16C.03.17 (Critical Areas Report Requirements), include all required critical areas reports  
1087 prepared in conformance with 16C.03.17, and include the permit information required either  
1088 in YCC Title 16B (Project Permit Administration) or in Chapter 16C.05.44 (Flood Hazard  
1089 Protection Administration), as appropriate.
- 1090 (3) To be accepted as complete, a critical area development authorization application must include  
1091 all maps, drawings and other information or data specified by this title or requested on the basis  
1092 of the pre-application conference (16C.03.03), or technical assistance conference (16C.03.04).

1093  
1094 **16C.03.12 Determination of Review Process**

- 1095 (1) The Administrative Official shall determine from the application submittal, and other available  
 1096 information what type of permit or review is required under this title. The Administrative  
 1097 Official shall make such determination as early in the application process as is possible and  
 1098 shall inform the project applicant in writing of any application needs. Available information  
 1099 used in this determination may include:  
 1100 (a) critical areas identification form;  
 1101 (b) pre-application conference information;  
 1102 (c) technical assistance conference information.  
 1103 (2) Specific information on when a permit or review is required, its review process type and review  
 1104 criteria are found in the section for each permit or review. However, a brief description of  
 1105 each type of permit or review is provided in Table 3-1 below. Some permits or reviews are  
 1106 general and all projects will have a general review. Some permits are more specialized and  
 1107 apply only in specific cases or situations. More than one permit or review may be needed for  
 1108 a project.  
 1109  
 1110

Table 3-1

<b>General Permits or Reviews</b>
<b>Standard Development.</b> Standard development projects include any development not subject to RCW Chapter 90.58, the Shoreline Management Act.
<b>Specific Permits</b>
<b>Adjustment.</b> Administrative Adjustments are used outside Shoreline jurisdiction when a project needs to reduce or adjust a development standard.
<b>Non-conforming Use or Facility Alteration.</b> Non-conforming Use or Facility Alterations are necessary when an existing legal use that currently does not conform to this title is to be altered.
<b>Minor revisions to an Existing Permit.</b> Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.
<b>Reasonable Use Exceptions.</b> Reasonable Use Exceptions provide an alternative to landowners when all reasonable use of a property has been prohibited.
<b>Flood Hazard Permit.</b> A Flood Hazard Permit is required for activities within floodplains. It is different in that it has special administrative provisions, and may include many of the specific permit types noted above within it, which are described in Chapters 16C.05.20 through 16C.05.72. It is focused mainly on construction methods, but may include site design to minimize impacts to adjacent properties or resources, or to locate the proposed development in areas where depth and velocity of floodwaters during the base flood do not exceed the current standards for construction of human occupied structures or safe access.

**Commented [TV28]:** CPUC II, Required Components of Development Regulations 11(m). Provisions that allow "reasonable use" of properties constrained by presence of critical areas.

- 1111  
 1112  
 1113  
 1114 **16C.03.13 Development Authorization – Review Procedure**  
 1115 Upon submittal and acceptance of a completed development authorization application, the  
 1116 Administrative Official shall process and review the application as follows, except that permits or  
 1117 reviews required for critical areas under Chapters 16C.05.20 through 16C.05.72 (Flood Hazard)  
 1118 shall be processed using the permit development standards, approval criteria and other provisions  
 1119 established in Chapters 16C.05.20 through 16C.05.72.  
 1120 (1) Development authorizations shall be processed consistent with review procedures provided in  
 1121 YCC Title 16B (Project Permit Administration), and with any specific processes requirements

- 1122 provided in 16C.03.20 through 16C.03.26 (specific permit descriptions), including but not  
1123 limited to:
- 1124 (a) submittals;
  - 1125 (b) completeness review;
  - 1126 (c) notices;
  - 1127 (d) hearings;
  - 1128 (e) decisions; and,
  - 1129 (f) appeals.
- 1130 (2) Development authorizations shall be reviewed for conformance with the applicable  
1131 development standards provided in 16C.03.27 (General Critical Areas Protection Measures),  
1132 and in Chapters 16C.06 through 16C.09, except that:
- 1133 (a) For rangeland livestock grazing operations, the Administrative Official may waive  
1134 compliance with development standards in Chapters 16C.06 (Fish and Wildlife Habitat and  
1135 the Stream Corridor), 16C.07 (Wetlands), 16C.08 (Geologically Hazardous Areas), and  
1136 16C.09 (CARA), except for those uses and activities listed in Section 16C.06.10  
1137 (Prohibited Uses). To qualify for this provision, a Resource Management Plan must be  
1138 provided that has been prepared using all applicable US Department of Agriculture -  
1139 National Resource Conservation Service best management practices designed to protect  
1140 streams, wetlands, vegetative buffers, erosion hazards, and floodplains from grazing  
1141 operations. An acceptable Resource Management Plan is deemed to consist of acceptable  
1142 critical areas protection measures capable of dealing with impacts of grazing activities  
1143 dispersed across large areas. This provision is not intended to apply to pasture grazing,  
1144 hobby farms, or confinement feeding operations.
  - 1145 (3) Decisions on a development authorization shall be consistent with Section 16C.03.14  
1146 (Authorization Decisions – Basis for Action), 16C.03.15 (Conditional Approval of  
1147 Development Authorization) and with any specific decision criteria provided under the  
1148 sections for each relevant permit type, as provided in 16C.03.20 through 16C.03.26 (specific  
1149 permit descriptions).

- 1150
- 1151 **16C.03.14 Authorization Decisions – Basis for Action**
- 1152 The action on any development authorization under this title shall be based upon the following  
1153 criteria:
- 1154 (1) Impact of the project to critical area features on the property or on abutting or adjacent  
1155 properties;
  - 1156 (2) Danger to life and property that would likely occur as a result of the project;
  - 1157 (3) Compatibility of the project with the critical area features on, adjacent to, or near the property;
  - 1158 (4) Conformance with the applicable development standards in this title;
  - 1159 (5) Requirements of other applicable local, state or federal permits or authorizations, including  
1160 compliance with flood hazard mitigation requirements of Chapters 16C.05.20 through  
1161 16C.05.72;
  - 1162 (6) Adequacy of the information provided by the applicant or available to the department;
  - 1163 (7) Ability of the project to satisfy the purpose and intent of this title;
  - 1164 (8) Based upon the project evaluation, the decision maker shall take one of the following actions:  
1165 (a) Grant the development authorization;

- 1166 (b) Grant the development authorization with conditions, as provided in 16C.03.15  
1167 (Conditional Approval), to mitigate impacts to the critical area feature(s) present on or  
1168 adjacent to the project site;  
1169 (c) Deny the development authorization.  
1170 (9) The decision by the Administrative Official on the development authorization shall include  
1171 written findings and conclusions stating the reasons upon which the decision is based.  
1172

#### 1173 **16C.03.15 Conditional Approval of Development Authorization**

1174 In granting any development authorization, the decision maker may impose conditions to:

- 1175 (1) Accomplish the purpose and intent of this title;  
1176 (2) Eliminate or mitigate any identified specific or general negative impacts of the project on the  
1177 critical area;  
1178 (3) Restore important resource features that have been degraded or lost because of past or present  
1179 activities on the project site;  
1180 (4) Protect designated critical areas from damaging and incompatible development;  
1181 (5) Ensure compliance with specific development standards in this title.  
1182

#### 1183 **16C.03.16 Fees and Charges**

1184 The board of county commissioners establishes the schedule of fees and charges listed in Yakima  
1185 County Code, Title 20 (Yakima County Fee Schedule), for development authorizations, variances,  
1186 appeals and other matters pertaining to this title.  
1187

### 1188 **Critical Areas Reports**

#### 1189 **16C.03.17 Critical Areas Report Requirements**

- 1190 (1) The Administrative Official may require a critical areas report, paid for by the applicant in  
1191 accordance with YCC Title 16B.04, where determined necessary through the critical area  
1192 identification form, technical assistance conference, site investigation, or other portion of the  
1193 project review.  
1194 (2) A qualified professional, as defined by this title, shall prepare the report utilizing best available  
1195 science. The intent of these provisions is to require a reasonable level of technical study and  
1196 analysis sufficient to protect critical areas. The analysis shall be commensurate with the value  
1197 or sensitivity of a particular critical area and relative to the scale and potential impacts of the  
1198 proposed activity.  
1199 (3) The critical area report shall:  
1200 (a) Demonstrate that the submitted proposal is consistent with the purposes and specific  
1201 standards of this title;  
1202 (b) Describe all relevant aspects of the development proposal; all critical areas adversely  
1203 affected by the proposal including any geologic or flood hazards; all risks to critical areas,  
1204 the site, and other public and private properties and facilities resulting from the proposal;  
1205 and assess impacts on the critical area from activities and uses proposed; and  
1206 (c) Identify proposed mitigation and protective measures as required by this title.  
1207 (4) The critical areas report shall include information to address the Supplemental Report  
1208 Requirements for Specific Critical Areas (16C.03.18).  
1209 (5) The Administrative Official shall review the critical areas report for completeness and  
1210 accuracy, and shall consider the recommendations and conclusions of the critical areas report  
1211

**Commented [TV29]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

1212 to assist in making decisions on development authorizations and to resolve issues concerning  
1213 critical areas jurisdiction, appropriate mitigation, and protective measures.

1214 (6) Critical areas reports shall generally be valid for a period of five (5) years, unless it can be  
1215 demonstrated to the satisfaction of the Administrative Official that the previously prepared  
1216 report is adequate for current analysis. Future land use applications may require preparation of  
1217 new, amended, or supplemental critical area assessment reports. Reports prepared for nearby  
1218 lands may be deemed acceptable by the Administrative Official, in whole or in part, if relevant  
1219 to the current analysis and meeting the above standards. The Administrative Official may also  
1220 require the preparation of a new critical area assessment report or a supplemental report when  
1221 new information is found demonstrating that the initial assessment is in error. If the  
1222 Administrative Official requires more information in the report, he/she shall make the request  
1223 in writing to the applicant stating what additional information is needed and why.

1224 (7) The Administrative Official may reject or request revision of the critical areas report when the  
1225 Administrative Official can demonstrate that the assessment is incomplete, or does not fully  
1226 address the critical areas impacts involved.

1227 (8) To avoid duplication, the reporting requirements of this chapter shall be coordinated if more  
1228 than one critical area report is required for a site or development proposal.

1229 (9) Applicants should provide reports and maps to the County in an electronic format that allows  
1230 site data to be incorporated into the County critical areas database, provided that the County  
1231 may waive this requirement for single-family developments. Applicants are encouraged to  
1232 coordinate with the Administrative Official regarding electronic submittal guidelines. This  
1233 requirement shall not be construed as a requirement to use specific computer software.

1234 (10) At a minimum, a critical areas report shall include the following information:

1235 (a) A site plan showing the proposed development footprint and clearing limits, and all  
1236 relevant critical areas and buffers within and abutting the site, including but not limited to  
1237 effects related to clearing, grading, noise, light/glare, modification of surface or subsurface  
1238 flow, drilling, damming, draining, creating impervious surface, managing stormwater,  
1239 releasing hazardous materials, and other alterations. Projects in frequently flooded areas  
1240 must comply with the requirements of Section 16C.05.20 through 16C.05.72. For projects  
1241 on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or  
1242 velocity the report shall identify the type of hazard and assess the associated risks posed  
1243 by the development to critical areas, the site, and other public and private properties and  
1244 facilities that are the result from the proposal, and assess impacts on the critical area from  
1245 activities and uses proposed;

1246 (b) A written description of the critical areas and buffers on or abutting the site, including their  
1247 size, type, classification or rating, condition, disturbance history, and functions and values.  
1248 For projects on or adjacent to geologically hazardous areas or areas subject to high  
1249 floodwater depth or velocity the description shall identify the type and characteristics of  
1250 the hazard;

1251 (c) An analysis of potential adverse critical area impacts associated with the proposed activity.  
1252 For geologically hazard areas, also assess the risks posed by the development to critical  
1253 areas, the site, and other public and private properties and facilities that are the result from  
1254 the proposal, and assess impacts on the critical area from activities and uses proposed;

1255 (d) An explanation of how critical area impacts or risks will be avoided and/or minimized, how  
1256 proposed mitigation measures will prevent or minimize hazards, why the proposed activity

**Commented [TV30]:** CPUC II. Required Components of Development Regulations #11(i) Regulations that protect the functions of frequently flooded areas.

1257 requires a location on or access across a critical area, the on-site design alternatives, and  
 1258 why alternatives are not feasible;

1259 (e) When impacts cannot be avoided, the report shall include a plan describing mitigation to  
 1260 replace critical area functions and values altered as a result of the proposal, or to reduce  
 1261 flood or geologic hazards to critical areas, the site, and other public and private properties.  
 1262 For projects on or adjacent to geologically hazardous areas or areas subject to high  
 1263 floodwater depth or velocity the plan shall address mitigation for impacts to critical areas,  
 1264 the site, and other public and private properties and facilities that are the result from the  
 1265 proposal, and assess impacts on the critical area from activities and uses proposed;

1266 (f) The dates, names, and qualifications of the persons preparing the report and documentation  
 1267 of analysis methods including any fieldwork performed on the site; and

1268 (g) Additional reasonable information requested by the Administrative Official for the  
 1269 assessment of critical areas impacts or otherwise required by the subsequent articles of this  
 1270 title.

1271 (11) A critical area report may be supplemented by or composed, in whole or in part, of any  
 1272 reports or studies required by other laws and regulations or previously prepared for and  
 1273 applicable to the development proposal site, as approved by the Administrative Official.

1274 (12) The Administrative Official may limit the required geographic area of the critical area  
 1275 report as appropriate.

1276 (13) Compensatory Mitigation Plans - When compensatory mitigation, as described in Section  
 1277 16C.03.10 (Mitigation Requirements) is required or proposed for wetland areas or stream  
 1278 channels, the applicant shall submit for approval by Yakima County a mitigation plan as part  
 1279 of the critical area report, which includes:

1280 (a) Environmental Goals and Objectives. The mitigation plan shall include a written report  
 1281 identifying environmental goals and objectives of the proposed compensation including:

1282 i) A description of the anticipated impacts to the critical areas, mitigating actions  
 1283 proposed, and the purposes of the compensation measures, including the site selection  
 1284 criteria, identification of compensation goals and objectives, identification of desired  
 1285 resource functions, dates for beginning and completion of site compensation  
 1286 construction activities, and an analysis of the likelihood of success of the compensation  
 1287 project. The goals and objectives shall be related to the functions and values of the  
 1288 impacted critical area.

1289 (b) A review of the best available science supporting the proposed mitigation;

1290 (c) A description of the report author's experience to date in restoring or creating the type of  
 1291 critical area proposed;

1292 (d) Performance Standards. The mitigation plan shall include measurable specific criteria for  
 1293 evaluating whether or not the goals and objectives of the mitigation project have been  
 1294 successfully attained;

1295 (e) Detailed Construction Documents. The mitigation documents shall include written  
 1296 specifications and plans describing the mitigation proposed, such as:

1297 i) The proposed construction sequence, timing, and duration;

1298 ii) Grading and excavation details;

1299 iii) Erosion and sediment control features;

1300 iv) A planting plan specifying plant species, quantities, locations, size, spacing, and  
 1301 density;

1302 v) Measures to protect and maintain plants until established, and;

**Commented [TV31]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

- 1303 vi) Documents should include scale drawings showing necessary information to convey  
 1304 both existing and proposed topographic data, slope, elevations, plants and project  
 1305 limits.
- 1306 (f) Monitoring Program. The mitigation plan shall include a program for monitoring  
 1307 construction of the compensation project and for assessing a completed project. A protocol  
 1308 shall be included outlining the schedule for site monitoring (for example, monitoring shall  
 1309 occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be  
 1310 evaluated to determine if the performance standards are being met. A monitoring report  
 1311 shall be submitted as needed to document milestones, successes, problems, and  
 1312 contingency actions of the compensation project. The compensation project shall be  
 1313 monitored for a period necessary to establish that performance standards have been met,  
 1314 but not for a period less than five (5) years.
- 1315 (g) Contingency Plan. The mitigation plan shall include identification of potential courses of  
 1316 action, and any corrective measures to be taken if monitoring or evaluation indicates  
 1317 project performance standards are not being met.
- 1318 (h) Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary,  
 1319 to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring  
 1320 fulfillment of the compensation project, monitoring program, and any contingency  
 1321 measures shall be posted in accordance with Section 16C.03.27(1) (Financial Guarantees).
- 1322 (14) Innovative Mitigation.
- 1323 (a) Yakima County encourages innovative mitigation projects that are based on the best  
 1324 available science. The mitigation plan shall be used to satisfy the requirements of this  
 1325 chapter and provide relief and/or deviation as appropriate from the specific standards and  
 1326 requirements thereof. Advance mitigation or mitigation banking are examples of  
 1327 alternative mitigation projects allowed under the provisions of this section wherein one or  
 1328 more applicants, or an organization with demonstrated capability, may undertake a  
 1329 mitigation project together if it is demonstrated that all of the following circumstances  
 1330 exist:
- 1331 i) Creation or enhancement of a larger system of critical areas and open space is  
 1332 preferable to the preservation of many individual habitat areas;
- 1333 ii) The group demonstrates the organizational and fiscal capability to act cooperatively;
- 1334 iii) The group demonstrates that long-term management of the habitat area will be  
 1335 provided;
- 1336 iv) There is a clear potential for success of the proposed mitigation at the identified  
 1337 mitigation site;
- 1338 v) There is a clear likelihood for success of the proposed plan based on supporting  
 1339 scientific information and demonstrated experience in implementing similar plans;
- 1340 vi) The proposed project results in equal or greater protection and conservation of critical  
 1341 areas than would be achieved using parcel-by parcel regulations and/or traditional  
 1342 mitigation approaches;
- 1343 vii) The plan is consistent with the general purpose and intent of this chapter;
- 1344 viii) The plan shall contain relevant management strategies considered effective and  
 1345 within the scope of this chapter and shall document when, where, and how such  
 1346 strategies substitute for compliance with the specific standards herein; and
- 1347 ix) The plan shall contain clear and measurable standards for achieving compliance with  
 1348 the purposes of this chapter, a description of how such standards will be monitored and

**Commented [TV32]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.



1349 measured over the life of the plan, and a fully funded contingency plan if any element  
1350 of the plan does not meet standards for compliance.

1351 (b) Conducting mitigation as part of a cooperative process does not reduce or eliminate the  
1352 required wetland replacement ratios.

1353 (c) Projects that propose compensatory wetland mitigation shall also use the standards in  
1354 Section 16C.07.05 (Compensatory Mitigation Requirements). For those situations where  
1355 a mitigation bank may provide an opportunity for mitigation, then the requirements in  
1356 Section 16C.07.06 (Wetland Mitigation Banks) shall apply.

1357  
1358 **16C.03.18 Supplemental Report Requirements for Specific Critical Areas**

1359 (1) **Stream Corridors.** When a critical areas report is required for a stream corridor or  
1360 hydrologically related critical area, it shall include the following:

1361 (a) A habitat and native vegetation conservation strategy that addresses methods to protect and  
1362 enhance the functional properties listed in Section 16C.06.05 (Functional Properties);

1363 (b) Where there is evidence that proposed construction lies within an immediate zone of  
1364 potential channel migration, representing a future hazard to the construction, a hydrologic  
1365 analysis report may be required. The report shall assume the conditions of the one-hundred-  
1366 year flood, include on-site investigative findings, and consider historical meander  
1367 characteristics in addition to other pertinent facts and data.

1368 (2) **Upland Wildlife** When a critical areas report is required for Upland Wildlife Habitat  
1369 Conservation Areas, it shall include the following:

1370 (a) **Habitat Assessment:** A habitat assessment is an investigation of the project area to evaluate  
1371 the presence or absence of such species, and areas with which such species have a primary  
1372 association. The presence or absence assessment shall incorporate the time sensitive nature  
1373 of species use. The landowner may submit an assessment prepared by the state or federal  
1374 agency with jurisdiction over the species. This assessment is time sensitive and the  
1375 assessment must be completed no more than 36 months prior to the date the critical areas  
1376 application is deemed complete.

1377 (b) If the habitat assessment determines that such habitat area is present on site, a management  
1378 plan is required that follows published federal, or state, management recommendations.  
1379 The Administrative Official shall confer with the appropriate agency and consider their  
1380 comments through the review process.

1381 (3) **Wetlands** When a critical areas report is required for Wetlands, it shall include the following:

1382 (a) The exact location of a wetland's boundary and wetland rating shall be determined through  
1383 the performance of a field investigation by a qualified wetland professional applying the  
1384 ~~Washington State Wetlands Identification and Delineation Manual (Ecology Publication~~  
1385 ~~#96-94-1987 Corps of Engineers Wetlands Delineation Manual --~~  
1386 ~~(<http://www.ecy.wa.gov/programs/sea/wetlands/pdf/corps87manual.pdf>;<http://www.ecy.wa.gov/pubs/9694.pdf>)~~ as required by RCW 36.70A.175 (Wetlands to be delineated in  
1387 accordance with manual), Regional Supplement to the Corps of Engineers Wetland  
1388 Delineation Manual: Arid West Region (Version 2.0)  
1389 ([http://www.ecy.wa.gov/programs/sea/wetlands/pdf/AridWest\\_Sept2008.pdf](http://www.ecy.wa.gov/programs/sea/wetlands/pdf/AridWest_Sept2008.pdf)), and  
1390 Western Mountains, Valleys, and Coast Region (Version 2.0)  
1391 ([http://www.ecy.wa.gov/programs/sea/wetlands/pdf/WestMt\\_May2010.pdf](http://www.ecy.wa.gov/programs/sea/wetlands/pdf/WestMt_May2010.pdf)), and the  
1392 Washington State Wetland Rating System for Eastern Washington (Ecology Publication #  
1393

**Commented [TV33]:** CPUC II. Required Components of Development Regulations #11(c) Delineation of Wetlands.

Updated.

Per Ecology as of March 2011 "this publication is obsolete and no longer available."

RCW 36.70A.175 points to RCW 90.58.380 adopting the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manuals.

1394 [0414-06-15030 - https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html](https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html)),  
 1395 as amended;

1396 (b) All delineated wetlands and required buffers within two hundred (200) feet of the project  
 1397 area shall be depicted on the site plan. For areas off-site of the project site, wetland  
 1398 conditions within 200 feet of the project boundaries may be estimated using the best  
 1399 available information. Best available information should include, but not be limited to  
 1400 aerial photos, land based photos, soils maps, or topographic maps;

1401 (c) A critical area report for wetlands shall contain an analysis of the wetlands including the  
 1402 following site- and proposal-related information:

1403 i) A statement specifying all assumptions made and relied upon;

1404 ii) Documentation of any fieldwork performed on the site, including field data sheets for  
 1405 delineations, the wetland rating form, baseline hydrologic data, etc.;

1406 iii) A description of the methodologies used to conduct the wetland delineations, or impact  
 1407 analyses including references;

1408 iv) Wetland category, including vegetative, faunal, and hydrologic characteristics;

1409 (d) For projects that will affect the wetland or it's buffer, provide the following:

1410 i) A habitat and native vegetation conservation strategy that addresses methods to protect  
 1411 and enhance on-site habitat and wetland functions and values listed in Section  
 1412 16C.07.04(1) (Wetland Functions and Rating), and Section 16C.06.05 (Functional  
 1413 Properties);

1414 ii) Mitigation sequencing pursuant to Section 16C.03.10 (Mitigation Requirements) to  
 1415 avoid, minimize, and mitigate impacts. Mitigation shall result in no net loss of wetland  
 1416 functions and values. Mitigation ratios may be necessary and should follow the  
 1417 guidance provided in Section 16C.07.05 (Compensatory Mitigation) of the wetland  
 1418 chapter.

1419 (4) **Geologically Hazardous Areas** When a critical areas report is required for a Geologically  
 1420 Hazardous Area, it shall include the following, provided that the Administrative Official may  
 1421 determine that any portion of these requirements is unnecessary given the scope and/or scale  
 1422 of the proposed development:

1423 (a) A description of the site features, including surface and subsurface geology. This may  
 1424 include surface exploration data such as borings, drill holes, test pits, wells, geologic  
 1425 reports, and other relevant reports or site investigations that may be useful in making  
 1426 conclusions or recommendations about the site under investigation;

1427 (b) A description of the geologic processes and hazards affecting the property, including a  
 1428 determination of the actual hazard types for any Suspected and Risk Unknown hazards  
 1429 identified in the affirmative determination of hazard (16C.08.04);

1430 (c) A description of the vulnerability of the site to seismic and other geologic processes and  
 1431 hazards;

1432 (d) A description of any potential hazards that could be created or exacerbated as a result of  
 1433 site development;

1434 (e) For developments in or affecting landslide hazard areas the report shall also include:

1435 i) Assessments and conclusions regarding slope stability including the potential types of  
 1436 landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip,  
 1437 etc.) that may affect the site. The stability evaluation shall also consider dynamic  
 1438 earthquake loading, and shall use a minimum horizontal acceleration as established by  
 1439 the current version of the YCC Title 13 (Building Code);

**Commented [TV34]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

- 1440 ii) An analysis of slope recession rate shall be presented in those cases where stability is  
1441 impacted or influenced by stream meandering, or other forces acting on the toe of the  
1442 slope;  
1443 iii) Description of the run-out hazard of landslide debris to the proposed development that  
1444 starts up-slope (whether part of the subject property or on a neighboring property)  
1445 and/or the impacts of landslide run-out on down-slope properties and critical areas.

1446 (5) **Flood Hazards**

- 1447 (a) Prior to authorization of any major construction project within a floodplain which can be  
1448 anticipated to displace floodwaters or alter the depth or velocity of floodwaters during the  
1449 base flood, an engineering report shall be prepared that establishes any new flood  
1450 elevations that would result for the one-hundred-year flood frequency if the project were  
1451 implemented.

1452 (6) **Critical Aquifer Recharge Areas**

1453 When a hydrogeological report is required for CARAs, it shall include the following:

- 1454 a) The report shall address the impact the proposed land use will have on both the quality  
1455 and quantity of the water transmitted to the aquifer.  
1456 b) The hydrogeologic report shall be prepared by a hydrogeologist licensed in the state of  
1457 Washington.  
1458 c) The report shall contain recommendations on appropriate BMPs (Best Management  
1459 Practices) or mitigation to assure no significant degradation of groundwater quality.

1460

1461

**Permit Review Criteria**

1462

1463 **16C.03.20 Standard Development Permit**

- 1464 (1) **Classification Criteria** – Standard Development permits include any development not subject  
1465 to RCW Chapter 90.58 (Shoreline Management Act).  
1466 (2) **Process** Standard Development permits shall be processed as either a Type I or II permit at the  
1467 judgment of the Administrative Official, in accordance with YCC Title 16B (Project Permit  
1468 Administration). Applications that are of a significant size or scope shall be processed as a  
1469 Type II review with public notice. Examples of such projects include those that typically  
1470 require environmental review (SEPA), filling or excavating a stream channel or wetlands,  
1471 involve large amounts of fill, require large amounts of parking, etc.  
1472 (3) **Decision Criteria** – Decisions on Standard Development permits shall be based on the general  
1473 decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action).

1474

1475 **16C.03.23 Adjustment**

- 1476 (1) **Classification Criteria** – For projects not required to be processed under RCW Chapter 90.58  
1477 (Shoreline Management Act), the Administrative Official is authorized to administratively  
1478 adjust the development standards specified herein. Existing structures, parcel size, property  
1479 boundaries, and other constraints may preclude conformance with building setbacks,  
1480 vegetative buffers, and other provisions of this chapter. Given such constraints, administrative  
1481 adjustments may be authorized where the site plan and project design include measures which  
1482 ensure the protection and performance of the functional properties identified in Section  
1483 16C.06.05 (Functional Properties). Adjustments from prohibited use limits are not allowed.  
1484 (2) **Process** – Requests for an Adjustment permit shall be processed as a Type II permit, in  
1485 accordance with YCC Title 16B (Project Permit Administration). Requests for adjustments of

1486 development standards shall be made in writing and shall specify the standard(s) for which an  
1487 adjustment is sought and the reasons why the adjustment is sought.

1488 (3) **Decision Criteria** - Decisions on Adjustment permits shall be based on the general decision  
1489 criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action) together with  
1490 the criteria below.

1491 (a) A particular standard may be reduced or modified as long as the Administrative Official  
1492 determines that the adjustment and/or reduction:

1493 i) is consistent with the purpose of this title;  
1494 ii) is consistent with the intent of the standard; and,  
1495 iii) will not result in degradation of the critical area.

1496 (b) The Administrative Official shall consider the following:

1497 i) The proximity and relationship of the- project to any critical area and its impact on the  
1498 critical area;  
1499 ii) The functions and values that the critical area performs;  
1500 iii) The overall intensity of the proposed use;  
1501 iv) The presence of threatened, endangered, or sensitive species;  
1502 v) The site's susceptibility to severe erosion;  
1503 vi) The use of a buffer averaging or buffer enhancement plan by the applicant which uses  
1504 native vegetation or other measures which will enhance the functions and values of the  
1505 Hydrologically Related Critical Area (HRCA).

1506 (c) When granting an adjustment to the provisions of this chapter, the Administrative Official  
1507 may require alternative measures to be taken to protect the function and value of the HRCA.  
1508 These alternative measures may include, but are not limited to, the following:

1509 i) Restoration of impaired channels and banks to conditions which support natural stream  
1510 flows, fish habitat, and other values;  
1511 ii) Restoration, enhancement, and preservation of soil characteristics and the quantity and  
1512 variety of native vegetation;  
1513 iii) Provisions for erosion control and for the reduction and filtration of stormwater runoff  
1514 to moderate the effects of the project on the stream channel and the available area of  
1515 vegetation separating the project from the stream channel;  
1516 iv) Removal or alteration of existing manmade facilities associated with stream channels,  
1517 or drainage ways which improve stream-flow characteristics or improve the movement  
1518 or exchange of surface waters or floodwaters;  
1519 v) Replacement of lost wetlands or other stream corridor features on an acre-for-acre and  
1520 equivalent value or at a higher acre and/or value basis;  
1521 vi) Conservation easements for key portions of stream corridor property and/or their  
1522 inclusion within public or private conservation programs which provide for their long-  
1523 term preservation and maintenance.  
1524 vii) Vegetative Buffer Averaging. Vegetative buffers may be modified by averaging buffer  
1525 widths. Buffer averaging is preferred in the use of mitigation sequencing (16C.03.10  
1526 Mitigation Requirements), over a reduction in the buffer standards.

1527 (d) The following criteria must be met to reduce the vegetative buffers found in tables 6-1 and  
1528 6-2.

1529 i) There is a hardship related to maintenance of the buffer width that results from parcel  
1530 boundaries or existing on-site development.

- 1531 ii) The buffer width shall be the maximum possible while meeting the minimum needs of
- 1532 the proposal.
- 1533 iii) The development will not result in a reduction of habitat functions and values.
- 1534 iv) The buffer reduction will not adversely affect salmonid habitat.
- 1535

1536 **16C.03.24 Reasonable Use Exception**

- 1537 (1) **Classification Criteria** - If the application of this title would deny all reasonable economic
- 1538 use of the subject property, the property owner may apply for a Reasonable Use Exception
- 1539 pursuant to this section.
- 1540 (2) **Process** - A Reasonable Use Exception shall be processed as a Type III review with a public
- 1541 hearing in accordance with YCC Title 16B.03 (Classification by Project Permit Type).
- 1542 (3) **Decision Criteria** - Decisions on the Reasonable Use request shall be based on the general
- 1543 decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action),
- 1544 together with the criteria below. The Reasonable Use request shall be accompanied by the
- 1545 evidence necessary to demonstrate conformance with the criteria below. Failure to satisfy any
- 1546 one of the criteria shall result in denial of the request. The burden of proof shall be on the
- 1547 applicant to bring forth evidence in support of the application and to provide sufficient
- 1548 information on which any decision has to be made on the application.
- 1549 (a) The application of this title would deny all reasonable use of the property; provided that
- 1550 the inability of the applicant to derive reasonable use of the property is not the result of
- 1551 actions by the applicant;
- 1552 (b) No other reasonable use of the property has less impact on the critical area;
- 1553 (c) Any alteration is the minimum necessary to allow for reasonable use of the property.
- 1554

1555 **16C.03.25 Minor Revisions to Approved Uses or Developments**

- 1556 (1) **Classification Criteria** – Minor revisions to a project that has been approved under a permit
- 1557 are allowed in certain circumstances.
- 1558 (a) Changes that are not substantive are not required to obtain a revision and may be allowed
- 1559 as activities to implement the original permit. Examples of such include minor changes in
- 1560 facility orientation or location, minor changes in structural design that does not change the
- 1561 height or increase ground floor area, and minor accessory structures (such as equipment
- 1562 covers or small sheds near the main structure, etc.).
- 1563 (b) Substantive changes are those that materially alter the project in a manner that relates to its
- 1564 conformance with the permit requirements. Such changes may be approved as a minor
- 1565 revision, if the Administrative Official determines that the proposed revision and all
- 1566 previous revisions are within the scope and intent of the original permit, and meet the
- 1567 criteria listed below. Changes not able to meet the criteria must obtain a new permit.
- 1568 i) No additional over water construction will be involved, except that pier, dock, or float
- 1569 construction may be increased by five hundred square feet or ten percent from the
- 1570 provisions of the original permit, whichever is less;
- 1571 ii) Lot coverage and height may be increased a maximum of ten percent from the
- 1572 provisions of the original permit: PROVIDED, that revisions involving new structures
- 1573 not shown on the original site plan shall require a new permit, and: PROVIDED
- 1574 FURTHER, that any revisions authorized under this subsection shall not exceed height,
- 1575 lot coverage, setback or any other requirements of these regulations;

**Commented [DD35]:** GUCACQE Question 10: Does the CAO allow for "reasonable" use?  
**Answer:** Yes, 16C.03.24, "as is," satisfies the requirement for a reasonable use provision.

**Commented [TV36]:** CPUC II, Required Components of Development Regulations 11(m). Provisions that allow "reasonable use" of properties constrained by presence of critical areas.

- 1576           iii) Landscaping may be added to a project without necessitating an application for a new  
1577           permit: PROVIDED, that the landscaping is consistent with conditions (if any) attached  
1578           to the original permit and is consistent with this title for the area in which the project is  
1579           located;  
1580           iv) The use authorized pursuant to the original permit is not changed;  
1581           v) No additional significant adverse environmental impact will be caused by the project  
1582           revision.  
1583 (2) **Process** – Minor revisions to existing permits shall be processed as a Type I review, as  
1584           provided under YCC Title 16B (Project Permit Administration). Parties of record to the  
1585           original permit shall be notified of the revision, though a comment period is not required.  
1586 (3) **Decision Criteria** - Decisions on permit revisions shall be based on the general decision  
1587           criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action).  
1588

1589 **16C.03.26 Non-Conforming Uses and Facilities**

1590 Non-Conforming Uses and Facilities are classified as either conforming uses with non-conforming  
1591 structures or areas, or as non-conforming uses, as described in subsection 1 below. Both types  
1592 have different review processes and decision criteria, as provided below in subsections 2 and 3.

- 1593 (1) **Classification Criteria** – There may be situations that do not conform to the standards or  
1594 regulations of this title. These situations are characterized as:  
1595 (a) **Non-conforming Uses.** Uses of a structure or land that were lawfully established at the  
1596 time of their initiation but are currently prohibited by this title are non-conforming uses,  
1597 and may utilize structures or land areas that are also non-conforming. A non-conforming  
1598 use that is discontinued for any reason for more than one year shall have a presumption of  
1599 intent to abandon, shall not be re-established, and shall lose its non-conforming status,  
1600 unless an Adjustment (16C.03.23) is obtained to extend the length of time, based on  
1601 documentation showing that an intent to abandon did not exist during the period of  
1602 discontinuance. An Adjustment request may be submitted after the deadline has passed.  
1603 In the case of destruction or damage where reconstruction costs exceed 50% of the assessed  
1604 value, the structure shall not be rebuilt;  
1605 (b) **Conforming Uses with Non-Conforming Structures or Areas** are structures or areas for  
1606 conforming uses that were lawfully established at the time of their initiation, but currently  
1607 do not conform to the bulk, dimensional or other development standards of this title.  
1608 Structures or areas in locations approved under a permit shall not be considered non-  
1609 conforming. Non-conforming outdoor areas that have not been used or maintained for 5  
1610 consecutive years shall lose their non-conforming status and may not be reestablished;  
1611 (c) Any non-conforming structure, area, or use may be maintained with ordinary care  
1612 according to the provisions in 16C.01.05 (Applicability) and 16C.03.05 (Minor Activities  
1613 Allowed without a Permit), and do not require additional review under these non-  
1614 conforming provisions.  
1615 (2) **Process**  
1616 (a) Alterations to conforming uses with non-conforming structures or areas shall be allowed  
1617 under the following process requirements with the understanding that other permits or  
1618 reviews may also be required under this title:  
1619 i) Those that do not increase the existing non-conformity and otherwise conform to all  
1620 other provisions of this title are allowed without additional review under these non-  
1621 conforming provisions;

- 1622 ii) Those that increase the non-conformity, including establishing additional square  
 1623 footage within a buffer, are allowed without additional review under these non-  
 1624 conforming provisions; however, a **Critical Areas Adjustment Permit** must be  
 1625 obtained for the increased non-conformity;
- 1626 iii) Reconstruction or repair of a structure damaged less than 75% of the assessed value  
 1627 shall be processed as provided in subsections i) and ii) above;
- 1628 iv) A nonconforming structure which is moved any distance shall be processed as provided  
 1629 in subsections 1 and 2 above;
- 1630 v) Reconstruction or repair of structures destroyed or damaged 75% or more of the  
 1631 assessed value of the structure (not the whole property), including that resulting from  
 1632 neglect of maintenance or repair, shall be processed under these non-conforming  
 1633 provisions as a Type II review under YCC Title 16B (Project Permit Administration).
- 1634 (b) **Alterations to Non-Conforming Uses**
- 1635 i) Those involving expansion or alteration within an existing structure, but do not include  
 1636 alterations to outdoor areas, or expansions of the building's height or square footage  
 1637 are allowed without additional review under these non-conforming provisions.
- 1638 ii) Alterations to non-conforming uses, including their non-conforming structures or areas  
 1639 that do not qualify under paragraph i) above, shall be processed under these non-  
 1640 conforming provisions as a Type II review, as provided under YCC Title 16B (Project  
 1641 Permit Administration).
- 1642 (3) **Decision Criteria**
- 1643 (a) Decisions on projects that require review under the non-conforming provisions, as  
 1644 identified under subsection (1) above shall be based on the general decision criteria found  
 1645 in section 16C.03.14 (Authorization Decisions – Basis for Action) together with the criteria  
 1646 below.
- 1647 (b) Applications for conforming uses with non-conforming structures or areas that are subject  
 1648 to subsection 2(a)(v) above, shall not be approved unless a finding is made that the project  
 1649 meets all of the following criteria:
- 1650 i) Using the original location will not place the structure or people in danger of a hazard;
- 1651 ii) The previous structure and any structural shore modification used to protect the  
 1652 structure did not increase hazards or damage to other properties;
- 1653 iii) The previous structure and any shore modification used to protect the structure did not  
 1654 cause significant impacts to the functions and values of the critical area.
- 1655 (c) Decisions on non-conforming uses:
- 1656 i) A non-conforming use may not be altered or expanded in any manner that would bring  
 1657 that use into greater non-conformity.

**Commented [BG37]:** Added to clarify the type of review required.

1659 **16C.03.27 General Critical Areas Protective Measures**

1660 The standards below apply to all permits and reviews performed under this title.

1661 (1) Financial guarantees to ensure mitigation, maintenance, and monitoring.

- 1662 (a) When mitigation required pursuant to a development proposal is not completed prior to the  
 1663 Yakima County's final permit approval, such as final plat approval or final building  
 1664 inspection, the Administrative Official may require the applicant to post a financial  
 1665 guarantee to ensure that the work will be completed. If the development proposal is subject  
 1666 to compensatory mitigation for wetlands and streams, the applicant must post a financial  
 1667 guarantee to ensure mitigation is fully functional. Where financial guarantees are required

- 1668 by other state or federal agencies for specific mitigation features, additional financial  
1669 guarantees for those features are not required under this provision.
- 1670 (b) The financial guarantee shall be in the amount of one hundred and twenty-five percent  
1671 (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of  
1672 restoring the functions and values of the critical area that are at risk.
- 1673 (c) The financial guarantee may be in the form of a surety bond, performance bond, assignment  
1674 of savings account, an irrevocable letter of credit guaranteed by an acceptable financial  
1675 institution, or other form acceptable to the Administrative Official, with terms and  
1676 conditions acceptable to the Yakima County attorney.
- 1677 (d) The financial guarantee shall remain in effect until the Administrative Official determines,  
1678 in writing, that the standards bonded for have been met. Financial guarantees for wetland  
1679 or stream compensatory mitigation shall be held for a minimum of five years after  
1680 completion of the work to ensure that the required mitigation has been fully implemented  
1681 and demonstrated to function, and may be held for longer periods when necessary.
- 1682 (e) Public development proposals shall be relieved from having to comply with the bonding  
1683 requirements of this section if public funds have previously been committed for mitigation,  
1684 maintenance, monitoring, or restoration.
- 1685 (f) Any failure to satisfy critical area requirements established by law or condition, including  
1686 but not limited to the failure to provide a monitoring report within thirty (30) days after it  
1687 is due or comply with other provisions of an approved mitigation plan, shall constitute a  
1688 default, and the Administrative Official may demand payment of any financial guarantees  
1689 or require other action authorized by the Yakima County code or any other law.
- 1690 (g) Any funds recovered pursuant to this section shall be used to complete the required  
1691 mitigation. Such funds shall not be deposited in the County General Fund, but rather  
1692 provided with a separate account. The County will use such funds to arrange for  
1693 completion of the project or mitigation, and follow-up corrective actions.
- 1694 (h) Depletion, failure, or collection of financial guarantees shall not discharge the obligation  
1695 of an applicant or violator to complete required mitigation, maintenance, monitoring, or  
1696 restoration.

1697 (2) Declarative Covenants

- 1698 (a) When a development is authorized by a critical areas permit or review, a declarative  
1699 covenant shall, unless determined not to be necessary by the Administrative Official, be  
1700 filed with the Yakima County Auditor to inform future owners of the existence of a critical  
1701 areas decision that runs with the land and contains limits relating to critical areas on the  
1702 property. The declarative covenant shall read substantially as follows:

1703  
1704 “This declarative covenant is intended to reduce the incidence of unintentional  
1705 violation of the Critical Areas Ordinance. Please be informed about your property  
1706 and the laws that apply to it.

1707  
1708 This declarative covenant is provided by Yakima County to the current and future  
1709 owners of the property described as [enter property description] to inform them that,  
1710 at the time of this notice, [enter Critical Areas present] existed within or adjacent to  
1711 the property which are protected and regulated by the Yakima County Critical Areas  
1712 Ordinance (YCC Title 16C). Development has taken place on the property under  
1713 permit or review number [enter permit file number], which includes requirements



1714 that run with the land. Current and future owners should obtain copies of the permit  
1715 and also inform themselves about the critical areas that exist on the property.

1716  
1717 This declarative covenant may be removed or modified if critical areas conditions  
1718 change, or if the permit is no longer applicable. Contact the Yakima County Public  
1719 Services for assistance in doing so.”

1720  
1721 (b) The declarative covenant shall not be required for a development proposal by a public  
1722 agency or public or private utility:

- 1723 i) Within a recorded easement or right-of-way;
- 1724 ii) Where the agency or utility has been adjudicated the right to an easement or right-of-  
1725 way; or
- 1726 iii) On the site of a permanent public facility.

1727 (c) The applicant shall submit proof that the declarative covenant has been filed for public  
1728 record before the Administrative Official approves any development proposal for the  
1729 property or, in the case of subdivisions, short subdivisions, planned unit developments, and  
1730 binding site plans, at or before recording.

1731 (3) Subdivision Standards - The following standards apply to all permits or reviews under the  
1732 Unified Land Development Code (YCC Title 19) that contain critical areas:

1733 (a) All subdivisions that contain critical areas shall be eligible for density bonuses or other  
1734 development incentives, as provided in the Unified Land Development Code (YCC Title  
1735 19);

1736 (b) Critical areas shall be actively protected through the following:

1737 i) Roads and utilities for the subdivision shall avoid critical areas and their buffers, as  
1738 much as possible;

1739 ii) When Geologically Hazardous Areas (excluding Erosion, Over Steepened Slopes of  
1740 Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway,  
1741 Channel Migration Zone (CMZ), Streams, Wetlands and/or Vegetative Buffers fall  
1742 within the boundary of a subdivision:

1743 (1) Said critical areas shall be protected by placing them entirely within a separate  
1744 critical area tract, or by including them entirely within one of the developable  
1745 parcels. Other options, such as conservation easements and building envelopes may  
1746 be deemed by the Administrative Official as meeting this provision when special  
1747 circumstances obstruct the viability of this provision;

1748 (2) For those new lots that do contain said critical areas, useable building envelopes  
1749 (5,000 square feet or more for residential uses) shall be provided on the plat that lie  
1750 outside said critical areas.

1751 iii) New lots partially within the floodplain shall provide a usable building envelope (5,000  
1752 square feet or more for residential uses) outside the floodplain;

1753 iv) New lots entirely within the floodplain shall be at least one acre in area;

1754 v) For new lots containing-, streams, wetlands, and/or vegetative buffers, outdoor use  
1755 envelopes (such as lawns, gardens, play areas, gazebos, etc.) shall be provided on the  
1756 plat that lie outside said critical areas;

1757 vi) Degraded vegetative buffers shall be restored, or provided with protection measures  
1758 that will allow them to recover;

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vii) Floodplains and critical areas shall be depicted on preliminary subdivision plats and relevant information about them disclosed on the final plat.

**Commented [TV38]:** CPUC II, Required Components of Development Regulations #11(i) Regulations that protect the functions of frequently flooded areas.

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**Chapter 16C.04  
ENFORCEMENT AND PENALTIES**

**Sections:**

- 16C.04.01 Enforcement Responsibilities Generally
- 16C.04.02 Enforcement Responsibilities – Chapters 16C.05.20 through 16C.05.72,  
Flood Hazard Permits
- 16C.04.03 Penalties

**16C.04.01 Enforcement Responsibilities Generally**

It shall be the duty of the Administrative Official or his designee to enforce the provisions of the Critical Areas Ordinance pertaining to all development within the jurisdiction of this title, except as expressly noted in Section 16.C.04.02 below pertaining to flood hazard permits. Whenever any development is found to be in violation of this title or a development authorization issued pursuant to this title, the Administrative Official or his designee may order any work on such development stopped by serving written notice on any person engaged in the wrongdoing or causing such development to be done. The notice shall be in the form of a "~~cease and desist~~ Notice of Violation and/or Stop Work Order" ~~order~~ and shall indicate corrective actions necessary to fulfill authorization conditions and/or terms of this title and the time within which such corrections shall occur. No further development shall be authorized unless and until compliance with the development authorization conditions and/or terms of this title has been achieved to the satisfaction of the Administrative Official.

**16C.04.02 Enforcement Responsibilities – Chapters 16C.05.20 through 16C.05.72, Flood Hazard Permits**

It shall be the duty of the Chief Building Official or his designee to enforce the provisions of Chapters 16C.05.20 through 16C.05.72. Whenever any development is found to be in violation of said chapters or a permit issued pursuant to said chapters, the Chief Building Official may order any work on such development stopped by serving written notice on any persons engaged in the doing or causing such development or substantial development to be done. Any such persons shall forthwith stop such work until authorized by the Chief Building Official to proceed with the work.

**16C.04.03 Penalties**

- (1) Violation of the provisions of this title or failure to comply with any of its requirements constitutes a misdemeanor and a public nuisance. Any person who violates or fails to comply with any of its requirements shall, upon conviction in a court of competent jurisdiction, be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense; however, no additional action will be initiated pending the disposition of any previous suit or complaint.
- (2) It shall be the affirmative duty of the county prosecutor's office to seek relief under this section for violations of this title.
- (3) Nothing herein shall prevent the county prosecutor's office from taking such other lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.
- (4) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, continuing violations of this title may be enjoined or

**Commented [BG39]:** Changed to reflect current enforcement action procedures.

1808 ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement  
1809 actions, such violations are declared to be public nuisances. Any person, firm, or corporation  
1810 violating the provisions of this title shall be liable for all costs of such proceedings, including  
1811 reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in  
1812 addition to any other remedies available at law or equity.  
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**Chapter 16C.05  
FLOOD HAZARD AREAS**

**16C.05.20 FLOOD HAZARD AREAS – GENERAL PROVISIONS**

**Sections:**

- 16C.05.20.010 Flood Hazard Areas Established
- 16C.05.20.030 Principles
- 16C.05.20.050 Applicability
- 16C.05.20.060 Exemptions
- 16C.05.20.070 Interpretations
- 16C.05.20.080 Compliance
- 16C.05.20.090 Warning and Disclaimer of Liability

**16C.05.20.010 Flood Hazard Areas Established**

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled "The Flood Insurance Study for Yakima County, Washington and Incorporated Areas" dated November 18, 2009, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be part of Chapters 16C.05.20 through 16C.05.72 and are established as flood hazard areas. The Flood Insurance Study and maps are on file at the Yakima County Courthouse Building, Yakima, Washington. The best available information for flood hazard area identification as outlined in 16C.05.44.060 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under 16C.05.44.060.

**16C.05.20.030 Principles**

- (1) Recognizing the right and need of the river channel to periodically carry more than the normal flow of water and desiring to minimize loss of life and property, Chapters 16C.05.20 through 16C.05.72 restrict uses and regulate structures to those that are consistent with the degree of flood hazard.
- (2) In advancing the above principals, the intent of Chapters 16C.05.20 through 16C.05.72 and their application is:
  - (a) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;
  - (b) To meet the minimum requirement of the National Flood Insurance program;
  - (c) To implement state and federal flood protection programs.

**16C.05.20.050 Applicability**

The guidelines and regulations set forth herein YCC Title 13 and related International Codes shall apply to all special flood hazard areas within the jurisdiction of Yakima County and shall be utilized when considering the issuance of permits through the administrative of quasi-judicial processes within Yakima County.

- (1) The provisions of Chapters 16C.05.20 through 16C.05.72 shall apply to any development proposed in a special flood hazard area,
- (2) Flood hazard permits shall be approved by Yakima County. County approvals shall only be granted when in accordance with Chapters 16C.05.20 through 16C.05.72 and other applicable local, state and federal regulations.

**Commented [TV40]:** CPUC II. Required Components of Development Regulations #11(a) Classification and Designation.

**Commented [TV41]:** CPUC II. Required Components of Development Regulations #11(i) Regulations that protect the functions of frequently flooded areas.

**Commented [TV42]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

**Commented [TV43]:** Corrected to reflect codified version. BLD made changes. It was done through [BOCC Resolution 127-2012](#).

- 1860 (3) Topographic, engineering and construction information necessary to evaluate the proposed  
1861 project shall be submitted to the department for approval.  
1862 (4) The granting of a permit for any development or use shall not constitute a representation,  
1863 guarantee or warranty of any kind or nature by Yakima County, or any official or employee  
1864 thereof, of the practicality or safety of any structure or use proposed and shall create no liability  
1865 upon or cause of action against such public body, official or employee for any damage that  
1866 may result thereto.  
1867

1868 **16C.05.20.060 Exemptions**

1869 The following uses and activities are exempt from the provisions of Chapters 16C.05.20 through  
1870 16C.05.72:

- 1871 (1) The alteration or substantial improvement of any structure listed on the National Register of  
1872 Historic Places or a state inventory of historic places;  
1873 (2) The installation and maintenance of aboveground utility transmission lines and poles;  
1874 (3) Private driveways, fences and other accessory activities and/or uses necessary for agricultural  
1875 uses which the building official determines will not unduly decrease flood storage or capacity,  
1876 significantly restrict floodwaters, create a substantial impoundment of debris carried by  
1877 floodwaters, and will resist flotation and collapse;  
1878 (4) Construction and practices normal or necessary for agricultural uses. The construction of an  
1879 accessory barn or similar agricultural structure, designed to have a low flood-damage potential,  
1880 not involving substantial cutting, filling, or watercourse modification, is subject to Section  
1881 16C.05.28.020(3)(a) through (e). (Ref. IRC 323)  
1882

1883 **16C.05.20.070 Interpretations**

- 1884 (1) In the interpretation and application of Chapters 16C.05.20 through 16C.05.72, the provisions  
1885 shall be considered as minimum requirements, shall be liberally construed in favor of Yakima  
1886 County, and deemed neither to limit nor repeal any other powers granted under state statute.  
1887 Its provisions shall be applied in addition to and as a supplement to provisions of the Yakima  
1888 County Codes (YCC), Title 13, Building and Construction, YCC Title 19 – Unified Land  
1889 Development Code and the Shoreline Master Program (YCC Title 16D). Chapters 16C.05.20  
1890 through 16C.05.72 are not intended to repeal, abrogate or impair any existing easements,  
1891 covenants, or deed restrictions. However, where these chapters and other ordinances,  
1892 easements, covenants or deed restrictions conflict or overlap, whichever imposes the more  
1893 stringent requirement shall prevail.  
1894 (2) In an interpretation as to an exact location of the boundaries of the special flood hazard areas  
1895 (i.e., conflict between a mapped boundary and actual field conditions), the person contesting  
1896 the location of the boundary shall be given a reasonable opportunity to appeal the  
1897 interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of  
1898 the rules and regulations of the National Flood Insurance Program (44 CFR 59, etc.) (Ref. IBC  
1899 104.1).  
1900

1901 **16C.05.20.080 Compliance**

1902 No structure or land shall hereafter be used, constructed, located, extended, converted or altered  
1903 without full compliance with the terms of Chapters 16C.05.20 through 16C.05.72 and other  
1904 applicable regulations.  
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1906  
1907 **16C.05.20.090 Warning and Disclaimer of Liability**  
1908 The degree of flood protection required by Chapters 16C.05.20 through 16C.05.72 is considered  
1909 reasonable for regulatory purposes and is based on scientific and engineering considerations.  
1910 Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade  
1911 or natural causes. Chapters 16C.05.20 through 16C.05.72 do not imply that land outside the area  
1912 of special flood hazards or uses permitted within such area will not be subject to flooding or flood  
1913 damage.

1914  
1915 **16C.05.28 FLOOD HAZARD PROTECTION STANDARDS**

1916 Sections:

1917 16C.05.28.010 General Standards  
1918 16C.05.28.020 Specific Standards  
1919

1920 **16C.05.28.010 General Standards**

1921 The following regulations shall apply in all special flood hazard areas:

- 1922 (1) Anchoring and Construction Techniques.
- 1923 (a) All new construction and substantial improvements shall be:
- 1924 (i) Anchored to prevent flotation, collapse or lateral movement of the structure; and
- 1925 (ii) Constructed using materials and utility equipment resistant to flood damage; and
- 1926 (iii) Constructed using methods and practices that minimize flood damage; and
- 1927 (iv) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other
- 1928 service facilities shall be designed and/or otherwise elevated or located so as to prevent
- 1929 water from entering or accumulating within the components during conditions of
- 1930 flooding.
- 1931 (b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral
- 1932 movement, and shall be installed using methods and practices that minimize flood damage.
- 1933 Anchoring methods may include, but are not limited to, use of over-the-top or frame ties
- 1934 to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard
- 1935 Areas guidebook for additional techniques). Anchoring shall meet the specifications set
- 1936 forth below for structures located within one hundred feet of a floodway or the ordinary
- 1937 high water mark if no floodway has been established.
- 1938 (c) All new construction and any improvements or additions to existing floodproofed structures
- 1939 that would extend beyond the existing floodproofing located within one hundred feet of
- 1940 the floodway or one hundred feet of the ordinary high water mark if no floodway has been
- 1941 established, shall be elevated to a height equal to or greater than the base flood, using zero-
- 1942 rise methods such as piers, posts, columns, or other methodology, unless it can be
- 1943 demonstrated that non-zero-rise construction methods will not impede the movement of
- 1944 floodwater or displace a significant volume of water. The size and spacing of any support
- 1945 devices used to achieve elevation shall be designed to penetrate bearing soil, and be
- 1946 sufficiently anchored, as specified above in subsection (1)(a) of this section.
- 1947 (d) Except where otherwise authorized, all new construction and substantial improvements to
- 1948 existing structures shall require certification by a registered professional engineer, architect
- 1949 or surveyor that the design and construction standards are in accordance with adopted
- 1950 floodproofing techniques.
- 1951 (2) Utilities.

**Commented [DD44]:** GUCACOE Question 12 (Part 2): For other critical areas, like frequently flooded areas or geologically hazardous areas, they may need to be avoided to protect public safety, or may need standards to ensure that development allowed to occur within or near the critical areas is safe.  
**Answer:** Yes, 16C.05.28.010 and .020 meet the requirements to have standards. No revision required.

- 1952 (a) All new and replacement water supply systems and sanitary sewage systems shall be  
 1953 designed to minimize or eliminate infiltration of floodwaters into the systems and discharge  
 1954 from the systems into floodwaters; and on-site waste disposal systems shall be located to  
 1955 avoid impairment to them or contamination from them during flooding.
- 1956 (3) Subdivision Proposals.  
 1957 Subdivision proposals shall:  
 1958 (a) Be consistent with the need to minimize flood damage;  
 1959 (b) Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water  
 1960 systems located and constructed to minimize flood damage;  
 1961 (c) Have adequate drainage provided to reduce exposure to flood damage; and  
 1962 (d) Include base flood elevation data.
- 1963 (4) Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of  
 1964 any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a  
 1965 watercourse in riverine situations, the department shall notify adjacent communities, the  
 1966 Department of Ecology and FEMA of the proposed development.

1967 **16C.05.28.020 Specific Standards**

1968 In all special flood hazard areas where base elevation data has been provided as set forth in Section  
 1969 16C.05.20.010, the following regulations shall apply, in addition to the general regulations of  
 1970 Section 16C.05.28.010:  
 1971

- 1972 (1) Residential Construction. (ref. IRC323.2)  
 1973 (a) New construction and substantial improvement of any residential structure shall have the  
 1974 lowest floor, including basement, elevated at a minimum to or above the base flood  
 1975 elevation.  
 1976 (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or  
 1977 shall be designed to automatically equalize hydrostatic flood forces on exterior walls by  
 1978 allowing for the entry and exit of floodwaters. Designs for meeting this requirement must  
 1979 either be certified by a registered professional engineer or architect or must meet or exceed  
 1980 the following minimum criteria:  
 1981 (i) A minimum of two openings having a total net area of not less than one square inch  
 1982 for every square foot of enclosed area subject to flooding shall be provided.  
 1983 (ii) The bottom of all openings shall be no higher than one foot above grade.  
 1984 (iii) Openings may be equipped with screens, louvers, or other coverings or devices,  
 1985 provided that they permit the automatic entry and exit of floodwaters.  
 1986 (c) Residential construction within one hundred feet of a floodway or the ordinary high water  
 1987 mark, if no floodway has been established, shall also meet the requirements of Section  
 1988 16C.05.28.010(1)(c).
- 1989 (2) Nonresidential Construction. New construction and substantial improvement of any  
 1990 commercial, industrial or other nonresidential structure, and any addition to an existing  
 1991 floodproofed structure that would extend beyond the existing floodproofing, shall either have  
 1992 the lowest floor, including basement, elevated a minimum of one foot above the base flood  
 1993 elevation; or, together with attendant utility and sanitary facilities, shall:  
 1994 (a) Be floodproofed so that below an elevation one foot above base flood level the structure is  
 1995 watertight, with walls substantially impermeable to the passage of water; and  
 1996 (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and  
 1997 effects of buoyancy;



- 1998 (c) Be certified by a registered professional engineer or architect that the design and method  
 1999 of construction are in accordance with accepted standards of practice for meeting  
 2000 provisions of this subsection, based on their development and/or review of the structural  
 2001 design, specifications and plans. Such certifications shall be provided to the building  
 2002 official;
- 2003 (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards  
 2004 for space below the lowest floor as described in Section 16C.05.28.020(1)(b) above;
- 2005 (e) Meet the special standards for structures set forth in Section 16C.05.28.010(1)(c) above if  
 2006 within one hundred feet of a floodway or within one hundred feet of the ordinary high  
 2007 water mark and no floodway has been established;
- 2008 (f) Applicants floodproofing nonresidential buildings shall be notified that flood insurance  
 2009 premiums will be based on rates that are one foot below the floodproofed level (e.g., a  
 2010 building constructed to the base flood level will be rated as one foot below the level). Flood  
 2011 proofing the building an additional foot will reduce insurance premiums significantly. (Ref.  
 2012 IBC 1612.5)
- 2013 (3) Agricultural Construction. New construction and substantial improvement of any agricultural  
 2014 structure shall either have the lowest floor, including basement, elevated at a minimum to or  
 2015 above the base flood elevation; or meet the floodproofing requirements of subsection (2) of  
 2016 this section. Agricultural construction or other accessory structures that constitute a minimal  
 2017 investment and comply with the floodway encroachment standards may be exempt from the  
 2018 floodproofing and elevation requirements of subsection (2) above when such structures,  
 2019 together with attendant utility sanitary facilities:
- 2020 (a) Have a low potential for structural flood damage;
- 2021 (b) Are designed and oriented to allow the free passage of floodwaters through the structure in  
 2022 a manner affording minimum flood damage; and
- 2023 (c) Ensure that all electrical and mechanical equipment subject to floodwater damage and  
 2024 permanently affixed to the structure be elevated a minimum of one foot above the base  
 2025 flood elevation or higher, or floodproofed;
- 2026 (d) Are constructed and placed on the building site so as to offer the minimum resistance to  
 2027 the flow of floodwaters; and
- 2028 (e) Will not be used for human habitation.
- 2029 All such structures shall be anchored to resist flotation, collapse, and lateral movement,  
 2030 and that only flood resistant materials be used for elements of these buildings below the  
 2031 base flood elevation.
- 2032 (4) Manufactured Homes.
- 2033 (a) Manufactured homes shall be anchored in accordance with Section 16C.05.28.010(1)(b),  
 2034 shall have the lowest floor elevated to or above the base flood elevation, and shall be  
 2035 securely anchored to an adequately anchored foundation system to resist flotation, collapse  
 2036 and lateral movement in accordance with Section 16C.05.28.010(1)(b).

2037  
 2038 **16C.05.32 FLOODWAY FRINGE USES**

2039 Sections:

- 2040 16C.05.32.010 Permitted Uses  
 2041 16C.05.32.020 Prohibited Uses

2042  
 2043 **16C.05.32.010 Permitted Uses**

- 2044 The following uses are permitted in the floodway fringe areas:
- 2045 (1) Any use permitted in the zoning district in accordance with YCC Title 19 of the Yakima County
- 2046 Code, unless prohibited by Section 16C.05.32.020.
- 2047 (2) Utility Transmission Lines. Utility transmission lines shall be permitted when consistent with
- 2048 YCC Title 19 and where not otherwise inconsistent with Chapters 16C.05.20 through
- 2049 16C.05.72; except that when the primary purpose of such a transmission line is to transfer bulk
- 2050 products or energy through a floodway fringe or special flood hazard area, such transmission
- 2051 line shall conform to the following:
- 2052 (a) Electric transmission lines shall cross floodway fringe and special flood hazard areas by
- 2053 the most direct route feasible. When support towers must be located within floodway fringe
- 2054 or special flood hazard areas, they shall be placed to avoid high floodwater velocity and/or
- 2055 depth areas, and shall be adequately floodproofed.
- 2056 (b) Buried utility transmission lines transporting hazardous materials, including but not limited
- 2057 to crude and refined petroleum products and natural gas, shall be buried a minimum of four
- 2058 feet. Such burial depth shall be maintained within the floodway fringe or special flood
- 2059 hazard area to the maximum extent of potential channel migration as determined by
- 2060 hydrologic analyses. All such hydrologic analyses shall conform to requirements of Section
- 2061 16C.05.36.010(2)(c).
- 2062 (c) Beyond the maximum extent of potential channel migration, utility transmission lines
- 2063 transporting hazardous and nonhazardous materials shall be buried below existing natural
- 2064 and artificial drainage features. Burial depth in all other agricultural and nonagricultural
- 2065 floodway fringe or special flood hazard areas shall be determined on the basis of accepted
- 2066 engineering practice and in consideration of soil conditions and the need to avoid conflict
- 2067 with agricultural tillage.
- 2068 (d) Aboveground utility transmission lines, not including electric transmission lines, shall only
- 2069 be allowed for the transportation of nonhazardous materials. In such cases, applicants must
- 2070 demonstrate that line placement will have no appreciable effect upon flood depth, velocity
- 2071 or passage. Such lines shall be adequately protected from flood damage.
- 2072 (e) Aboveground utility transmission line appurtenant structures, including valves, pumping
- 2073 stations or other control facilities, shall not be permitted in floodway fringe or special flood
- 2074 hazard areas except where no other alternative is available, or in the event a floodway
- 2075 fringe or special flood hazard location is environmentally preferable. In such instances,
- 2076 aboveground structures shall be located so that no appreciable effect upon flood depth,
- 2077 velocity or passage is created, and shall be adequately floodproofed.

2078

2079 **16C.05.32.020 Prohibited Uses**

2080 The following uses shall be prohibited in floodway fringe areas:

- 2081 (1) New manufactured home parks and the expansion of manufactured home/parks.
- 2082

2083

2084 **16C.05.36 FLOODWAY USES**

2085 Sections:

- 2086 16C.05.36.010 Permitted Uses
- 2087 16C.05.36.020 Prohibited Uses
- 2088

2089 **16C.05.36.010 Permitted Uses** Permitted uses include any use permitted in the zoning  
2090 district in accordance with YCC Title 19 of this code, provided that said use is in compliance with  
2091 the flood hazard protection standards of Chapter 16C.05.28 and other applicable provisions of this  
2092 title, and will have a negligible effect upon the floodway in accordance with the floodway  
2093 encroachment provisions of Section 16C.05.36.020(2):  
2094 (1) Surface mining, provided that the applicant can provide clear evidence that such uses will not  
2095 divert flood flows causing channel-shift or erosion, accelerate or amplify the flooding of  
2096 downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or  
2097 in any other way threaten public or private properties. When allowed, such removal shall  
2098 comply with the provisions of Title 19 and the Yakima County Shoreline Management Master  
2099 Program Regulations (Shoreline Master Program (Title 16D), where applicable);  
2100 (2) Utility transmission lines, unless otherwise prohibited by this division; except that when the  
2101 primary purpose of such a transmission line is to transfer bulk products or energy through a  
2102 floodway en route to another destination, as opposed to serving customers within a floodway,  
2103 such transmission lines shall conform to the following:  
2104 (a) All utility transmission lines shall cross floodways by the most direct route feasible as  
2105 opposed to paralleling floodways,  
2106 (b) Electric transmission lines shall span the floodway with support towers located in flood  
2107 fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width,  
2108 support towers shall be located to avoid high floodwater velocity and/or depth areas, and  
2109 shall be adequately floodproofed,  
2110 (c) Buried utility transmission lines transporting hazardous and nonhazardous materials,  
2111 including but not limited to crude and refined petroleum products and natural gas, water  
2112 and sewage, shall be buried a minimum of four feet below the maximum established scour  
2113 of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall  
2114 be maintained horizontally within the hydraulic floodway to the maximum extent of  
2115 potential channel migration as determined by hydrologic analyses. In the event potential  
2116 channel migration extends beyond the hydraulic floodway, conditions imposed upon  
2117 floodway fringe and special flood hazard areas shall also govern placement. All hydrologic  
2118 analyses are subject to acceptance by Yakima County, shall assume the conditions of a  
2119 one-hundred-year frequency flood as verified by the U.S. Army Corps of Engineers, and  
2120 shall include on-site investigations and consideration of historical meander characteristics  
2121 in addition to other pertinent facts and data. The use of riprap as a meander containment  
2122 mechanism within the hydraulic floodway shall be consistent with the Yakima County  
2123 Shoreline Management Master Program Regulations,  
2124 (d) Beyond the maximum extent of potential channel migration, utility transmission lines  
2125 transporting hazardous and nonhazardous materials shall be buried below existing natural  
2126 and artificial drainage features. Burial depth in all agricultural areas requiring or potentially  
2127 requiring subsurface drainage shall be a minimum of six feet as measured from ground  
2128 surface to the top of the transmission line, or at other such depth as deemed necessary by  
2129 on-site investigations performed by a qualified soils expert familiar with Yakima County  
2130 soils. Burial depth in all other agricultural and nonagricultural floodway areas shall be  
2131 determined on the basis of accepted engineering practice and in consideration of soil  
2132 conditions and the need to avoid conflict with agricultural tillage,  
2133 (e) Aboveground utility transmission lines, not including electric transmission lines, shall only  
2134 be allowed for the transportation of nonhazardous materials where an existing or new

2135 bridge or other structure is available and capable of supporting the line. When located on  
2136 existing or new bridges or other structures with elevations below the level of the one-  
2137 hundred-year flood, the transmission line shall be placed on the downstream side and  
2138 protected from flood debris. In such instances, site-specific conditions and flood damage  
2139 potential shall dictate placement, design and protection throughout the floodway.  
2140 Applicants must demonstrate that such aboveground lines will have no appreciable effect  
2141 upon flood depth, velocity or passage, and shall be adequately protected from flood  
2142 damage. If the transmission line is to be buried except at the waterway crossing, burial  
2143 specifications shall be determined as in subsection (2)(C) of this section;  
2144 (f) Aboveground utility transmission line appurtenant structures, including valves, pumping  
2145 stations, or other control facilities, shall not be permitted in the floodway,  
2146 (g) Where a floodway has not been determined by preliminary Corps of Engineers'  
2147 investigations or official designation, a floodway shall be defined by qualified engineering  
2148 work by the applicant on the basis of a verified one-hundred-year flood event;  
2149 (3) Construction or reconstruction of residential structures only as authorized in Section  
2150 16C.05.36.020(3);  
2151 (4) Improvements to existing residential structures that are not substantial improvements per  
2152 Section 16C.02.395; provided, the improvement complies with the requirement set forth in  
2153 Section 16C.05.36.020(2).  
2154 (5) Water-dependent utilities and other installations which by their very nature must be in the  
2155 floodway. Examples of such uses are: dams for domestic/industrial water supply, flood control  
2156 and/or hydroelectric production; water diversion structures and facilities for water supply,  
2157 irrigation and/or fisheries enhancement; floodwater and drainage pumping plants and facilities;  
2158 hydroelectric generating facilities and appurtenant structures; structures and nonstructural uses  
2159 and practices; provided, that the applicant shall provide evidence that a floodway location is  
2160 necessary in view of the objectives of the proposal, and provided further that the proposal is  
2161 consistent with other provisions of this title and the Shoreline Management Master Program  
2162 (YCC Title 16D). In all instances of locating utilities and other installations in floodway  
2163 locations, project design must incorporate floodproofing and otherwise comply with  
2164 subsection (2) above;  
2165 (6) Dikes, provided that the applicant can provide evidence that:  
2166 (a) Adverse effects upon adjacent properties will not result relative to increased floodwater  
2167 depths and velocities during the base flood or other more frequent flood occurrences,  
2168 (b) Natural drainage ways are minimally affected in that their ability to adequately drain  
2169 floodwaters after a flooding event is not impaired,  
2170 (c) The proposal has been coordinated through the appropriate diking district where  
2171 applicable, and that potential adverse effects upon other affected diking districts have been  
2172 documented;  
2173 (7) Roads and bridges, subject to the regulations of Section (2) above.

2174  
2175 **16C.05.36.020 Prohibited Uses**

2176 The following uses/developments are prohibited in the floodway:

- 2177 (1) Any structure, including manufactured homes, designed for, or to be used for human habitation  
2178 of a permanent nature (including temporary dwellings authorized by Section 15.72.060);  
2179 (2) All encroachments, including fill, new construction and other development unless certification  
2180 by a registered professional engineer is provided demonstrating through hydrologic and

- 2181 hydraulic analysis performed in accordance with standard engineering practice that the effect  
 2182 of the subject encroachment together with the cumulative effects of all similar potential  
 2183 encroachments shall not materially cause water to be diverted from the established floodway,  
 2184 cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway,  
 2185 or result in any increase in flood levels during the occurrence of the base flood discharge;  
 2186 (3) Construction or reconstruction of residential structures within designated floodways, except  
 2187 for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground  
 2188 floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which  
 2189 does not exceed fifty percent of the assessed value of the structure either (A) before the repair,  
 2190 reconstruction or improvement is started, or (B) if the structure has been damaged and is being  
 2191 restored, before the damage occurred. Work done on structures to correct existing violations  
 2192 of existing health, sanitary or safety codes, or to structures identified as historic places shall  
 2193 not be included in the fifty percent. If subsection (2) of this section is satisfied, all new  
 2194 construction and substantial improvements shall comply with all applicable flood hazard  
 2195 reduction provisions of Chapters 16C.05.20 through 16C.05.72, including those set forth in  
 2196 subsection (5) below;  
 2197 (4) The construction or storage of any object subject to flotation or movement during flood level  
 2198 periods;  
 2199 (5) The following uses, due to their high degree of incompatibility with the purpose of establishing  
 2200 and maintaining a functional floodway, are specifically prohibited:  
 2201 (a) The filling of wetlands, except as authorized under Chapter 16C.06 (Fish and Wildlife  
 2202 Habitat and the Stream Corridor) and Chapter 16C.07 (Wetlands) of this title,  
 2203 (b) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,  
 2204 (c) Damming or relocation of any watercourse that will result in any downstream increase in  
 2205 flood levels during the occurrence of the base flood discharge;  
 2206 (6) The listing of prohibited uses in this section shall not be construed to alter the general rule of  
 2207 statutory construction that any use not permitted is prohibited.  
 2208

2209 **16C.05.40 NON-CONFORMING USES AND STRUCTURES**

2210 Sections:

2211 16C.05.40.010	Generally
2212 16C.05.40.020	Non-conforming Uses of Land
2213 16C.05.40.030	Non-conforming Structures
2214 16C.05.40.040	Improvements
2215 16C.05.40.050	Restoration
2216 16C.05.060	Discontinuance

2217  
 2218 **16C.05.40.010 Generally**

- 2219 (1) Within the special flood hazard areas established by Chapters 16C.05.20 through 16C.05.72 or  
 2220 amendments thereto, there may exist structures and uses of land and structures which were  
 2221 lawful before these chapters were adopted or amended, but which would be prohibited,  
 2222 regulated or restricted under the terms of Chapters 16C.05.20 through 16C.05.72 or future  
 2223 amendment.  
 2224 (2) It is the intent of Chapters 16C.05.20 through 16C.05.72 to permit these lawful pre-existing  
 2225 nonconformities to continue until they are removed by economic forces or otherwise, but not

2226 to encourage their survival except in cases where continuance thereof would not be contrary  
2227 to the public health, safety or welfare, or the spirit of said chapters.  
2228 (3) To avoid undue hardship, nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed  
2229 to require a change in the plans, construction, or designated use of any building on which actual  
2230 construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted  
2231 Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program,  
2232 and upon which actual building construction has been diligently carried on; namely, actual  
2233 construction materials placed in permanent position and fastened in a permanent manner.  
2234 Where demolition or removal of an existing building has been substantially begun preparatory  
2235 to rebuilding, such demolition or removal shall be deemed to be actual construction, provided  
2236 that work shall be diligently carried on until completion of the building involved. October 1,  
2237 1995, the effective date of the ordinance codified in Title 16A shall be used as it applies to all  
2238 other Critical Areas requirements established under Title 16A by Ordinance 8-1995.  
2239

2240 **16C.05.40.020 Non-conforming Uses of Land**

2241 If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a lawful use  
2242 of land not conducted within a building exists that is made no longer permissible under the terms  
2243 of said chapters as adopted or amended, such use may be continued as long as it remains otherwise  
2244 lawful, subject to the following provisions:

- 2245 (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater  
2246 area of the lot of record than that which it occupied at the effective date of adoption or  
2247 amendment of Chapters 16C.05.20 through 16C.05.72.  
2248 (2) At such time as a structure is erected thereon, the structure and the use of the land shall conform  
2249 to the regulations specified by Chapters 16C.05.20 through 16C.05.72 and YCC Title 19.  
2250

2251 **16C.05.40.030 Non-conforming Structures**

- 2252 (1) If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a structure  
2253 is nonconforming only because the structure is not in conformance with the applicable  
2254 elevation and/or floodproofing requirement of said chapters and Chapter 19.33 of YCC Title  
2255 19, provided that the degree of nonconformity shall not be increased and the applicable  
2256 elevation and/or floodproofing requirements of this title shall be observed, any structural  
2257 alterations or enlargements of an existing structure under such conditions shall not increase the  
2258 degree of nonconformity.  
2259 (2) A structure, nonconforming only because the structure is not in conformance with the  
2260 applicable elevation and/or floodproofing requirements of Chapters 16C.05.20 through  
2261 16C.05.72, destroyed to an extent such that restoration costs would exceed fifty percent of the  
2262 assessed value of the structure immediately prior to such occurrence, shall be considered  
2263 completely destroyed and shall be required to meet all applicable requirements of this titles  
2264 and YCC Title 19 upon restoration.  
2265

2266 **16C.05.40.040 Improvements**

2267 Nothing in Chapters 16C.05.20 through 16C.05.72 shall be construed to restrict normal structural  
2268 repair and maintenance activities, including replacement of walls, fixtures and plumbing, provided  
2269 that the value of work and materials in any twelve-month period does not exceed twenty-five  
2270 percent of the assessed value of the structure prior to such work.  
2271

2272 **16C.05.40.050 Restoration**  
2273 Nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed to prohibit the restoration of  
2274 the structural portions of a nonconforming use within six months from the date of its accidental  
2275 damage by fire, explosion, or act of God; provided that the applicable elevation and/or  
2276 floodproofing requirements of said chapters shall be adhered to if the structure is destroyed. A  
2277 structure shall be considered to be destroyed if the restoration costs exceed fifty percent of the  
2278 assessed value.

2279  
2280 **16C.05.060 Discontinuance**  
2281 If the nonconforming use is discontinued for a period of twelve consecutive months or more, the  
2282 nonconforming status of the use is terminated and any future use of the land or structures shall be  
2283 in conformity with the provisions of this title. The mere presence of a structure, equipment, or  
2284 material shall not be deemed to constitute the continuance of a nonconforming use unless the  
2285 structure, equipment or material is actually being occupied or employed in maintaining such use.  
2286 The ownership of property classed as nonconforming may be transferred without that fact alone  
2287 affecting the right to continue such nonconforming use.

2288  
2289 **16C.05.44 FLOOD HAZARD PROTECTION ADMINISTRATION**

2290 Sections:

2291 16C.05.44.010 Administration  
2292 16C.05.44.020 Authority  
2293 16C.05.44.030 Permit – Required  
2294 16C.05.44.040 Permit – Application  
2295 16C.05.44.050 Permit – Review  
2296 16C.05.44.060 Use of Available Data  
2297 16C.05.44.070 Limitations  
2298 16C.05.44.080 Permit – Expiration & Cancellation  
2299 16C.05.44.090 Performance Bonds  
2300 16C.05.44.100 Appeals  
2301 16C.05.44.110 Coordination

2302  
2303 **16C.05.44.010 Administration**  
2304 The Chief Building Official is vested with the duty of administering the rules and regulations  
2305 relating to flood hazard protection in accordance with the provisions of Chapters 16C.05.20  
2306 through 16C.05.72 and may prepare and require the use of such forms as are essential to such  
2307 administration.

2308  
2309 **16C.05.44.020 Authority**  
2310 Upon application, the Chief Building Official shall have the authority to grant a flood hazard  
2311 permit when compliance with the applicable conditions as set forth in Chapters 16C.05.20 through  
2312 16C.05.72 and in other applicable local, state and federal regulations has been demonstrated and  
2313 the proposal is found to be consistent with the purpose of the policies of the Critical Areas  
2314 Ordinance.

2315  
2316 **16C.05.44.030 Permit – Required**

2317 Prior to any development within a special flood hazard area a flood hazard permit shall be obtained.  
2318 This permit may be in addition to the critical area development authorization as set forth in Chapter  
2319 16C.03 of this title.

2320

2321 **16C.05.44.040 Permit – Application**

2322 All persons applying for a flood hazard permit shall submit a written application, accompanied by  
2323 an application fee as specified in YCC Title 20, using the forms supplied. The application shall  
2324 not be considered complete until the following minimum information is provided:

- 2325 (1) Name, address and telephone number of applicant;  
2326 (2) Name, address and telephone number of property owner;  
2327 (3) Project description and taxation parcel number;  
2328 (4) Name of the stream or body of water associated with the floodplain in which the development  
2329 is proposed;  
2330 (5) Site plan map showing:  
2331 (a) Actual dimensions and shape of the parcel to be built on,  
2332 (b) Sizes and location of existing structures on the parcel to the nearest foot,  
2333 (c) Location and dimensions of the proposed development, structure or alteration,  
2334 (d) Location, volume and type of any proposed fill,  
2335 (e) The application shall include such other information as may be required by the  
2336 administrative official, to clarify the application, including existing or proposed building  
2337 or alteration, existing or proposed uses of the building and land, and number of families,  
2338 housekeeping units or rental units the building is designed to accommodate, conditions  
2339 existing on the lot, and such other matters as may be necessary to determine conformance  
2340 with, and provide for the enforcement of Chapters 16C.05.20 through 16C.05.72;  
2341 (6) Information required by other sections of Chapters 16C.05.20 through 16C.05.72.

2342

2343 **16C.05.44.050 Permit – Review**

2344 Flood hazard permit applications will be reviewed to determine:

- 2345 (1) That the floodproofing requirements and other provisions of Chapters 16C.05.20 through  
2346 16C.05.72 have been satisfied;  
2347 (2) If the proposed development is located in the floodway, the floodway encroachment provisions  
2348 of Section 16C.05.36.020(2) are met;  
2349 (3) If the proposed development includes the alteration or relocation of a watercourse, the  
2350 provisions of Section 16C.05.28.010(4) are met;  
2351 (4) That the proposed development is a use permitted under Chapters 16C.05.20 through  
2352 16C.05.72 and YCC Title 19;  
2353 (5) That all necessary permits have been obtained from those federal, state or local governmental  
2354 agencies from which prior approval is required.

2355

2356 **16C.05.44.060 Use of Available Data**

2357 When base flood elevation data has not been provided in accordance with Section 16C.05.20.010,  
2358 (Flood hazard areas established), the county shall obtain, review, and reasonably utilize any base  
2359 flood elevation and floodway data available from a federal, state or other source, in order to  
2360 administer Section 16C.05.28.020 (Specific Standards) and 16C.05.36.020 (Floodway Prohibited  
2361 Uses) and Chapter 16C.04 (Enforcement and Penalties).

2362



2363 **16C.05.44.070 Limitations**  
2364 Permits issued on the basis of plans and applications approved by the administrative official  
2365 authorize only the use, arrangement and construction set forth in such approved plans and  
2366 applications, and no other use, arrangement or construction. Use, arrangement or construction at  
2367 variance with that authorized is a violation of Chapters 16C.05.20 through 16C.05.72 and  
2368 punishable as provided by 16C.04 (Enforcement and Penalties).

2369  
2370 **16C.05.44.080 Permit – Expiration & Cancellation**  
2371 If the work described in any permit has not begun within one hundred eighty days from the date  
2372 of issuance thereof, the permit shall expire and be canceled by the chief building official.

2373  
2374 **16C.05.44.090 Performance bonds**  
2375 (1) The county may require bonds in such form and amounts as may be deemed necessary to assure  
2376 that the work shall be completed in accordance with approvals under Chapters 16C.05.20  
2377 through 16C.05.72. Bonds, if required, shall be furnished by the property owner, or other  
2378 person or agent in control of the property.  
2379 (2) In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the  
2380 department in an amount equal to that which would be required in the surety bond.

2381  
2382 **16C.05.44.100 Appeals**  
2383 The decision to grant, grant with conditions or deny a flood hazard permit shall be final and  
2384 conclusive unless the applicant appeals the decision pursuant to the procedure established for  
2385 appeals in Chapter 16C.03.

2386  
2387 **16C.05.44.110 Coordination**  
2388 Upon application, the Chief Building Official shall have the authority to grant a flood hazard  
2389 permit when compliance with the applicable conditions as set forth in Chapters 16C.05.20 through  
2390 16C.05.72 and in other applicable local, state and federal regulations has been demonstrated and  
2391 the proposal is found to be consistent with the purpose of this title.

2392  
2393 **16C.05.48 ELEVATION AND FLOODPROOFING CERTIFICATION**

2394 Sections:

2395 16C.05.48.010 Applicability  
2396 16C.05.48.020 Certification Form  
2397 16C.05.48.030 Information to be Obtained and Maintained  
2398 16C.05.48.040 Certification Responsibility

2399  
2400 **16C.05.48.010 Applicability**  
2401 Certification shall be provided to verify that the minimum floodproofing and elevation standards  
2402 of Chapter 16C.05.28 have been satisfied. Certification shall be required only for the new  
2403 construction or substantial improvement of any residential, commercial, industrial or  
2404 nonresidential structure located in a special flood hazard area, except that agricultural and certain  
2405 accessory structures constructed in accordance with the standards of Section 16C.05.28.020(3)  
2406 shall not require certification. Such structures are still subject to elevation or floodproofing  
2407 certification for flood insurance purposes.

2408

2409 **16C.05.48.020 Certification Form**  
2410 The form of the elevation and floodproofing certificate shall be specified by the Chief Building  
2411 Official and shall be generally consistent with that required by FEMA for the administration of the  
2412 National Flood Insurance Program.).

2413  
2414 **16C.05.48.030 Information to be obtained and maintained**  
2415 The elevation and floodproofing certificate shall verify the following flood hazard protection  
2416 information:

- 2417 (1) The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of  
2418 all new or substantially improved structures, and whether or not the structure contains a  
2419 basement;
- 2420 (2) The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially  
2421 improved floodproofed structures, and that the floodproofing measures utilized below the base  
2422 flood elevation render the structure watertight, with walls substantially impermeable to the  
2423 passage of water;
- 2424 (3) Where a base flood elevation has not been established according to Section 16C.05.20.010,  
2425 obtain and record the actual elevation (in relation to mean sea level) of the lowest floor  
2426 (including basement) as related to the highest adjacent grade, and whether or not the structure  
2427 contains a basement.

2428  
2429 **16C.05.48.040 Certification Responsibility**  
2430 The project proponent shall be responsible for providing required certification data to the Chief  
2431 Building Official prior to the applicable construction inspection specified in the certification form.  
2432 All elevation and floodproofing data specified in Section 16C.05.48.030 must be obtained and  
2433 certified by a registered professional engineer, architect, or surveyor. The elevation and  
2434 floodproofing certification shall be permanently maintained by the chief building official.

2435  
2436 **16C.05.52 VARIANCES**

2437 **Sections:**

2438	16C.05.52.010	Procedure
2439	16C.05.52.020	Variance limitations
2440	16C.05.52.030	Conditions for Authorization
2441	16C.05.52.040	Administrative Official's Decision
2442	16C.05.52.050	Notification and Final Decision
2443	16C.05.52.060	Power to Refer Decisions
2444	16C.05.52.070	Appeals

2445  
2446 **16C.05.52.010 Procedure**  
2447 Any person seeking a variance from the requirements of Chapters 16C.05.20 through 16C.05.72  
2448 authorized under Section 16C.05.52.020 shall make such request in writing to the department on  
2449 forms supplied by the department. Upon receipt of a completed application and application fee for  
2450 the variance, a notice of the variance request shall be forwarded to all landowners of adjacent  
2451 property within twenty days of the receipt of completed application and fee. The notice shall solicit  
2452 written comment on the variance request and specify a time period not less than ten days from the  
2453 date of mailing, during which written comments may be received and considered. The notice shall  
2454 also state that copies of the administrative official's final decision will be mailed upon request. The

2455 administrative official may also solicit comments from any other person or public agency he or  
2456 she feels may be affected by the proposal.

2457

2458 **16C.05.52.020 Variance limitations**

2459 (1) Variances shall be limited solely to the consideration of:

2460 (a) Elevation requirements for lowest floor construction;

2461 (b) Elevation requirements for floodproofing;

2462 (c) The type and extent of floodproofing.

2463 (2) Variances shall not be considered for any procedural or informational requirements or use  
2464 prohibitions of Chapters 16C.05.20 through 16C.05.72.

2465

2466 **16C.05.52.030 Conditions for Authorization**

2467 Before a variance to the provisions of Chapters 16C.05.20 through 16C.05.72 may be authorized,  
2468 it shall be shown that:

2469 (1) There are special circumstances applicable to the subject property or to the intended use, such  
2470 as size, topography, location or surroundings, that do not apply generally to other property in  
2471 the same vicinity and zone; and

2472 (2) The granting of such variance will not be materially detrimental to the public welfare or  
2473 injurious to the property or improvements in the vicinity and zone in which the subject property  
2474 is located; and

2475 (3) Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and

2476 (4) Failure to grant the variance would result in exceptional hardship to the applicant; and

2477 (5) The granting of such a variance will not result in:

2478 (a) Increased flood heights,

2479 (b) Additional threats to public safety,

2480 (c) Creation of nuisances,

2481 (d) Extraordinary public expense,

2482 (e) Conflicts with other existing local laws or ordinances.

2483

2484 **16C.05.52.040 Administrative Official's Decision**

2485 After considering any comments received from other agencies, jurisdictions or adjoining property  
2486 owners, the administrative official shall approve, approve with conditions, or deny the variance  
2487 request. The administrative official shall prepare written findings and conclusions stating the  
2488 specific reasons upon which the decision is based.

2489

2490 **16C.05.52.050 Notification and Final Decision**

2491 The decision shall be issued within seven days from the end of the comment period. Further, the  
2492 administrative official shall mail the findings and decision to the applicant and to other parties of  
2493 record requesting a copy.

2494

2495 **16C.05.52.060 Power to Refer Decisions**

2496 In exercising the duties and powers of implementing and administering Chapters 16C.05.20  
2497 through 16C.05.72, the administrative official may refer any variance application to the hearing  
2498 examiner for action at a public hearing.

2499

2500 **16C.05.52.070 Appeals**

2501 Any decision by the administrative official to approve or deny a variance request may be appealed  
2502 subject to the procedures set forth in Section16C.03.13 (Development Authorization – Review  
2503 Procedure).

2504

2505 **16C.05.72 MAP CORRECTION PROCEDURES**

2506

2507 **Sections:**

2508 **16C.05.72.010 Federal Flood Hazard Map Correction Procedures**

2509

2510 **16C.05.72.010 Federal flood hazard map correction procedures.**

2511 The procedures for federal flood hazard map correction, as provided in federal regulations Section  
2512 70 CFR of the National Insurance Program are hereby adopted by reference.

2513

2514 **Chapter 16C.06**

2515 **FISH AND WILDLIFE HABITAT AND THE STREAM CORRIDOR SYSTEM**

2516 Sections:

2517 **Introduction**

- 2518 16C.06.01 Purpose and Intent
- 2519 16C.06.02 Protection Approach

2520

2521 **Designation and Mapping**

- 2522 16C.06.03 Hydrologically Related Critical Area Features
- 2523 16C.06.05 Functional Properties
- 2524 16C.06.06 Stream, Lake and Pond Typing System
- 2525 16C.06.07 Wetland Rating System
- 2526 16C.06.08 Maps

2527

2528 **General Development Standards**

- 2529 16C.06.10 Prohibited Uses
- 2530 16C.06.11 General Policies and Standards

2531

2532 **Water Dependency Development Standards and Buffer Requirements**

- 2533 16C.06.12 Use Classifications
- 2534 16C.06.13 Water-dependent Uses
- 2535 16C.06.14 Water-related Uses
- 2536 16C.06.15 Non-water Oriented Uses
- 2537 16C.06.16 Vegetative Buffers

2538

2539 **Land Modification Development Standards**

- 2540 16C.06.17 Roads, Railroads and Parking
- 2541 16C.06.18 Utility Transmission Lines
- 2542 16C.06.19 Shore Stabilization
- 2543 16C.06.20 Dredging and Excavation
- 2544 16C.06.21 Filling
- 2545 16C.06.22 Commercial Mining of Gravels
- 2546 16C.06.23 Reclamation

2547

**Commented [TV45]:** CPUC II. Required Components of Development Regulations #11(a) Classification and Designation.

**Commented [TV46]:** CPUC II. Required Components of Development Regulations #11(h) Regulations that protect the functions and values of fish and wildlife habitat conservation areas. In addition, counties shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

**Commented [TV47]:** Codified version also has each section listed as Articles I thru VI.

2548 **16C.06.01 Purpose and Intent**

- 2549 (1) The stream corridor system includes hydrologically related critical areas, streams, lakes, ponds,  
2550 and wetlands, and are part of a fragile and highly complex relationship of geology, soils, water,  
2551 vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and  
2552 standards to help conserve, protect, and, where feasible, restore and enhance this complex  
2553 relationship. These regulations have been designed to:
- 2554 (a) Meet the requirements of the Growth Management Act (RCW 36.70A.172) to protect the  
2555 functions and values of fish and wildlife habitat, wetlands, stream undercutting geologic  
2556 hazards and frequently flooded areas; and to give special consideration to anadromous fish;
  - 2557 (b) Meet eligibility requirements of the National Flood Insurance Program (NFIP).
- 2558 (2) The guidelines, policies, and standards of this chapter are intended to:
- 2559 (a) Provide alternatives for necessary development, construction, and uses within a designated  
2560 stream corridor and other hydrologically related critical areas;
  - 2561 (b) Prevent further degradation in the quantity and quality of surface and subsurface waters;
  - 2562 (c) Conserve, restore, and protect sensitive or unique fish and wildlife habitats, vegetation, and  
2563 ecological relationships;
  - 2564 (d) Protect public and private properties from adverse effects of improper development within  
2565 hazardous or sensitive areas of the stream corridor;
  - 2566 (e) Provide a zero net loss of natural wetlands functions and values together with, a gain of  
2567 wetlands in the long term, if reasonably possible through voluntary agreements or  
2568 government incentives;
  - 2569 (f) Establish measures to protect streams, lakes, ponds, and wetlands;
  - 2570 (g) Recognize that, based on WAC 365-190-~~130080(15)~~ (Fish and Wildlife Habitat  
2571 Conservation Areas) ~~wildlife habitat conservation~~ means land management for maintaining  
2572 populations of species in suitable habitats within their natural geographic distribution so  
2573 that the habitat available is sufficient to support viable populations over the long term and  
2574 isolated subpopulations are not created. This does not mean maintaining all individuals of  
2575 all species at all times, but it does mean not degrading or reducing populations or habitats  
2576 so that they are no longer viable over the long term. Counties and cities should engage in  
2577 cooperative planning and coordination to help assure long term population viability.  
2578 ~~land use planning is critically important;~~ Fish and wildlife habitat conservation areas  
2579 contribute to the state's biodiversity and occur on both publicly and privately owned lands.  
2580 Designating these areas is an important part of land use planning for appropriate  
2581 development densities, urban growth area boundaries, open space corridors, and incentive-  
2582 based land conservation and stewardship programs.

**Commented [TV48]:** CPUC II. Required Components of Development Regulations #11(i) Regulations that protect the functions of frequently flooded areas.

**Commented [TV49]:** CPUC II. Required Components of Development Regulations #11(h) Regulations that protect the functions and values of fish and wildlife habitat conservation areas. In addition, counties shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

**Commented [TV50]:** Updated. WAC 365-190-080(5) FWCHA reference number and definition has changed.

**Commented [TV51]:** Updated WAC 365-190-080(5) FWCHA reference number and definition has changed.

2584 **16C.06.02 Protection Approach**

- 2585 (1) To maintain viable populations of fish and wildlife species, there must be adequate  
2586 environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals  
2587 at a variety of scales across the landscape. Key factors affecting habitat quality include  
2588 fragmentation, the presence of essential resources such as food, water, nest building materials,  
2589 the complexity of the environment, and the presence or absence of predator species and  
2590 diseases. As a method of linking large habitat areas, migration corridors offer a means by  
2591 which to connect publicly protected lands and other intact habitat areas. Riparian corridors  
2592 offer a natural system of such linkages. Yakima County accomplishes fish and wildlife habitat  
2593 protection in 3 parts:

- 2594 (a) Protect habitat for aquatic (in-water) species through stream, lake, pond- and wetland  
 2595 standards;
- 2596 (b) Protect habitat for riparian (near-water) species through stream, lake, pond, and wetland  
 2597 standards and buffer requirements;
- 2598 (c) Protect upland habitat conservation areas using the habitat protection measures of Chapter  
 2599 16C.11.
- 2600 (2) Yakima County has a very high proportion of federal, state and other publicly and tribally  
 2601 owned land, including State Natural Area Preserves and Natural Resource Conservation Areas.  
 2602 These lands are managed to some extent for the conservation of wildlife habitat. Consequently,  
 2603 one of Yakima County's approaches to protecting all wildlife habitat types is to rely on the  
 2604 management of these lands by the responsible entity. The protection of Larch mountain  
 2605 salamander (*Plethodon larselli*) (State Sensitive, Federal Species of Concern) and Spotted Owl  
 2606 (*Strix occidentalis*) (State Endangered, Federal Threatened) habitat is accomplished through  
 2607 this approach, since their habitat of primary association is located within Federal ownership.
- 2608 (3) To accomplish upland wildlife protection on private lands, Yakima County performed an  
 2609 assessment to map wildlife habitat. Only a small percentage of the mapped area is within  
 2610 private ownership and that is largely in remote areas of forest and rangeland. Consequently,  
 2611 part of Yakima County's approach to protect upland wildlife on private land is to rely on the  
 2612 large lot/low density provisions of the Remote (40-acre minimum), Forest (80-acre minimum)  
 2613 and Agriculture (40-acre minimum) zoning districts.
- 2614 (4) Corridors for wildlife to move between large habitat areas are a component of wildlife habitat.  
 2615 Riparian corridors offer a natural system of linkages between such areas. In semi-arid regions  
 2616 such as Yakima County, riparian corridors not only offer migratory linkages between large  
 2617 habitat areas but also offer important refuge and habitat for numerous species that rely on the  
 2618 riparian areas for their existence. Consequently, Yakima County's approach to protect  
 2619 wildlife migration corridors and riparian habitat is to rely on the protection measures for stream  
 2620 corridors, wetlands, and Shoreline jurisdiction (YCC 16D), where applicable.
- 2621 (5) Through the wildlife habitat analysis, habitat for listed state and federal threatened,  
 2622 endangered, and sensitive species was assessed and incorporated for upland species.  
 2623 Consequently, Yakima County's approach to protect habitat for listed state and federal  
 2624 threatened, endangered, and sensitive upland species is outlined in Section 16C.11.060 and  
 2625 16C.11.070. Protection measures for Bull Trout (*Salvelinus confluentus*) (State Candidate,  
 2626 Federal Threatened) and Steelhead — (*Oncorhynchus mykiss*) (State Candidate, Federal  
 2627 Threatened) are accomplished by the standards in Chapter 16C.06.

### Designation and Mapping

#### 16C.06.03 Hydrologically Related Critical Area Features

The stream corridor and other hydrologically related critical areas [are designated critical areas and](#)  
 include one or more of the following features:

- (1) Any floodway and floodplain identified as a special flood hazard area. Special flood hazard  
 areas are those identified by the Federal Insurance Administration in the Flood Insurance Study  
 for Yakima County which, together with accompanying Flood Insurance Maps, is hereby  
 adopted by reference and declared to be a part of this title as set forth in Chapters 16C.05.20  
 through 16C.05.72;

**Commented [DD52]:** GUCACQE Question 11a (Part 1): Does the CAO clearly designate all critical areas found within the jurisdiction?

**Answer:** Just having title of "Designation and Mapping" may not be sufficient. I therefore suggest this edit .

If accepted, this edits needs to be added in the white paper.

**Commented [BG53]:** While they are designated, including the proposed language makes it clear that it is a designated critical area.

- 2639 (2) Perennial and intermittent streams, excluding ephemeral streams, including the stream main  
 2640 channel and all secondary channels within the Ordinary High Water Mark;  
 2641 (3) Naturally occurring ponds under twenty acres and their submerged aquatic beds; and man-  
 2642 made lakes and ponds created within a stream channel designated under (2) above;  
 2643 (4) All wetlands, that meet the definition found in Section 16C.02.425, as required by WAC 365-  
 2644 190-080(1), and as designated in Section 16C.07.02(1) of the wetland chapter;  
 2645 (5) Where specifically cited, any flood-prone area not included in a designated floodway and  
 2646 floodplain but indicated as flood-prone by U.S. Soil Conservation Service soil survey data or  
 2647 geologic evidence developed through professional geologists or engineers;  
 2648 (6) A buffer area extending on a horizontal plane from the ordinary high water mark of a stream  
 2649 channel, lake, or pond, designated in this section or from the edge of a wetland designated in  
 2650 this section according to the distances set forth in Section 16C.06.16 (Vegetative Buffers);  
 2651

2652 **16C.06.05 Functional Properties**

- 2653 (1) Streams, lakes and ponds and wetlands require a sufficient riparian area to support one or more  
 2654 of the following functional properties:  
 2655 (a) Streambank and shore stabilization;  
 2656 (b) Providing sufficient shade through canopy cover to maintain water temperatures at  
 2657 optimum levels and to support fish habitat;  
 2658 (c) Moderating the impact of stormwater and meltwater runoff;  
 2659 (d) Filtering solids, nutrients, and harmful substances;  
 2660 (e) Surface erosion prevention;  
 2661 (f) Providing and maintaining migratory corridors for wildlife;  
 2662 (g) Supporting a diversity of wildlife habitat;  
 2663 (h) Providing floodplain functions noted below;  
 2664 (i) Contributing woody debris and organic matter to the aquatic environment;  
 2665 (j) Providing altered climatic conditions different from upland areas.  
 2666 (2) Stream channels generally support one or more of the following functional properties:  
 2667 (a) Groundwater recharge and/or discharge;  
 2668 (b) Water transport;  
 2669 (c) Sediment transport and/or storage;  
 2670 (d) Biogeochemical functions (see lakes, ponds and wetland functions below);  
 2671 (e) Channel migration and creation of a dynamic habitat mosaic;  
 2672 (f) Food web and habitat functions  
 2673 (3) Lakes, ponds and wetlands generally provide similar functions, sometimes to a greater or lesser  
 2674 degree. Wetlands are often located along the margins of lakes and ponds, which often mixes  
 2675 the functions between the two. Lakes, ponds and wetlands generally provide one or more of  
 2676 the following functional properties:  
 2677 (a) Biogeochemical functions, which are related to trapping and transforming chemicals and  
 2678 include functions that improve water quality in the watershed such as: nutrient retention  
 2679 and transformation, sediment retention, metals and toxics retention and transformation;  
 2680 (b) Hydrologic functions, which are related to maintaining the water regime in a watershed,  
 2681 such as: flood flow attenuation, decreasing erosion, groundwater recharge;  
 2682 (c) Food web and fish and wildlife habitat functions, which includes habitat for: invertebrates,  
 2683 amphibians, anadromous fish, resident fish, birds, mammals.  
 2684 (4) Floodplains generally provide one or more of the following functional properties:

**Commented [TV54]:** CPUC II. Required Components of Development Regulations #11(h) Regulations that protect the functions and values of fish and wildlife habitat conservation areas. In addition, counties shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.



- 2685 (a) Floodwater storage and passage, including the movement of high velocity flood waters;  
 2686 (b) Sediment storage and recruitment;  
 2687 (c) Food web and habitat functions;  
 2688 (d) Nutrient sink and/or source;  
 2689 (e) Groundwater recharge and/or discharge.  
 2690 (5) Some functions, as, for example, supporting a diversity of wildlife habitat, require larger areas  
 2691 which may not be achievable due to existing development and construction constraints. In  
 2692 these instances, adjustments to the minimum standards to accommodate such constraints may  
 2693 be necessary. However, a reduction of standards impairs the hydrologically related critical  
 2694 area's ability to support some functional properties. Reductions of standards should be offset  
 2695 by enhancement, restoration or preservation measures which replace lost functions or  
 2696 strengthen other functional properties if replacement of the lost functions is not possible.  
 2697

2698 **16C.06.06 Stream, Lake and Pond Typing System**

2699 For purposes of this title, Yakima County hereby adopts a stream, lake and pond typing system,  
 2700 for those features designated as critical areas in Section 16C.06.03 (Hydrologically Related  
 2701 Critical Area Features), as follows:

- 2702 (1) **Type 1 streams, lakes and ponds** are those waters-, within their ordinary high water mark  
 2703 (OHWM), meeting the criteria as "shorelines of the state" and "shorelines of statewide  
 2704 significance" under RCW Chapter 90.58, but not including those waters' associated wetlands  
 2705 as defined in RCW Chapter 90.58. The current list of Shoreline waters, along with their specific  
 2706 shoreline environments are provided in Appendix B and C of the Shoreline Master Program.  
 2707 Type 1 streams and lakes are protected by the Shoreline Mater Program (YCC Title 16D),  
 2708 rather than the CAO;  
 2709 (2) **Type 2 streams** are those streams that may be perennial or seasonal and that are known to be  
 2710 used by anadromous fish. Type 2 streams require protection due to the nature of their  
 2711 contributions to the functional properties listed in Section 16C.06.05. Designated Type 2  
 2712 streams are listed in Appendix A of this title.  
 2713 (3) **Type 3 streams** include all perennial streams within Yakima County not classified as Type 1  
 2714 or 2;  
 2715 (4) **Type 4 streams** are all intermittent streams within Yakima County not classified as Type 1, 2  
 2716 or 3;  
 2717 (5) **Type 5 streams** are all ephemeral streams within Yakima County not classified as Type 1, 2,  
 2718 3 or 4. Type 5 streams are not regulated under this title;  
 2719 (6) **Lakes and ponds** not designated as a shoreline that receive water from the OHWM of a Type  
 2720 2, 3, or 4 stream shall have the same surface water type as the highest stream type associated  
 2721 with it;  
 2722 (7) **Natural lakes and ponds**, not designated as a shoreline, that do not receive water from the  
 2723 OHWM of a Type 1, 2, 3, or 4 stream shall be Type 3 ponds.  
 2724

2725 **16C.06.07 Wetland Rating System**

2726 Wetlands within Yakima County are defined in Section 16C.02.425 and are shown on the data  
 2727 maps referenced in Section 16C.06.08 (Maps). Most, but not all, of the wetlands within Yakima  
 2728 County occur near streams. All wetlands deserve a standard of protection, through the use of  
 2729 vegetative buffers, that is directly related to their contribution to the functional properties listed in  
 2730 Section 16C.06.05 (Functional Properties) and Section 16C.07.04 (Wetland Functions and  
 2731

**Commented [TV55]:** New water typing system WAC 222-15-030 implemented after 2006, we review it, determined to stick with existing.

**Commented [BG56]:** By keeping Type-2 Streams as a separate stream type, we are identifying the measures taken for special protection of anadromous fisheries.

2731 Rating). For regulatory purposes, wetlands are classified into four categories according to the  
2732 Wetland Rating System found in Section 16C.07.04(2) (Wetland Functions and Rating) of the  
2733 wetland chapter.

2734

#### 2735 **16C.06.08 Maps**

2736 Certain fish and wildlife habitat and hydrologically related critical areas have been inventoried and  
2737 are depicted on a series of paper and electronic maps maintained at the Yakima County Public  
2738 Services Department. The best available graphic depiction of critical areas within the county will  
2739 be used and continuously updated as reliable data becomes available. Maps may be both regulatory  
2740 and non-regulatory in nature as described below:

2741 (1) Regulatory maps are created with a defined process not necessarily corresponding directly with  
2742 easily observable physical features such as streams and wetlands. These maps define the  
2743 regulated critical areas. They are also formally adopted by the Board of Yakima County  
2744 Commissioners and may only be changed by that body. Regulatory maps include the  
2745 following:

2746 (a) Any floodway or floodplain identified as a special flood hazard area by the Federal  
2747 Insurance Administration in the Flood Insurance Study for Yakima County.

2748 (2) Administrative maps are intended to indicate the approximate presence, location and/or typing  
2749 of the subject critical area features, and act as a trigger for further investigation of the extent  
2750 and characteristics of critical areas in a specific project location. These maps were created  
2751 using reconnaissance level or better data. Given site-specific variations in reconnaissance level  
2752 data, more detailed information developed at the site-specific level may be used to modify the  
2753 maps as it is developed; the maps maintained by the Yakima County Public Services  
2754 Department do not officially define the extent or characteristics of specific critical areas; rather  
2755 the physical characteristics that exist “on the ground” define the boundaries of the regulated  
2756 critical areas. Administrative maps include, but are not limited to the following:

2757 (a) Wetlands;

2758 (b) Streams;

2759 (c) Channel migration zone;

2760 (d) Species and Habitats of Local Importance - Mapped habitat areas for newly listed species  
2761 will be generated as needed to supplement the existing maps. Habitats of local importance  
2762 currently include:

2763 i) Type 2 Streams, lakes and/or ponds listed in Appendix A.

2764 (e) Upland Wildlife Habitat Analysis Map.

2765 (3) Other information sources – these are maps or other data sources, including special studies and  
2766 management plans, which are neither produced or maintained by the Yakima County Public  
2767 Services Department, which are used to indicate the presence of Critical Areas, importance or  
2768 ranking of critical areas functions, or hazard or risk associated with Critical Areas. These  
2769 information sources include, but are not limited to:

2770 (a) Comprehensive Flood Hazard Management Plans and associated studies;

2771 (b) Soil Survey of Yakima County;

2772 (c) Natural resource management plans, such as local and federal Recovery Plans, or Forest  
2773 Plans prepared by the US Forest Service;

2774 (d) Surficial Geologic Maps;

2775 (e) Historic and Current Aerial Photo Series;

2776 (f) Geohydraulic studies – geologic cross sections showing aquifers and confining units.

**Commented [TV57]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

**Commented [DD58]:** GUCACQE Question 11c (Part 1): Does the CAO clearly designate all critical areas found within the jurisdiction?

**Answer:** Yes, for floodways and floodplains. No revisions required.

**Commented [DD59]:** GUCACQE Question 11d (Part 2): While mapping known critical areas is recommended, jurisdictions should be clear that maps are advisory only and are not used to designate critical areas.

**Answer:** 16C.06.08(2) satisfies that maps are advisory. No revisions required.

2777  
2778  
2779

## General Development Standards

### 16C.06.10 Prohibited Uses

The following uses and activities are prohibited within a designated hydrologically related critical area:

- (1) Storage, handling, and disposal of material or substances that are dangerous or hazardous with respect to water quality and life safety;
- (2) Confinement feeding operations including livestock feedlots and dairy confinement areas;
- (3) The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;
- (4) The draining or filling of a wetland, lake or pond, except as provided for in Section 16C.06.21 (Filling);
- (5) The removal and transport of material for fill outside of the stream corridor;
- (6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities. This provision does not include municipal wastewater lines or septic systems approved by a local or state agency with authority to permit such facilities;
- (7) Solid waste disposal sites;
- (8) Automobile wrecking yards;
- (9) Fill for the sole purpose of increasing land area within the stream corridor;
- (10) Those uses located within the floodway fringe that are listed in 16C.05.32.020 (new and expanded mobile or manufactured home parks);
- (11) Those uses located within the floodway that are listed in 16C.05.36.020 (dwellings, filling wetlands, landfills, junkyards, storage of vehicles and material, damming streams, and any use causing flood impacts.)

### 16C.06.11 General Policies and Standards

The following policies and standards shall apply to any development, construction, or use carried out within a designated hydrologically related critical area:

- (1) The Ordinary High Water Mark of a stream or lake, the edge of a wetland, and the outside edges of stream and/or wetland buffers shall be marked on the ground before any development, construction, or use is initiated.
- (2) Existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the stream corridor shall be disturbed to the minimum extent possible.
- (3) Nesting areas and other sensitive wildlife habitat identified within a stream corridor shall be disturbed to the minimum extent possible.
- (4) Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered.
- (5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by a local, state or federal agency, and transportation projects using stormwater manuals that are deemed equivalent to the Eastern Washington Stormwater Manual are ~~exempt from the requirements below.~~ are considered to have met the following required development standards that apply to all projects:

**Commented [DD60]:** This revision is not required revision from GUCACOE. However, I am recommending it because the current wording can lead someone to misinterpret the regulation. Using the word "exempt" here makes it sound like that if the applicant has a stormwater permit, he/she doesn't have to abide by the following stormwater development standards (16C.06.11(5)(a-f), which is not the intent of this regulation. The revision has been submitted to make the meaning more clear that if one has a stormwater permit, the permit meets all the stormwater development standards that are required.

This edit needs to be added in the white paper, if accepted.

- 2822 (a) Excavation, grading, cut/fills, compaction, and other modifications which contribute to  
2823 erosion of upland soils shall be confined to the minimum necessary to complete the  
2824 authorized work and avoid increased sediment load.
- 2825 (b) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for  
2826 periods when soils are the least vulnerable to erosion, compaction and movement unless  
2827 suitable protective measures are used to prevent erosion.
- 2828 (c) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to  
2829 ensure the minimal duration of exposed, unprotected soils.
- 2830 (d) Increases in impervious surface area, compaction of soil, changes in topography, and other  
2831 modifications of land within a stream corridor which are determined will permanently  
2832 increase stormwater and meltwater runoff into stream channels, drainage ways, and  
2833 conduits, shall provide on-site or off-site facilities for the detention, control, and filtration  
2834 of such increases.
- 2835 (e) The discharge point for controlled stormwater and meltwater runoff and other outfall shall  
2836 be designed and constructed to avoid causing erosion through the use of native riparian  
2837 vegetation where possible or by reducing velocity, use of rock spillways, riprap, splash  
2838 plates, or other demonstrably effective means.
- 2839 (f) Matting or approved temporary ground cover shall be used to control erosion until natural  
2840 vegetative ground cover is successfully established.
- 2841 (6) Development, construction, and uses shall not directly or indirectly degrade surface water and  
2842 groundwater through the introduction of nutrients, fecal coliform, toxins, and other  
2843 biochemical substances.
- 2844 (7) Prior to the approval of development, construction, or uses within a designated stream corridor,  
2845 any existing source of biochemical or thermal degradation identified as originating on the  
2846 project property or on contiguous properties of the same ownership shall be corrected.
- 2847 (8) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk  
2848 products, application schedules, and other protective methodology to minimize the surface and  
2849 subsurface transfer of biochemical materials into the stream corridor.
- 2850 (9) Modifications to natural channel gradient, channel morphology, drainage patterns, and other  
2851 stream features shall not permanently alter or obstruct the natural volume or flow of surface  
2852 waters.
- 2853 (10) Development, construction, or uses within the stream corridor shall not alter or divert flood  
2854 flows causing channel shift or erosion, increase or accelerate the flooding of upstream or  
2855 downstream flood hazard areas, or otherwise threaten public or private properties.
- 2856 (11) Wells located within a stream corridor shall be protectively lined and installed in a deep  
2857 aquifer with an acceptable minimum hydraulic continuity with either surface waters or a  
2858 shallow aquifer.
- 2859 (12) Structures placed in close proximity to the outer edge of bends in stream channels identified  
2860 as having a high potential to meander shall be located to minimize the hazard from stream  
2861 undercutting and stream bank erosion stemming from potential future stream migration.
- 2862 (13) Adjacent communities and the Department of Ecology shall be notified prior to any  
2863 alteration or relocation of a watercourse and evidence of such notification shall be submitted  
2864 to the Federal Emergency Management Agency.
- 2865 (14) Require that maintenance is provided within the altered or relocated portion of said  
2866 watercourse so that the flood-carrying capacity is not diminished.

- 2867 (15) Development, construction, or uses within the hydrologically related critical area that  
2868 would contribute to the degradation of the functions and values shall be avoided or mitigated  
2869 using mitigation sequencing as outlined in Section 16C.03.10 (Mitigation Requirements).
- 2870 (16) Development shall not obstruct, cut off, or isolate stream corridor features.
- 2871 (17) Nothing in these regulations shall constitute authority of any person to trespass or in any  
2872 way infringe upon the rights of private ownership.
- 2873 (18) If archaeological resources are uncovered during excavation, developers and property  
2874 owners shall immediately stop work and notify Yakima County, the Washington State Office  
2875 of Archaeology and Historic Preservation and any affected Indian tribes. Archaeological sites  
2876 are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites  
2877 and records), and development or uses that may impact such sites shall comply with WAC 25-  
2878 48 (Archaeological Excavation and Removal Permit).
- 2879 (19) The provisions of Chapters 16C.05.20 through 16C.05.72 of this title shall also apply to  
2880 the development of lots and the placement, construction, or installation of structures in  
2881 floodways and floodplains.
- 2882 (20) Any portion of the vegetative buffer temporarily damaged or disturbed as a result of  
2883 construction activities (excluding approved permanent use areas) shall be repaired at the  
2884 completion of construction using reclamation standards in Section 16C.06.23 (Reclamation).
- 2885 (21) Projects located within the floodway must meet the requirements of 16C.05.36.010  
2886 (Floodway – Permitted Uses).
- 2887 (22) Projects within a floodplain must meet the requirements of Section 16C.05.28. (Flood  
2888 Hazard Protection Standards) and 16C.05.32 (Floodway Fringe Uses).
- 2889 (23) Changing from an existing use or development which does not meet the provisions of this  
2890 chapter to a new use shall be reviewed in light of the following:
- 2891 (a) The conversion will demonstrably reduce impacts to stream corridor and other  
2892 hydrologically related critical area features; and
- 2893 (b) The conversion will restore and/or enhance the functional properties outlined in Section  
2894 16C.06.05 (Functional Properties).
- 2895

### 2896 **Water Dependency Development Standards and Buffer Requirements**

#### 2897 **16C.06.12 Use Classifications**

2899 For purposes of this chapter, the components of any development, construction, or use requiring a  
2900 critical area development authorization shall be classified as provided below, and shall conform  
2901 with the development standards applicable to the classification provided in Sections 16C.06.13  
2902 through 16C.06.15, except for those activities listed in Section 16C.03.05 (Minor Activities  
2903 Allowed without a Permit):

- 2904 (1) Water Oriented Uses are one of the following two categories of uses:
- 2905 (a) Water-dependent uses include dams, water diversion facilities, marinas, boat launching  
2906 facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland  
2907 crossings for roads and railroads, stream and wetland crossings for utilities, swimming  
2908 beaches, fishing sites, in-water or on-land shore stabilization structures, livestock watering  
2909 sites, and other uses that cannot exist in any other location and are dependent on the water  
2910 by reason of the intrinsic nature of their operations. This provision applies only to the  
2911 specific portion of a project that is demonstrably dependent upon the water or shore.

2912 (b) A water-related use is one not intrinsically dependent on a waterfront location but whose  
2913 economic viability is enhanced by a waterfront location either because it requires large  
2914 quantities of water, or because it provides services for water dependant uses and the  
2915 proximity to its customers makes such services less expensive and/or more convenient.  
2916 Examples would include thermal power plants, wastewater treatment plants, water  
2917 processing and treatment plants, support services for fish hatcheries or aquaculture, fly  
2918 shops and boat rental shops.

2919 (2) Non-water-oriented uses include any use not qualifying as uses in subsection (1) above.  
2920

#### 2921 **16C.06.13 Water-dependent Uses**

2922 The following provisions shall apply to water-dependent uses:

- 2923 (1) Structures shall be clustered at locations on the water's edge having the least impact to the  
2924 surface water and shore;  
2925 (2) Use areas and structures which require direct shore locations shall be located and constructed  
2926 to minimize impacts to the shore area and the vegetative buffer specified in Section 16C.06.16  
2927 (Vegetative Buffers);  
2928 (3) Use areas and structures requiring direct shore locations shall minimize any obstruction or  
2929 impairment of normal public navigation of the surface water.  
2930

#### 2931 **16C.06.14 Water-related Uses**

2932 The following provisions shall apply to water-related uses:

- 2933 (1) Structures and use areas shall be located as far landward from the ordinary high water mark or  
2934 wetland edge as is possible and still preserve the essential or necessary relationship with the  
2935 surface water;  
2936 (2) Structures and use areas shall not be located within the vegetative buffer specified in Section  
2937 16C.06.16 (Vegetative Buffers) except where existing development or the requirements  
2938 associated with the use make such a location unavoidable.  
2939

#### 2940 **16C.06.15 Non-water Oriented Uses**

2941 The following provisions shall apply to non-water-oriented uses:

- 2942 (1) Structures and use areas shall be set back so as not to be located within the vegetative buffer  
2943 specified in Section 16C.06.16 (Vegetative Buffers);  
2944 (2) Construction abutting the vegetative buffer specified in Section 16C.06.16 (Vegetative  
2945 Buffers) shall be designed and scheduled to ensure there will not be permanent damage or loss  
2946 of the vegetative buffer.  
2947

#### 2948 **16C.06.16 Vegetative Buffers**

2949 (1) Establishment. There is hereby established a system of vegetative buffers that are necessary to  
2950 protect and maintain the functions and values of certain hydrologically related critical areas.  
2951 Standard buffers for streams, lakes, ponds and wetlands, based on a review of the best available  
2952 science, are listed in table 6-1 and 6-2.

- 2953 (a) Vegetative buffers shall be measured horizontally from the Ordinary High Water Mark  
2954 (OHWM) for streams, lakes and ponds, and from the wetland edge for wetlands, as  
2955 identified in the field. The width of the buffer shall be determined according to the stream  
2956 or wetland type.

**Commented [DD61]:** GUCACQE Question 12 (Part 1): Does the CAO include science-based standards to protect critical areas?  
**Answer:** Revised to meet the requirements to use science-based standards to protect critical areas and maintain their functions.

This edit needs to be added in the white paper.

**Commented [TV62]:** CPUC II, Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC's affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation's concern with salmonid species and habitat.

- 2957 (b) Buffer width may be reduced through an Adjustment (16C.03.23) permit process. Type 1  
 2958 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D)  
 2959 rather than the Critical Areas Ordinance (YCC Title 16C).  
 2960 (c) The adequacy of these standard buffer widths presumes the existence of a relatively intact  
 2961 native vegetation community in the buffer zone adequate to protect the stream functions  
 2962 and values at the time of the proposed activity. If the vegetation is degraded, then no  
 2963 adjustment to the buffer width should be granted and re-vegetation should be considered.  
 2964 Where the use is being intensified, a degraded buffer should be re-vegetated to maintain  
 2965 the standard width.  
 2966  
 2967

**Table 6 – 1**

Stream Type	Buffer Width
Type 1 Shoreline streams, lakes and ponds	See 16C.06.16, subsections (1)(a)-(c). 100' (Type 1 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D) rather than the Critical Areas Ordinance (YCC Title 16C))
Type 2 streams, lakes and ponds	100'
Type 3 streams (Perennial), lakes and ponds	50'
Type 4 streams (Intermittent), lakes and ponds	25'
Type 5 streams (Ephemeral)	<b>No buffer standards</b> Type 5 streams are not regulated through buffer requirements, <del>but</del> <b>However,</b> activities such as clearing, grading, dumping, filling, or activities that restrict or block flow, redirect flow to a point other than the original exit point from the property or result in the potential to deliver sediment to a drainage way/channel, are regulated under clearing and grading regulations. These drainages may also be protected under geologically hazardous area, floodplain, stormwater, building and construction, or other development regulations.

**Commented [TV63]:** Byron: Added "However" to emphasize how Type 5 streams are regulated.

2968  
 2969  
 2970

**Table 6-2**

Type 1 Wetlands	Type 2 Wetlands	Type 3 Wetlands	Type 4 Wetlands
200'	100'	75'	50'

2971  
 2972  
 2973  
 2974  
 2975  
 2976

**Land Modification Development Standards**

**16C.06.17 Roads, Railroads and Parking**

The following provisions shall apply to the location and construction of roads, railroads and parking within a designated hydrologically related critical area; except that logging roads, being a

2977 special category of roads, may be regulated as Forest Practices under this title (refer to those  
2978 relevant sections):

- 2979 (1) Roads and railroads shall not be located within a designated stream corridor except where it is  
2980 necessary to cross the corridor, or where existing development, topography, and other  
2981 conditions preclude locations outside the stream corridor.  
2982 (a) Construction of roadways across stream corridors shall be by the most direct route possible  
2983 having the least impact to the stream corridor.  
2984 (b) Roadways that must run parallel to stream or wetland edges shall be along routes having  
2985 the greatest possible distance from stream or wetland and the least impact to the corridor.  
2986 (c) Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate  
2987 stream corridor features.  
2988 (2) Material excavated from the roadway area to achieve the design grade shall be used as fill  
2989 where necessary to maintain grade, or shall be transported outside the corridor;  
2990 (3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause  
2991 displacement that would increase the elevation of flood waters such that it would cause  
2992 properties not in the floodplain to be flood-prone;  
2993 (4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the  
2994 stream corridor;  
2995 (5) Bridges and water-crossing structures shall not constrict the stream channel or impede the  
2996 flow of the ordinary high water, sediment and woody debris;  
2997 (6) The preservation of natural stream channels and drainage ways shall be preferred over the use  
2998 of culverts, where culverts are the preferred method, large, natural bottom culverts, multi-plate  
2999 pipes and bottomless arches are preferred;  
3000 (7) The alignment and slope of culverts shall parallel and match the natural flow of streams or  
3001 drainage ways, unless doing so conflicts with subsection (1) and (2), and shall be sized to  
3002 accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.  
3003 (8) Where fish are present, culverts shall be designed and constructed to specifications provided  
3004 through the Department of Fish and Wildlife or a comparable source of expertise;  
3005 (9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed  
3006 away during high water;  
3007 (10) Roads must be designed and constructed using established flood resistant and design and  
3008 construction methods when they may be subject to damage by flood waters;  
3009 (11) Roads and bridges within floodways must meet the requirements of Section 16C.05.36.010  
3010 (2) and (7).  
3011

#### 3012 **16C.06.18 Utility Transmission Lines and Facilities**

3013 The following provisions shall apply to the location, construction, or installation of utility  
3014 transmission lines and facilities (such as those for wastewater, water, communication, natural gas,  
3015 etc.) within a designated hydrologically related critical area:

- 3016 (1) Utility transmission lines and facilities shall be permitted within the stream corridor only where  
3017 it is necessary to cross the corridor or where existing development, topography, and other  
3018 conditions preclude locations outside the stream corridor.  
3019 (a) Utility transmission lines and facilities across stream corridors shall be by the most direct  
3020 route possible having the least impact to the stream corridor.

Commented [TV64]: CPUC II, Required Components of  
Development Regulations #11(n) Forest Practices.



- 3021 (b) The construction of utility transmission lines and facilities within a stream corridor shall  
3022 be designed and located to ensure minimum disruption to the functional properties  
3023 specified under Section 16C.06.05 (Functional Properties) of this title.
- 3024 (2) Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy  
3025 replacement or repair with minimal disturbance to the stream corridor;
- 3026 (3) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four  
3027 feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is  
3028 greater, and for a similar depth below any associated floodway and floodplain to the maximum  
3029 extent of potential channel migration as determined by hydrologic analysis;
- 3030 (4) Wherever possible, new aboveground installations shall use available, existing bridge and  
3031 utility locations and stream corridor crossings as opposed to creating new locations and stream  
3032 corridor crossings;
- 3033 (5) Aboveground electrical support towers and other similar transmission structures shall be  
3034 located as far upland as is practical;
- 3035 (6) Transmission support structures shall be located clear of high flood velocities, located in areas  
3036 of minimum flood depth which require the least floodproofing, and shall be adequately  
3037 floodproofed;
- 3038 (7) Underground utility transmission lines shall be constructed so they do not alter, intercept or  
3039 dewater groundwater patterns that support streams, wetlands and hyporheic flow;
- 3040 (8) All new and replacement water supply systems and wastewater systems within a special flood  
3041 hazard area must meet the requirements of 16C.05.28.010(2) (re: infiltration or discharge into  
3042 or out of the system);
- 3043 (9) Utility transmission lines within the Floodway Fringe shall meet the standards of  
3044 16C.05.32.010(2);
- 3045 (10) Utility transmission lines within the Floodway shall meet the standards of  
3046 16C.05.36.010(2).

3047

3048 **16C.06.19 Shore Stabilization**

- 3049 (1) The following provisions shall apply to shore stabilization projects:  
3050 Shore stabilization projects shall be allowed only where there is evidence of erosion which  
3051 clearly represents a threat to existing property, structures, or facilities, and which  
3052 stabilization will not jeopardize other upstream or downstream properties;
- 3053 (2) Stabilization projects shall be developed under the supervision of, or in consultation with,  
3054 agencies or professionals with appropriate expertise;
- 3055 (3) Stabilization projects shall be confined to the minimum protective measures necessary to  
3056 protect the threatened property;
- 3057 (4) The use of fill to restore lost land may accompany stabilization work, provided the resultant  
3058 shore does not extend beyond the new ordinary high water mark, finished grades are  
3059 consistent with abutting properties, a restoration plan is approved for the area, and the fill  
3060 material is in compliance with Section 16C.06.21 (Filling);
- 3061 (5) Stabilization projects shall use design, material, and construction alternatives that do not  
3062 require high or continuous maintenance and which prevent or minimize the need for  
3063 subsequent stabilization to other segments of the shore. Junk car bodies and other unsuitable  
3064 debris are not to be used in shore stabilization projects;
- 3065 (6) Alternative Preferences. Vegetation, berms, bioengineering techniques, and other  
3066 nonstructural alternatives which preserve the natural character of the shore shall be preferred

- 3067 over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization.  
3068 Riprap using rock or other natural materials shall be preferred over concrete revetments,  
3069 bulkheads, breakwaters, and other structural stabilization;  
3070 (7) Applications to construct or enlarge dikes or levees shall meet the requirements of  
3071 16C.05.36.010(6);  
3072 (8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore;  
3073 (9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or  
3074 other solid construction methods;  
3075 (10) All new flood control projects shall define maintenance responsibilities and a funding  
3076 source for operations, maintenance, and repairs for the life of the project.  
3077

3078 **16C.06.20 Dredging and Excavation**

3079 The following provisions shall apply to dredging and excavation within a designated  
3080 hydrologically related critical area:

- 3081 (1) Dredging in surface waters shall be allowed only where necessary because of existing  
3082 navigation needs, habitat restoration or improvement, maintenance or construction of water-  
3083 dependent uses;  
3084 (2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the  
3085 intended purpose or use;  
3086 (3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom  
3087 materials shall be preferred over agitation forms of dredging;  
3088 (4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of  
3089 sediments and other dredge materials;  
3090 (5) Entries across shore and wetland edges to accomplish dredging or excavation shall be confined  
3091 to the minimum area necessary to gain entry and shall be confined to locations with the least  
3092 potential for site disturbance and damage;  
3093 (6) Dredging and excavation shall be scheduled at times having the least impact to fish spawning,  
3094 nesting patterns, and other identified natural processes;  
3095 (7) Dredge spoils are also considered fill, and shall not be deposited within the stream except  
3096 where such deposit is in accordance with approved procedures intended to preserve or enhance  
3097 wildlife habitat, natural drainage, or other naturally occurring conditions.  
3098

3099 **16C.06.21 Filling**

3100 The following provisions shall apply to filling activities within a designated hydrologically related  
3101 critical area:

- 3102 (1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction  
3103 with water-dependent uses, or an approved reclamation plan under Section 16C.06.23  
3104 (Reclamation) or approved compensatory mitigation plan under Section 16C.03.17(13);  
3105 (2) Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a  
3106 manner consistent with the policies of this chapter;  
3107 (3) Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to  
3108 areas having the least impact to the stream corridor. Other alternatives should be preferred  
3109 over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-  
3110 rise methods such as piers, posts, columns, or other methods;  
3111 (4) Fill in floodplains shall meet the requirements of Chapters 16C.05.20 through 16C.15.072  
3112 (Flood Hazard Areas);

- 3113 (5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities;  
3114 (6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands  
3115 shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water  
3116 quality;  
3117 (7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting  
3118 patterns, and other identified natural processes;  
3119 (8) Fill and finished surface material shall require low maintenance, provide high resistance to  
3120 erosion, and prevent or control the migration of sediments and other material from the fill area  
3121 to surrounding water, shore, and wetlands, unless the Washington Department of Fish and  
3122 Wildlife indicates other options are preferred;  
3123 (9) Projects that propose fill shall make every effort to acquire fill onsite (also known as  
3124 compensatory storage) where appropriate;  
3125 (10) Fill should not obstruct, cut off, or isolate stream corridor features.  
3126

3127 **16C.06.22 Commercial Mining of Gravels**

3128 The following provisions shall apply to the commercial mining of gravels within a designated  
3129 hydrologically related critical area, except that mining may be regulated as Forest Practices under  
3130 this title, (refer to those relevant sections):

- 3131 (1) Prior to the authorization of a commercial gravel mining operation, the project proponent shall  
3132 provide maps to scale which illustrate the following:  
3133 (a) The extent to which gravel excavation and processing will affect or modify existing stream  
3134 corridor features, including existing riparian vegetation;  
3135 (b) The location, extent and size in acreage of any pond, lake, or feature that will be created as  
3136 a result of mining excavation;  
3137 (c) The description, location, and extent of any proposed subsequent use that would be  
3138 different than existing uses.  
3139 (2) Wherever feasible, the operations and any subsequent use or uses shall not cause permanent  
3140 impairment or loss of floodwater storage, wetland, or other stream corridor features.  
3141 Mitigation shall provide for the feature's replacement at equal value;  
3142 (3) Any surface mining allowed within the floodway shall meet the standards of 16C.05.36.010(1);  
3143 (4) Except where authorized by Yakima County in consultation with the State Department of Fish  
3144 and Wildlife and Department of Ecology, the following shall apply:  
3145 (a) The excavation zone for the removal of gravels shall be located a minimum of one hundred  
3146 feet upland from the ordinary high water mark (OHWM) of the stream channel;  
3147 (b) Equipment shall not be operated, stored, refueled, or provided maintenance within one  
3148 hundred feet of the OHWM;  
3149 (c) Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within  
3150 one hundred feet of the OHWM.  
3151 (5) Mining proposals shall be consistent with the Washington Department of Natural Resources  
3152 Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).  
3153

3154 **16C.06.23 Reclamation**

3155 The following guidelines shall apply to the reclamation of disturbed sites resulting from  
3156 development activities within a designated hydrologically related critical area:

**Commented [TV65]:** CPUC II. Required Components of  
Development Regulations #11(n) Forest Practices.

- 3157 (1) Development, construction, or uses shall include the timely restoration of disturbed features to  
3158 a natural condition or to a stabilized condition that prevents degradation within the stream  
3159 corridor;
- 3160 (2) Large-scale projects or projects extending over several months shall be phased to allow  
3161 reclamation of areas where work or operations have been completed;
- 3162 (3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season,  
3163 and other seasonal variables that influence restoration and recovery;
- 3164 (4) Topography shall be finished to grades, elevations, and contours consistent with natural  
3165 conditions in adjacent and surrounding areas;
- 3166 (5) Where existing development and construction prevent the return of a site to its natural  
3167 condition, sites may be finished to conditions comparable to surrounding properties provided  
3168 suitable protective measures are used to prevent stream corridor degradation;
- 3169 (6) Cut-and-fill slopes shall be stabilized at, or at less than the normal angle of repose for the  
3170 materials involved;
- 3171 (7) The replacement or enhancement of vegetation within wetlands and required vegetative buffers  
3172 shall use naturally occurring, native plant species. In other parts of the stream corridor,  
3173 naturally occurring, native plant species shall be used, unless a showing of good cause  
3174 acceptable to the Administrative Official is provided, in which case self-maintaining or low-  
3175 maintenance plant species compatible with native vegetation shall be preferred over non-native  
3176 and high-maintenance species.  
3177

3178 **Chapter 16C.07**  
3179 **WETLANDS**

3181 Sections:

- 3182 16C.07.01 Purpose and Intent
- 3183 16C.07.02 Designating and Mapping
- 3184 16C.07.03 Protection Approach
- 3185 16C.07.04 Wetland Functions and Rating
- 3186 16C.07.05 Compensatory Mitigation Requirements
- 3187 16C.07.06 Wetland Mitigation Banks

3188  
3189 **16C.07.01 Purpose and Intent** - The purpose and intent of the provisions protecting wetland  
3190 critical areas is equivalent to the purpose and intent for Chapter 16C.06.01 (Purpose and Intent).

3191  
3192 **16C.07.02 Designating and Mapping**

3193 (1) Wetlands are those areas that meet the definition found in Section 16C.02.425 as provided in  
3194 RCW 36.70A.030(21). All areas within Yakima County meeting the wetland definition are  
3195 hereby designated critical areas and are subject to the provisions of this title. The following  
3196 clarifications guide the application of the wetland definition:

3197 (a) Due to the inherent design of most irrigation systems, such systems are reasonably and  
3198 foreseeably expected to result in some leakage or seepage. Such leakage or seepage is a  
3199 normal result of utilization of irrigation systems and is deemed for the purposes of this title  
3200 to be a non-regulated, artificial wetland.

3201 (2) The approximate location and extent of wetlands are shown on maps maintained by Yakima  
3202 County, which may include information from the National Wetlands Inventory produced by  
3203 the US Fish and Wildlife Service and soil maps produced by United States Department of  
3204 Agriculture National Resources Conservation Service that are useful in helping to identify  
3205 potential wetland areas. These maps are to be used as a guide for Yakima County, project  
3206 applicants and/or property owners, and may be continuously updated as wetlands are more  
3207 accurately identified, located and delineated.

3208  
3209 **16C.07.03 Protection Approach**

3210 (1) Wetlands will be protected using the Protection Approach for Hydrologically Related Critical  
3211 Areas found in 16C.06.02 (Protection Approach), which accommodates issues affecting  
3212 wetlands.

3213 (2) Wetlands and their functions will be protected using the standards found in the Stream Corridor  
3214 Chapter (16C.06), which includes provisions to:

- 3215 (a) Follow mitigation sequencing as outlined in Section 16C.03.10 (Mitigation Requirements);
- 3216 (b) Avoid degrading the functions and values of the wetland and other critical areas;
- 3217 (c) Provide a zero net loss of wetland functions and values together with, if reasonably possible  
3218 through voluntary agreements or government incentives, a gain in functions and values  
3219 through the long term.

3220  
3221  
3222 **16C.07.04 Wetland Functions and Rating**

**Commented [TV66]:** CPUC II. Required Components of Development Regulations #11(a) Classification and Designation.

**Commented [TV67]:** CPUC II. Required Components of Development Regulations #11(c) Regulations that protect the functions and values of wetlands.

**Commented [TV68]:** CPUC II. Required Components of Development Regulations #11(g) Regulations to protect the **quality and quantity of ground water** used for public water supplies.

- 3224 (1) Wetlands are unique landscape features that are the interface between the aquatic and terrestrial  
 3225 environments. Wetlands provide the following functions:
- 3226 (a) Biogeochemical functions, which are related to trapping and transforming chemicals and  
 3227 include functions that improve water quality in the watershed such as: nutrient retention  
 3228 and transformation, sediment retention, metals and toxics retention, and transformation;
  - 3229 (b) Hydrologic functions, which are related to maintaining the water regime in a watershed,  
 3230 such as: flood flow attenuation, decreasing erosion, groundwater recharge;
  - 3231 (c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians,  
 3232 anadromous fish, resident fish, birds, mammals.
- 3233 (2) Wetlands shall be rated based on categories that reflect the functions and values of each  
 3234 wetland. Wetland categories shall be based on the criteria provided in the *Washington State*  
 3235 *Wetland Rating System for Eastern Washington*, ~~revised August 2004~~ 2014 Update (Ecology  
 3236 Publication #0414-06-15-030 - ~~http://www.ecy.wa.gov/pubs/0406015.pdf~~  
 3237 <https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html>) as determined using  
 3238 the appropriate rating forms contained in that publication. These categories are summarized as  
 3239 follows:
- 3240 (a) Category I wetlands are those that represent a unique or rare wetland type, are more  
 3241 sensitive to disturbance than most wetlands, are relatively undisturbed and contain  
 3242 ecological attributes that are impossible or too difficult to replace within a human lifetime,  
 3243 and provide a high level of functions. Generally, these wetlands are not common and make  
 3244 up a small percentage of the wetlands within Yakima County. The following types of  
 3245 wetlands are Category I:
  - 3246 i) Alkali wetlands are characterized by the presence of shallow saline water with a high  
 3247 pH and provide the primary habitat for several species of migrant shorebirds and are  
 3248 also heavily used by migrant waterfowl and small alkali bee that is used to pollinate  
 3249 alfalfa and onion for seed production;
  - 3250 ii) Wetlands of High Conservation Value (formerly called Natural Heritage Wetlands) -  
 3251 Wetlands that are identified by scientists of the Washington Department of Natural  
 3252 Resources Natural Heritage Program as important ecosystems for maintaining plant  
 3253 diversity that represent rare plant communities or provide habitat for rare plants are  
 3254 uncommon in eastern Washington ~~high quality, relatively undisturbed wetlands, or~~  
 3255 ~~wetlands that support state Threatened, or Endangered plant species~~;
  - 3256 iii) Bogs and Calcareous Fens are peat wetlands sensitive to disturbance and have not been  
 3257 successfully re-created through compensatory mitigation. Bogs are wetlands with peat  
 3258 soils and a low pH, usually a pH <5. Calcareous fens are a type of alkaline, rather than  
 3259 acidic wetland, maintained by groundwater that have a neutral or high pH and high  
 3260 concentrations of calcium and other alkaline minerals;
  - 3261 iv) Mature and old-growth forested wetlands with native slow growing trees, which  
 3262 include Western Red Cedar (*Thuja plicata*), Alaska Yellow Cedar (*Chamaecyparis*  
 3263 *nootkatensis*), pine spp. ~~ecies~~ (mostly White pine - *Pinus monticola*), Western Hemlock  
 3264 (*Tsuga heterophylla*), Oregon White Oak (*Quercus garryana*) and Englemann Spruce  
 3265 (*Picea engelmannii*);
  - 3266 v) Forested wetlands with stands of Aspen contribution as a priority habitat far exceeds  
 3267 the small acreage of these stands and relatively small number of stems (Hadfield &  
 3268 Magelssen, 2004). Furthermore, mature stand of aspen and its underground root system

Commented [BG69]: Updated reference to current DOE documents.

Commented [TV70]: Definitions have been updated to reflect definitions found in state law and the new rating system.

3269 [may be difficult to reproduce. Regeneration of aspen stands by sexually produced seeds](#)  
3270 [is an unusual phenomenon \(Romme et al., 1997\);](#)  
3271 vi) Wetlands scoring ~~2270~~ points or more (out of ~~27400~~) [from the rating of functions are](#)  
3272 [Category I wetlands](#) in the Eastern Washington Wetland Rating System.  
3273 (b) Category II wetlands are difficult, though not impossible, to replace, and provide high  
3274 levels of some functions. These wetlands occur more commonly than Category I wetlands,  
3275 but still need a relatively high level of protection. Category II wetlands include:  
3276 i) Forested wetlands in the floodplains of rivers [are an important resource in the](#)  
3277 [floodplains of rivers, especially in the areas through which the river may flow regularly](#)  
3278 [\(often called the channel migration zone\). Trees in the Floodplains are critical to the](#)  
3279 [proper functioning and the dynamic processes of rivers. They influence channel form,](#)  
3280 [create pools, riffles, and side channels that are essential habitat for many fish and other](#)  
3281 [aquatic species. These trees also create localized rearing and flood refuge areas, and](#)  
3282 [contribute to the stabilization of the main river channel \(NRC, 2002\);](#)  
3283 ii) Mature and old-growth forested wetlands with ~~native~~-fast growing [native](#) trees, which  
3284 include Alders (Red - *Alnus rubra*, Thin-leaf - *A. incana ssp. tenuifolia*), Cottonwoods  
3285 (Narrow-leaf - *Populus angustifolia*, Black - *P. balsamifera*), Willows (Peach-leaf -  
3286 *Salix amygdaloides*, Sitka - *S. sitchensis*, Pacific - *S. lasianдра*); [Quaking Aspen](#)  
3287 (*Populus tremuloides*); or Water Birch (*Betula occidentalis*)  
3288 iii) Vernal pools, [also called rainpools, are ecosystems located in a landscape with other](#)  
3289 [wetlands retain water until the late spring when they dry out to allow some strictly](#)  
3290 [aquatic organisms to flourish, and provide areas where migrating waterfowl can find](#)  
3291 [food and pair bonding;](#)  
3292 iv) Wetlands scoring between ~~1951-2169~~ points (out of ~~27400~~) [on the questions related to](#)  
3293 [the functions present are Category II wetlands](#) in the Eastern Washington Wetland  
3294 Rating System.  
3295 (c) Category III wetlands are often smaller, less diverse ~~and/or~~ more isolated from other  
3296 natural resources in the landscape than Category II wetlands. Category III wetlands  
3297 include:  
3298 i) vernal pools that are isolated, and  
3299 ii) wetlands with a moderate level of functions (scoring between ~~1630-1850~~ points) in the  
3300 Eastern Washington Wetland Rating System [and can often be adequately replaced with](#)  
3301 [a well-planned mitigation project.](#)  
3302 (d) Category IV wetlands have the lowest levels of functions, (scoring less than ~~1630~~ points)  
3303 in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These  
3304 are wetlands that should be able to be replaced, and in some cases be improved. These  
3305 wetlands may provide some important functions, and also need to be protected.  
3306 (3) The wetland rating categories as described in section (2), above, shall be applied to projects  
3307 which are submitted on or after the date of adoption of these provisions. The wetlands shall  
3308 be rated as they exist on the day of project application submission, as the wetland naturally  
3309 changes thereafter, or as the wetland changes in accordance with permitted activities. However,  
3310 illegal modifications to wetlands which have been made since the original adoption of the  
3311 Critical Areas Ordinance (YCC Title 16A 1995) shall not be considered when rating the  
3312 wetland. Information regarding the original condition of illegally modified wetlands that can  
3313 not be discerned from aerial photographs or other reliable information sources, which is needed  
3314 to complete the *Eastern Washington Wetland Rating System* data sheets, shall use the highest

Commented [TV71]: Added to match language from the state's delineation manual.

3315 appropriate points value within each missing data field of the rating sheet to complete the  
3316 rating.

3317  
3318 **16C.07.05 Compensatory Mitigation Requirements**

3319 Projects that propose to compensate for wetland acreage and/or functions are subject to State and  
3320 Federal regulations. Compensatory mitigation for alterations to wetlands shall provide no net loss  
3321 of wetland functions and values, and must be consistent with the Mitigation Plan Requirements in  
3322 ~~section~~Section 16C.03.17 (13) (Compensatory Mitigation Plans). The following guidance  
3323 documents were developed to assist applicants in meeting the regulations and requirements.

3324 (1) Compensatory mitigation plans -must be consistent with Wetland Mitigation in Washington  
3325 State Part 1: Agency Policies and Guidance and ~~Guidance on Wetland Mitigation in~~  
3326 Washington State Part 2: ~~Guidelines for Developing Wetland Mitigation Plans and Proposals~~  
3327 or as revised (Washington State Department of Ecology, U.S. Army Corps of Engineers  
3328 (Seattle District), and U.S. Environmental Protection Agency Region 10; Ecology publication  
3329 number 0406-06-013B 011B  
3330 ~~https://fortress.wa.gov/ecy/publications/summarypages/0606011b.html~~http://www.ecy.wa.gov  
3331 ~~v/programs/sea/bas\_wetlands/volume2final.html~~see latest update at  
3332 http://www.ecy.wa.gov/programs/sea/Wetlands/mitigation/guidance/index.html).

3333 (2) Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent  
3334 with “Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing  
3335 Wetlands – Appendix 8-D- Section 8-D.3” or as revised (Washington State Department of  
3336 Ecology. Publication number 05-06-008 -  
3337 https://fortress.wa.gov/ecy/publications/summarypages/0506008.htmlhttp://www.ecy.wa.gov  
3338 ~~/programs/sea/bas\_wetlands/volume2final.html~~).

3339  
3340 **16C.07.06 Wetland Mitigation Banks**

- 3341 (1) Credits from a wetland mitigation bank may be approved for use as compensation for  
3342 unavoidable impacts to wetlands when:
- 3343 (a) The bank is certified under RCW 90.84 and its administrative rules WAC 173-700;
  - 3344 (b) The Administrative Official determines that the wetland mitigation bank provides  
3345 appropriate compensation for the authorized impacts; and
  - 3346 (c) The proposed use of credits is consistent with the terms and conditions of the bank’s  
3347 certification.
- 3348 (2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios  
3349 specified in the bank’s certification.
- 3350 (3) Credits from a certified wetland mitigation bank may be used to compensate for impacts  
3351 located within the service area specified in the bank’s certification. In some cases, bank service  
3352 areas may include portions of more than one adjacent drainage basin for specific wetland  
3353 functions.
- 3354

**Commented [DD72]:** GUCACQE Question 14 (optional): Does the CAO allow for compensatory mitigation of project impacts through the use of wetland mitigation banks, fee in lieu programs, or other watershed-based regional approaches?  
**Answer:** Yes, 16C.07.05 and .06 meet optional requirement to have compensatory mitigation.

**Commented [DD73]:** Part 1 should be referenced here as Part 2 is incomplete without Part 1 and Part 1 covers topics that Part 2 does not.  
These documents will be revised in the near future, so I gave the general Ecology’s web link rather than the specific link to a PDF which will go out of date.

This edit needs to be added in the white paper, if accepted



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## Chapter 16C.08 GEOLOGICALLY HAZARDOUS AREAS

### Sections:

- 16C.08.01 Purpose and Intent
- 16C.08.02 Mapping and Designation
- 16C.08.03 Geologically Hazardous Areas Protection Approach
- 16C.08.04 Supplemental Development Review Procedure for Geologically Hazardous Areas
- 16C.08.05 General Protection Requirements

### 16C.08.01 Purpose and Intent

- (1) Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake or other geological events. They pose a threat to the health and safety of the citizens of Yakima County when incompatible development is sited in areas of significant hazard. Some risks due to geologic hazards might be capable of mitigation through engineering, design, or modified construction standards so the level of risk is reduced to an acceptable level. However, when mitigation is not feasible, development within geologically hazardous areas is best avoided.
- (2) The purposes of this chapter are to:
  - (a) Minimize risks to public health and safety and reduce the risk of property damage by regulating development on or adjacent to geologically hazardous areas;
  - (b) Maintain natural geological processes while protecting existing and new development;
  - (c) Establish review procedures for development proposals in geologically hazardous areas.

### 16C.08.02 Mapping and Designation

- (1) Geologically hazardous areas are areas that are susceptible to one or more of the following types of hazards ~~and are designated as critical areas~~, based on WAC 365-190-~~120(3) 080 (4)(b)~~  
~~through (h)~~:
  - (a) Erosion hazards;
  - (b) Landslide hazards, which in the Yakima County inventory includes:
    - (i) oversteepened slope hazards;
    - (ii) alluvial fan/flash flooding hazards;
    - (iii) avalanche hazards, and;
    - (iii) stream undercutting hazards;
  - (c) Seismic hazards (referred to below as earthquake hazards);
  - (d) Volcanic hazards;
- (2) The approximate location and extent of **Erosion Hazard Areas** are shown on the County's critical area map titled "Erosion Hazard Areas of Yakima County". Erosion hazard areas were identified by using the "Soil Survey of Yakima County Area, Washington" and the "Soil Survey of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County". The analysis utilized the general soil map unit descriptions of severe and very severe hazard of water erosion.
- (3) The approximate location and extent of **Geologically Hazardous Areas** are shown on the County's critical area map titled "Geologically Hazardous Areas of Yakima County". The following geologically hazardous areas, with the corresponding map code in parenthesis, are

**Commented [TV74]:** CPUC II. Required Components of Development Regulations #11(a) Classification and Designation.

**Commented [TV75]:** CPUC II. Required Components of Development Regulations #11(I) Regulation of geologically hazardous areas consistent with public health and safety concerns.

**Commented [DD76]:** GUCACQE Question 11a (Part 1): Does the CAO clearly designate all critical areas found within the jurisdiction?  
**Answer:** Just having a title of "Designation and Mapping" may not be sufficient. I therefore suggest this edit.  
If accepted, this edits needs to be added in the white paper.

**Commented [BG77]:** While they are designated, including the proposed language makes it clear that it is a designated critical area.

**Commented [TV78]:** WAC reference change effective 2/19/10.

3400 mapped and classified using the stated criteria based on WAC 365-190-~~120(3)080(4)-(b)~~  
3401 ~~through (h)~~:

Commented [TV79]: WAC reference change effective 2/19/10.

3402 (a) Landslide Hazard Areas (LS) – These include places where landslides, debris flows, or  
3403 slumps have already occurred. Where sliding is presumed to have occurred within 10,000  
3404 years or less is shown as High Risk (LS3) on the map. Slides thought to be older than  
3405 10,000 years but still capable of movement are shown as Intermediate Risk (LS2). Areas  
3406 where slides are absent are unlabeled and combined with other Low Risk areas.

3407 (i) Oversteepened Slope Hazard Areas (OS) - These include areas with slopes steep  
3408 enough to create potential problems. High risk areas (OS3) have a high potential to fail,  
3409 and include slopes greater than 40%, and consist of areas of rock fall, creep, and places  
3410 underlain with unstable materials. Intermediate Risk areas (OS2) are less likely to fail  
3411 but are still potentially hazardous. This category also includes some slopes between 15  
3412 and 40%. Low Risk areas, unlikely to fail, are unlabeled and combined with other Low  
3413 Risk categories.

3414 (ii) Alluvial Fan/Flash Flooding Hazard Areas (AF) - These are areas where flash flooding  
3415 can occur, and are often associated with inundation by debris from flooding. They  
3416 include alluvial fans, canyons, gullies, and small streams where catastrophic flooding  
3417 can occur. They do not include all areas where flash flooding may occur with Yakima  
3418 County. Flooding may also occur in larger streams and rivers, but these are depicted  
3419 in the "Flood Insurance Study for the Unincorporated Areas of Yakima County," dated  
3420 March 2, 1998, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood  
3421 Boundary and Floodway Maps, and any amendments which may thereafter be made by  
3422 the Federal Emergency Management Agency, rather than on the Geologically  
3423 Hazardous Areas Map. High Risk areas (AF3) are those most likely to experience  
3424 flooding. These areas usually involve larger drainage areas, easily eroded sediments,  
3425 and steeper gradients. Intermediate Risk areas (AF2) have some potential for flash  
3426 flooding but involve smaller drainages and flatter slopes. Low Risk areas are where  
3427 flash flooding is unlikely, are unlabeled and combined with other Low Risk areas on  
3428 the map.

3429 (iii) Avalanche Risk Hazard Areas (AR) - Areas of avalanche hazards are limited (within  
3430 the mapped boundaries) to areas near the Cascade Crest. High Risk areas (AF3) are  
3431 those in areas of high snowfall where avalanche scars are visible and slopes are steep  
3432 to moderately steep. These areas could also be rated OS3. Intermediate Risk areas (AF2)  
3433 are usually adjacent to AF3 areas but where vegetation is still in place and slopes are  
3434 moderate. AF2 and AF3 areas are mapped on the basis of aerial photography and  
3435 observed scars. Climatic data (snowfall, wind direction, etc) are necessary for more  
3436 detailed mapping. Low Risk areas, where avalanches are unlikely, are unlabeled and  
3437 combined with other Low Risk geologic hazards.

3438 (iv) Stream Undercutting Hazard Areas (SU) - These areas are confined to banks near main  
3439 streams and rivers where undercutting of soft materials may result. High Risk areas  
3440 (SU3) include steep banks of soft material adjacent to present stream courses.  
3441 Intermediate Risk areas (SU2) are banks along the edge of a flood plain but away from  
3442 the present river course. Low Risk areas are unlabeled and combined with other Low  
3443 Risk areas on the maps.

3444 (b) Earthquake Activity Hazard Areas (EA) - Recorded earthquake activity in Yakima County  
3445 is mostly marked by low magnitude events and thus low seismic risk. One exception is an

- 3446 area along Toppenish Ridge where Holocene faulting may have produced earthquakes of  
 3447 as much as magnitude 7. Zones of surficial fault scarps are shown on High Risk areas  
 3448 (EA3) while areas adjacent to the scarps are assigned Intermediate Risk (EA2). The rest of  
 3449 the county is Low Risk, are unlabeled, and combined with other low risk hazards.
- 3450 (c) Suspected Geologic Hazard Areas (SUS) – These are areas for which detailed geologic  
 3451 mapping is lacking but preliminary data indicate a potential hazard. No risk assessment (1-  
 3452 2-3) is given for these areas. Most are probably OS or LS hazards.
- 3453 (d) Risk unknown hazard areas (UNK) - In these areas geologic mapping is lacking or is  
 3454 insufficient to make a determination. All of these areas are associated with other classified  
 3455 geologic hazards, and most are located in remote areas of Yakima County.
- 3456 (4) Volcanic Hazard Areas are not mapped but are defined as areas subject to pyroclastic (formed  
 3457 by volcanic explosion) flows, lava flows and inundation by debris flows, mudflows or related  
 3458 flooding resulting from volcanic activity. Volcanic Hazard Areas in Yakima County are limited  
 3459 to pyroclastic (ash) deposits. While Yakima County contains a portion of Mt Adams and is in  
 3460 close proximity to Mt Rainer, and Mt St. Helens, the threat of volcanic hazards is minimal and  
 3461 limited to ash deposition. The more devastating effects of volcanic activity such as lava flows,  
 3462 and lahars (volcanic landslide or mudflow) are not possible due to intervening ridges. No  
 3463 specific protection requirements are identified for volcanic hazard areas.
- 3464 (5) This chapter does not imply that land outside mapped geologically hazardous areas or uses  
 3465 permitted within such areas will be without risk. This chapter shall not create liability on the  
 3466 part of Yakima County, any officer, or employee thereof for any damages that result from  
 3467 reliance on this chapter or any administrative decision lawfully made hereunder.

3469 **16C.08.03 Geologically Hazardous Areas Protection Approach**

- 3470 (1) Erosion Hazard Areas – Protection measures for erosion hazard areas will be accomplished by  
 3471 implementing the regulatory standards for erosion and drainage control required under YCC  
 3472 Title 13 (Building Code). Any future stormwater program erosion control measures that may  
 3473 be formally adopted by the Board of County Commissioners shall supersede YCC Title 13  
 3474 erosion control requirements. Standards to meet YCC Title 13 requirements can be met by the  
 3475 application of the Best Management Practices (BMPs) in the Eastern Washington Stormwater  
 3476 Manual (WDOE Publication number 04-10-076) or equivalent manual adopted by Yakima  
 3477 County, or any other approved manual deemed appropriate by the Building Official, including  
 3478 but not limited to applicable Natural Resource Conservation Service (NRCS) Field Office  
 3479 Technical Guide (FOTG) BMP’s and the Washington State Department of Transportation  
 3480 Highway Runoff Manual. Application of the Environmental Protection Agency (EPA)  
 3481 “Construction Rainfall Erosivity Waiver” is at the discretion of the Building Official on a case-  
 3482 by-case basis.
- 3483 (2) Landslide Hazard Areas - Protection measures for landslide hazard areas will be accomplished  
 3484 through the review process of 16C.08.04 (Development Review Procedure for Geologically  
 3485 Hazardous Areas), by implementing the development standards of 16C.08.05 (General  
 3486 Protection Requirements), and by implementing the appropriate sections of the International  
 3487 Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design;  
 3488 Section 18 Soils and Foundations; and, Appendix J Grading).
- 3489 (3) Alluvial Fan/Flash Flooding Hazard Areas - Protection measures for alluvial fan/flash flooding  
 3490 hazard areas will be accomplished through the review process of 16C.08.04 (Development  
 3491 Review Procedure for Geologically Hazardous Areas), by implementing the development

**Commented [DD80]:** GUCACQE Question 12b (Part 2): For other critical areas, like frequently flooded areas or geologically hazardous areas, they may need to be avoided to protect public safety, or may need standards to ensure that development allowed to occur within or near the critical areas is safe.  
**Answer:** Yes, 16C.08.03, .04, and .05 satisfies requirements to use standards. No revision required.

- standards of 16C.08.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations; Appendix J Grading; and, Flood Resistant Design and Construction (ASCE-24-98)).
- (4) Stream Undercutting Hazard Areas - Protection measures for stream undercutting hazard areas will be accomplished by Critical Areas review for flood hazards, streams, and Shoreline jurisdiction, in addition to implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (Flood Resistant Design and Construction (ASCE-24-98)).
- (5) Avalanche Hazard Areas - Protection measures for avalanche hazard areas will be accomplished through the review process of 16C.08.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16C.08.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).
- (6) Oversteepened Slope Hazard Areas - Protection measures for oversteepened slope hazard areas will be accomplished through the review process of 16C.08.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16C.08.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).
- (7) Earthquake/Seismic Hazard Area Protection Standards - Protection measures for earthquake/Seismic hazard areas will be accomplished by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).
- (8) Suspected Geologic Hazard Areas and Risk Unknown Hazard Areas - Protection measures for suspected geologic hazard areas and risk unknown hazard areas will be accomplished through the review process of 16C.08.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16C.08.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).

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3525 **16C.08.04 Development Review Procedure for Geologically Hazardous Areas**

- 3526 (1) The Administrative Official shall make a determination of hazard to confirm whether the  
3527 development or its associated facilities (building site, access roads, limits of grading/  
3528 excavation/ filling, retaining walls, septic drainfields, landscaping, etc.):
- 3529 (a) are located within a mapped geologically hazardous area;
- 3530 (b) are abutting, or adjacent to a mapped geologically hazardous area and may result in or  
3531 contribute to an increase in hazard, or pose a risk to life and property on or off the site;
- 3532 (c) are located within a distance from the base of an adjacent landslide hazard area equal to  
3533 the vertical relief of said hazard area;
- 3534 (d) are located within the potential run-out path of a mapped avalanche hazard.
- 3535 (2) Developments that receive an affirmative determination of hazard by the Administrative  
3536 Official under (1) above, must conduct a geologic hazard report as provided in 16C.03.18(4)

- 3537 (Supplemental Report Requirements – Geologically Hazardous Areas), which may be part of  
3538 a geo-technical report required under additional review below.
- 3539 (a) If the geologic hazard report determines no hazard exists or that the project area lies outside  
3540 the hazard, then no Geologic Hazard review is needed.
- 3541 (b) The Administrative Official is authorized to waive further geologic hazard review for  
3542 oversteepened slope hazards on a determination that the hazards identified in the geologic  
3543 hazard report will be adequately mitigated under grading or construction permits.
- 3544 (3) Developments that receive an affirmative determination of hazard, but do not meet the  
3545 provisions of paragraph 2a or 2b above, must:
- 3546 (a) Obtain a Critical Areas Development Authorization under 16C.03 (Application and  
3547 Review Procedures);
- 3548 (b) Submit a geo-technical report that is suitable for obtaining the grading and construction  
3549 permits that will be required for development. The geo-technical report should incorporate  
3550 the submitted assessment, include the design of all facilities and include a description and  
3551 analysis of the risk associated with the measures proposed to mitigate the hazards, ensure  
3552 public safety, and protect property and other critical areas, and;
- 3553 (c) Be consistent with the General Protection Requirements of Section 16C.08.05 (General  
3554 Protection Requirements).

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3556 **16C.08.05 General Protection Requirements**

- 3557 (1) Grading, construction, and development and their associated facilities shall not be located in a  
3558 geologically hazardous area, or any associated setback for the project recommended by the  
3559 geo-technical report, unless the applicant demonstrates that the development is structurally safe  
3560 from the potential hazard, and that the development will not increase the hazard risk onsite or  
3561 off-site.
- 3562 (2) Development shall be directed toward portions of parcels, or parcels under contiguous  
3563 ownership, that are at the least risk of hazard in preference to lands with higher risk, unless  
3564 determined to be infeasible in the geo-technical report.
- 3565 (3) The geo-technical report shall recommend methods to ensure the information and education  
3566 about the hazard and any recommended buildable area for future landowners over the long  
3567 term.
- 3568 (4) The applicable requirements of grading and construction permits for developments in  
3569 hazardous areas must be included in the development proposal and geo-technical report.

3570 **Chapter 16C.09**

3571 **CRITICAL AQUIFER RECHARGE AREAS (CARAs)**

3572 Sections:

- 3573 16C.09.01 Purpose and Intent
- 3574 16C.09.02 Designation
- 3575 16C.09.03 Mapping
- 3576 16C.09.04 Submittal Requirements
- 3577 16C.09.05 Performance Standards – General Requirements
- 3578 16C.09.06 Performance Standards – Specific Uses
- 3579 16C.09.07 Uses Prohibited from Critical Aquifer Recharge Areas

3581 **16C.09.01 Purpose and Intent**

- 3582 (1) The Growth Management Act (RCW 36.70A) requires local jurisdictions to protect, through
- 3583 designation and protection, areas with a critical recharging effect on aquifers used for potable
- 3584 water, or areas where a drinking aquifer is vulnerable to contamination that would affect the
- 3585 potability of the water. These areas are referred to as Critical Aquifer Recharge Areas
- 3586 (CARAs) in this title.
- 3587 (2) Potable water is an essential life sustaining element. Much of Yakima County’s drinking water
- 3588 comes from groundwater supplies. Once groundwater is contaminated it can be difficult,
- 3589 costly, and sometimes impossible to clean up. In some cases, the quality of groundwater in an
- 3590 aquifer is inextricably linked to its recharge area
- 3591 (3) The intent of this chapter is to:
- 3592 (a) Preserve, protect, and conserve Yakima County's CARAs from contamination;
- 3593 (b) Establish a protection approach that emphasizes the use of existing laws and regulations,
- 3594 and minimizes the use of new regulations.
- 3595 (4) It is not the intent of this ordinance to:
- 3596 (a) Regulate everyday activities (including the use of potentially hazardous substances that are
- 3597 used according to State and Federal regulations and according to label specifications);
- 3598 (b) Enforce or prevent illegal activities;
- 3599 (c) Regulate land uses that use or store small volumes of hazardous substances (including in-
- 3600 field agricultural chemical storage facilities, which do not require permits, or are already
- 3601 covered under existing state, federal, or county review processes and have detailed permit
- 3602 review);
- 3603 (d) Establish additional review for septic systems, which are regulated by the Washington
- 3604 Department of Health and Yakima County Health District as mandated by WAC 246-270,
- 3605 246-271, 246-272, 246-272A, 246-272B, 246-272C and 246-273;
- 3606 (e) Establish additional review for stormwater control, which are covered under existing
- 3607 County YCC Title 12.10 as required by Washington State Department of Ecology’s Eastern
- 3608 Washington Phase II Municipal Stormwater Permit, or;
- 3609 (f) Require review for uses that do not need building permits and/or zoning review.

3610 The above items are deemed to have small risks of CARA contamination or are beyond the

3611 development review system’s ability to control.

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**Commented [TV81]:** CPUC I. Required Comprehensive Plan Elements and Components. #1g. Provisions for protection of the quality and quantity of groundwater for public water supplies. RCW 36.70A.070(1).

**Commented [TV82]:** CPUC II. Required Components of Development Regulations #11(a) Classification and Designation.

**Commented [TV83]:** CPUC II. Required Components of Development Regulations #11(g) Regulations to protect the quality and quantity of ground water used for public water supplies.

**Commented [TV84]:** CPUC II. Required Components of Development Regulations #11(f) Regulations that protect the functions and values of critical aquifer recharge areas (“areas with a critical recharging effect on aquifers used for potable water” RCW 36.70A.030(5)(b)).

3616 **16C.09.02 Designation**

3617 Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers  
3618 used for potable water as defined by WAC 365-190-030(2). CARAs are designated as critical  
3619 areas. CARAs have prevailing geologic conditions associated with infiltration rates that create a  
3620 high potential for contamination of ground water resources or contribute significantly to the  
3621 replenishment of ground water. The following areas have been identified based on local conditions.

- 3622 (1) Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of  
3623 the ten-year time of ground water travel, or boundaries established using alternate criteria  
3624 approved by the Department of Health in those settings where ground water time of travel is  
3625 not a reasonable delineation criterion, in accordance with WAC 246-290-135.
- 3626 (2) Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S.  
3627 Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.
- 3628 (3) Susceptible Ground Water Management Areas. Susceptible ground water management areas  
3629 are areas that have been designated as moderately or highly vulnerable or susceptible in an  
3630 adopted ground water management program developed pursuant to Chapter 173-100 WAC.
- 3631 (4) Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-  
3632 090.
- 3633 (5) Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are  
3634 moderately or highly vulnerable to degradation or depletion because of hydrogeologic  
3635 characteristics are those areas delineated by a hydrogeologic study prepared in accordance with  
3636 the State Department of Ecology guidelines.
- 3637 (6) Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately  
3638 or highly susceptible to degradation or depletion because of hydrogeologic characteristics are  
3639 those areas meeting the criteria established by the State Department of Ecology.

3640  
3641  
3642 **16C.09.03 Mapping**

- 3643 (1) **Mapping Methodology** – The CARAs are depicted in the map titled “Critical Aquifer  
3644 Recharge Areas of Yakima County”. The CARA map was developed through a geographic  
3645 information system (GIS) analysis using the methodology outlined in the Washington  
3646 Department of Ecology - “Guidance Document”  
3647 (<https://fortress.wa.gov/ecy/publications/SummaryPages/0510028.html>- Publication 05-10-  
3648 028). This map depicts the general location of the critical aquifer recharge areas designated in  
3649 YCC 16C.09.02. Yakima County has developed a GIS database of the CARA map that shows  
3650 the location and extent of critical aquifer recharge areas. This database will be used by the  
3651 County to determine whether proposed developments could potentially impact CARA. All  
3652 applications for development within the County that are located within a mapped CARA will  
3653 be required to follow the performance standards of this chapter. The CARA map estimates  
3654 areas of moderate, high and extreme susceptibility to contamination, in addition to wellhead  
3655 protection areas. To characterize hydrogeologic susceptibility of the recharge area to  
3656 contamination, the GIS analysis used the following physical characteristics:
- 3657 (a) Depth to ground water;  
3658 (b) Soil (texture, permeability, and contaminant attenuation properties);  
3659 (c) Geologic material permeability;  
3660 (d) Recharge (amount of water applied to the land surface, including precipitation and  
3661 irrigation).

**Commented [DD85]:** GUCACQE Question 11a (Part 1): Does the CAO clearly designate all critical areas found within the jurisdiction?

**Answer:** Just having a title of “Designation” may not be sufficient. I therefore suggest this edit.

If accepted, this edit needs to be added in the white paper.

**Commented [BG86]:** While they are designated, including the proposed language makes it clear that it is a designated critical area.

3662 (2) **Wellhead Protection Areas** - The CARA map includes those Wellhead Protection Areas for  
3663 which the County has maps. Wellhead Protection Areas are required for all Class A public  
3664 water systems in the State of Washington. The determination of a wellhead protection area is  
3665 based upon the time of travel of a water particle from its source to the well. Water purveyors  
3666 collect site specific information to determine the susceptibility of the water source to surface  
3667 sources of contamination. Water sources are ranked by the Washington State Department of  
3668 Health with a high, moderate or low susceptibility to surface contamination. Wellhead  
3669 protection areas are defined by the boundaries of the ten (10) year time of ground water travel,  
3670 in accordance with WAC 246-290-135. For purposes of this chapter, all wellhead protection  
3671 areas shall be considered highly susceptible.

3672  
3673 **16C.09.04 Submittal Requirements.**

- 3674 (1) Applications for any development activity or division of land which requires review by  
3675 Yakima County and which is located within a mapped Critical Aquifer Recharge Area or  
3676 Wellhead Protection Area shall be reviewed by the Administrative Official to determine  
3677 whether hazardous materials (see definitions) will be used, stored, transported, or disposed of  
3678 in connection with the proposed activity. If there is insufficient information to determine  
3679 whether hazardous materials will be used, the Administrative Official may request additional  
3680 information, in addition to the submittal requirements outlined in 16C.03.
- 3681 (2) The Administrative Official shall make the following determination:
- 3682 (a) No hazardous materials are involved.
- 3683 (b) Hazardous materials are involved; however, existing laws or regulations adequately  
3684 mitigate any potential impact, and documentation is provided to demonstrate compliance.
- 3685 (c) Hazardous materials are involved and the proposal has the potential to significantly impact  
3686 Critical Aquifer Recharge and Wellhead Protection Areas; however, sufficient information  
3687 is not available to evaluate the potential impact of contamination. The County may require  
3688 a Hydrogeologic Report to be prepared by a qualified groundwater scientist in order to  
3689 determine the potential impacts of contamination on the aquifer.

3690  
3691 **16C.09.05 Performance Standards – General Requirements.**

- 3692 (1) Activities may only be permitted in a critical aquifer recharge area if the applicant can show  
3693 that the proposed activity will not cause contaminants to enter the aquifer and that the proposed  
3694 activity will not adversely affect the recharging of the aquifer.
- 3695 (2) The proposed activity must comply with the water source protection requirements and  
3696 recommendations of the U.S. Environmental Protection Agency, Washington State  
3697 Department of Health, and the Yakima County Health District.

3698  
3699 **16C.09.06 Performance Standards – Specific Uses.**

- 3700 (1) Storage Tanks. All storage tanks proposed to be located in a critical aquifer recharge area must  
3701 comply with local building code requirements and must conform to the following  
3702 requirements:
- 3703 (a) Underground Tanks. All new underground storage facilities proposed for use in the storage  
3704 of hazardous substances or hazardous wastes shall be designed and constructed so as to:
- 3705 (i) Prevent releases due to corrosion or structural failure for the operational life of the tank;

**Commented [DD87]:** GUCACQE Question 12c (part 2): For other critical areas, like frequently flooded areas or geologically hazardous areas, they may need to be avoided to protect public safety, or may need standards to ensure that development allowed to occur within or near the critical areas is safe.  
**Answer:** Yes, 16C.09.05, .06, and .07 satisfies requirements to use standards. No revision required.

**Commented [TV88]:** CPUC II. Required Components of Development Regulations #11(g) Regulations to protect the quality and quantity of ground water used for public water supplies.



- 3706 (ii) Be protected against corrosion, constructed of noncorrosive material, steel clad with a  
3707 noncorrosive material, or designed to include a secondary containment system to  
3708 prevent the release or threatened release of any stored substances; and  
3709 (iii) Use material in the construction or lining of the tank that is compatible with the  
3710 substance to be stored.
- 3711 (b) Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage  
3712 of hazardous substances or hazardous wastes shall be designed and constructed so as to:  
3713 (i) Not allow the release of a hazardous substance to the ground, groundwaters, or surface  
3714 waters;  
3715 (ii) Have a primary containment area enclosing or underlying the tank or part thereof; and  
3716 (iii) Have a secondary containment system either built into the tank structure or a dike  
3717 system built outside the tank for all tanks.
- 3718 (2) Vehicle Repair and Servicing.  
3719 (a) Vehicle repair and servicing must be conducted over impermeable pads and within a  
3720 covered structure capable of withstanding normally expected weather conditions.  
3721 Chemicals used in the process of vehicle repair and servicing must be stored in a manner  
3722 that protects them from weather and provides containment should leaks occur.  
3723 (b) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle  
3724 repair and servicing. Dry wells existing on the site prior to facility establishment must be  
3725 abandoned using techniques approved by the State Department of Ecology prior to  
3726 commencement of the proposed activity.
- 3727 (3) Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides,  
3728 and fertilizers shall not exceed times and rates specified on the packaging.
- 3729 (4) Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for  
3730 reclaimed water must be in accordance with the adopted water or sewer comprehensive plans  
3731 that have been approved by the State Departments of Ecology and Health.  
3732 (a) Use of reclaimed water for surface percolation must meet the groundwater recharge criteria  
3733 given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may  
3734 establish additional discharge limits in accordance with RCW 90.46.080(2).  
3735 (b) Direct injection must be in accordance with the standards developed by authority of RCW  
3736 90.46.042.

3737  
3738 **16C.09.07 Uses Prohibited from Critical Aquifer Recharge Areas.**

3739 The following activities and uses are prohibited in critical aquifer recharge areas:

- 3740 (1) Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special  
3741 waste, wood waste and inert and demolition waste landfills;  
3742 (2) Underground Injection Wells. Class I, III and IV wells and subclasses 5F01, 5D03, 5F04,  
3743 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;  
3744 (3) Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment  
3745 process to occur over permeable surfaces (both natural and manmade);  
3746 (4) Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or  
3747 dispose of radioactive substances;  
3748 (5) Mining. Hard rock; and sand and gravel mining, unless located within the mineral resource  
3749 designation; and  
3750 (6) Other Prohibited Uses or Activities.

- 3751 (a) Activities that would significantly reduce the recharge to aquifers currently or potentially  
3752 used as a potable water source;  
3753 (b) Activities that would significantly reduce the recharge to aquifers that are a source of  
3754 significant base flow to a regulated stream.

3755 **Chapter 16C.11**

3756 **Upland Wildlife Habitat Conservation Areas**

3757 **Sections:**

- 3758 16C.11.010 Purpose and Intent
- 3759 16C.11.020 Protection Approach
- 3760 16C.11.030 Functional Properties
- 3761 16C.11.040 Upland Wildlife Habitat and Habitats of Local Importance
- 3762 16C.11.050 Mapping
- 3763 16C.11.060 Critical Areas Report Requirement
- 3764 16C.11.070 Upland Wildlife and Habitats of Local Importance Development Standards

3765 **16C.11.010 Purpose and Intent**

- 3766
- 3767 (1) Wildlife habitat conservation means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability. Wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs. Land use planning is critically important (WAC 365-190-130~~080(15)~~).
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- 3778
- 3779 (2) It is the intent of these provisions to classify seasonal ranges and habitat elements with which federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
- 3780
- 3781
- 3782
- 3783 (3) It is the purpose of these provisions to protect and conserve natural habitats of upland wildlife species.
- 3784
- 3785

3786 **16C.11.020 Protection Approach**

- 3787 (1) To maintain viable populations of fish and wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include fragmentation, the presence of essential resources such as food, water, nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. As a method of linking large habitat areas, migration corridors offer a means by which to connect publicly protected lands and other intact habitat areas. Yakima County protects habitat for upland species using the Upland Wildlife Habitat Conservation Area and associated protections measures described below.
- 3788
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- 3795
- 3796 (2) Yakima County has a very high proportion of federal, state and other publicly and tribally owned land. These lands are generally managed for the conservation of wildlife habitat. Consequently, one of Yakima County's approaches to protecting all wildlife habitat types is to rely on the management of these lands by the responsible entity (i.e. US Forest Service, US Bureau of Land Management, US Department of Defense, Washington Department of Fish
- 3797
- 3798
- 3799
- 3800

**Commented [TV89]:** Updated. WAC 365-190-080(5) FWPCA reference and definition has changed.

**Commented [TV90]:** Updated WAC 365-190-080(5) FWPCA reference and definition has changed to WAC 365-190-130(1).

**Commented [TV91]:** WAC reference change effective 2/19/10.

3801 and Wildlife, Washington Department of Natural Resources, Yakima Nation, etc.). The  
3802 protection of Larch Mountain Salamander (*Plethodon larselli*) (State Sensitive, Federal  
3803 Species of Concern) and Spotted Owl (*Strix occidentalis*) (State Endangered, Federal  
3804 Threatened) habitat is accomplished through this approach, since their habitat of primary  
3805 association is located within Federal ownership.

3806 (3) To aid in upland wildlife protection on private lands, Yakima County followed a methodology  
3807 utilizing Gap Analysis Program (GAP) data to map wildlife habitat. Comparison of the map  
3808 to public lands shows that a small percentage of the mapped area is within private ownership.  
3809 An analysis of the privately owned lands showed that they are largely in remote areas that are  
3810 undeveloped with no cultivated agriculture. The predominate land use on these private lands  
3811 is forest and rangeland. Consequently, part of Yakima County's approach to protect upland  
3812 wildlife on private land is to rely on the large lot/low density provisions of the Remote (40 acre  
3813 minimum), Forest (80 acre minimum) and Agriculture (40 acre minimum) zoning districts.

3814 (4) Through the wildlife habitat analysis, habitat for listed state and federal threatened,  
3815 endangered, and sensitive species was assessed and incorporated for upland species.  
3816 Consequently, Yakima County's approach to protect habitat for listed state and federal  
3817 threatened, endangered, and sensitive upland species is to require approval of a standard  
3818 development permit, the submittal of a habitat assessment, and where necessary, development  
3819 of a management plan consistent with state and/or federal guidelines as outlined in Section  
3820 16C.11.060 and 16C.11.070 below. Protection measures for  
3821 Bull Trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and Steelhead  
3822 (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the  
3823 standards in Chapter 16C.06.  
3824

#### 3825 **16C.11.030 Functional Properties**

3826 Wildlife habitat consists of the arrangement of food, water, cover, and space required to meet the  
3827 biological needs of an animal. Different wildlife species have different requirements, and these  
3828 requirements vary over the course of a year. Wildlife habitat generally includes one or more of  
3829 the following functional properties:

- 3830 (a) Reproduction and/or nesting;
- 3831 (b) Resting and refuge;
- 3832 (c) Foraging for food;
- 3833 (d) Dispersal and migration.

### 3834 **Designation and Mapping**

#### 3837 **16C.11.040 Upland Wildlife Habitat Conservation Areas**

3838 (1) Upland Wildlife Habitat Conservation Areas are those areas within which state or federally  
3839 designated endangered, threatened, or sensitive species have a primary association and are  
3840 designated as critical areas. State listed species are those native fish and wildlife species  
3841 legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or  
3842 Sensitive (WAC 232-12-011) by the Washington Fish and Wildlife Commission. Federal  
3843 listed Threatened, Endangered or Sensitive species means all species of wildlife listed as such  
3844 by the United States Secretary of the Interior or Commerce.

3845 (2) Upland Wildlife Habitat Conservation Areas include State Natural Area Preserves and Natural  
3846 Resource Conservation Areas.

**Commented [DD92]:** GUCACOE Question 11a (Part 1): Does the CAO clearly designate all critical areas found within the jurisdiction?

**Answer:** Just have a title of "Designation and Mapping" may not be sufficient. I therefore suggest this edit. .

If accepted, this edits needs to be added in the white paper.

**Commented [BG93]:** While they are designated, including the proposed language makes it clear that it is a designated critical area.

- 3847 (3) Upland Wildlife Habitat Conservation Areas include Species and Habitats of Local  
 3848 Importance. These are habitats or species that due to their declining population, sensitivity to  
 3849 habitat manipulation or other values make them important on a local level. Habitats of Local  
 3850 Importance may include a seasonal range or habitat element with which a given species has a  
 3851 primary association, and which, if altered, may reduce the likelihood that the species will  
 3852 maintain and reproduce over the long term.
- 3853 (a) Species and Habitats of Local Importance may be identified, for protection under this title.  
 3854 State or local agencies, individuals or organizations may identify and nominate for  
 3855 consideration specific species and habitats, or a general habitat type, including streams,  
 3856 ponds or other features.
- 3857 (b) Review of a Species and/or Habitat of Local Importance application is a legislative action,  
 3858 and shall be processed during the Comprehensive Plan amendment cycle.
- 3859 (c) Species and/or Habitat of Local Importance applications shall be docketed for official  
 3860 action with the Planning Commission in accordance with Section 16B.10.090  
 3861 (Development Regulation Amendments) with no fee requirements.
- 3862 (d) The Planning Commission may convene a best available science committee to ensure the  
 3863 Species and/or Habitat of Local Importance application conforms to RCW 36.70A.172 and  
 3864 WAC 365-195-900 through WAC 365-195-925.
- 3865 (e) Species and/or Habitat of Local Importance shall be adopted as appendicies to this title.
- 3866 (f) Species and/or Habitat of Local Importance applications shall be reviewed for conformance  
 3867 with subsections (g) and (h) below.
- 3868 (g) Applicants for Species and/or Habitat of Local Importance shall present evidence  
 3869 concerning the criteria set forth in sub-section (h) below, including maps to illustrate the  
 3870 proposal and habitat management recommendations for use in the administration of this  
 3871 chapter, and/or:
- 3872 (h) The review of nominated habitats, and habitats for species of local importance shall  
 3873 consider the following,
- 3874 (i) A seasonal range or habitat element which, if altered, may reduce the likelihood that  
 3875 the species will maintain or reproduce over the long term;
- 3876 (ii) Areas of high relative density or species richness, breeding habitat, winter range, and  
 3877 movement corridors;
- 3878 (iii) Habitat with limited availability or high vulnerability to alteration;
- 3879 (iv) Whether these habitats are already identified and protected under the provisions of this  
 3880 or other county ordinances or state or federal law.

3881  
 3882 **16C.11.050 Mapping**

- 3883 (1) The approximate location and extent of upland wildlife habitat conservation areas for,  
 3884 Endangered, Threatened and Sensitive species are shown on the County’s critical area map  
 3885 titled, “Upland Wildlife Habitat Conservation Areas of Yakima County”. This map is to be  
 3886 used as a guide for the county, project applicants and/or property owners, and may be  
 3887 updated as more detailed data becomes available. This map is a reference and does not  
 3888 provide a final critical area designation.
- 3889 (2) The Upland Wildlife Habitat Conservation Area map utilized GAP (Gap Analysis Project)  
 3890 and Department of Fish and Wildlife data. GAP data is derived from satellite imagery and  
 3891 modeling of vegetation and species presence. The wildlife habitat analysis methodology  
 3892 was chosen to protect wildlife from a regional perspective rather than a species-specific

**Commented [TV94]:** CPUC II. Required Components of Development Regulations 11(b). Findings that demonstrate BAS was included in developing policies to regulations to protect the function and values of critical areas.

Goals and policies used to create critical areas development regulations and protection can be found in the SMP and Natural Settings Element.

Ordinance 4-2013 Section 1. Findings(A) highlights the BOCC’s affirmation of BAS used to designate and protect critical areas. Exhibit 1(4) discusses the revisions to text, tables, Appendix A and maps satisfying the Nation’s concern with salmonid species and habitat.

**Commented [DD95]:** GUCACQE Question 11b (Part 2): While mapping known critical areas is recommended, jurisdictions should be clear that maps are advisory only and are not used to designate critical areas.

**Answer:** 16C.11.050 satisfies the requirement that maps are advisory. No revision required.

3893 perspective, to identify areas of high biodiversity for long-term species survival. The  
3894 methodology:  
3895 (a) Uses the richest habitat areas;  
3896 (b) Includes some habitat for all species;  
3897 (c) Focuses on large habitat areas that are most remote from human development;  
3898 (d) Uses publicly owned lands as much as possible;  
3899 (e) Provides corridor links between blocks of habitat areas using streams, and steep ridge  
3900 slopes;  
3901 (f) Considers WDFW Priority Habitat and Species and Wildlife Heritage data to test  
3902 accuracy, and;  
3903 (g) Covers threatened endangered and sensitive species on private land.  
3904

3905 **16C.11.060 Permit and Critical Areas Report Requirement**

3906 (1) Developments proposed within an upland wildlife habitat conservation area with which state  
3907 or federally endangered, threatened, or sensitive species or a species of local importance has a  
3908 primary association may be required to submit Critical Areas Identification Form and site plan  
3909 as per 16C.03.02(1). The Administrative Official may require a habitat assessment to be  
3910 submitted if it is determined that the development proposal could impact the UWHCA. A  
3911 habitat assessment is an investigation of the project area to evaluate the presence or absence of  
3912 such species, and areas with which such species has a primary association.  
3913 (2) In addition to the general critical area report requirements of Section 16C.03.17, habitat  
3914 assessments and habitat management plans must be prepared by a qualified professional who  
3915 is a biologist with experience preparing reports for the relevant species and habitat. Critical  
3916 area reports for two or more types of critical areas must meet the report requirements for each  
3917 relevant type of critical area.  
3918 (3) If the habitat assessment determines that such species or habitat area is present on site, and are  
3919 likely to be impacted by the development proposal, then a standard development permit and  
3920 management plan are required.  
3921 (4) If a standard development permit and management plan are required, as determined by the  
3922 habitat assessment, it shall follow published federal, state, or local management  
3923 recommendations, including Department of Fish and Wildlife habitat management  
3924 recommendations, that have been developed for species or habitats located on or adjacent to  
3925 the project area. Management plans developed by an independent third party shall be provided  
3926 for review by the Department of Fish and Wildlife or the responsible federal agency. The  
3927 Administrative Official shall consult with the appropriate agency and consider their comments  
3928 through the review process.  
3929

3930 **16C.11.070 Upland Wildlife Habitat Conservation Area Development Standards**

3931 Projects located within an Upland Wildlife Habitat Conservation Area as designated in Section  
3932 16C.11.040 shall meet the following standards listed below, rather than the development standards  
3933 in 16C.06.10 through 16C.06.23 for Hydrologically Related Critical Areas, unless review is also  
3934 needed for a Hydrologically Related Critical Areas.  
3935

3936 Projects shall be designed using management recommendations established for the species or  
3937 habitat by federal and state agencies, or those adopted for Species and Habitats of Local  
3938 Importance by Yakima County. The department shall consider the extent such recommendations

**Commented [DD96]:** GUCACQE Question 12 (Part 2): For other critical areas, like frequently flooded areas or geologically hazardous areas, they may need to be avoided to protect public safety, or may need standards to ensure that development allowed to occur within or near the critical areas is safe.  
**Answer:** 16C.11.070 satisfies the requirements to use standards. No revision required.

3939 are used in its decision on the proposal, and may consider recommendations and advice from the  
3940 agencies with expertise.  
3941

**Commented [DD97]:** GUCACQE Question 13 (optional): Does the CAO provide incentives to allow for improvements to designated critical areas and buffers?  
**Answer:** No, the CAO does not provide incentives. No revision proposed.

**YAKIMA COUNTY  
CRITICAL AREAS ORDINANCE  
Appendix A  
Designated Type 2 Stream Corridors**

3942  
3943  
3944  
3945  
3946  
3947 The following stream reaches within Yakima County are designated Type-2 Streams under the  
3948 Critical Areas Ordinance.  
3949  
3950  
3951 FOUNDATION CREEK: From the mouth of Hacket Canyon (Sec. 13,  
3952 T12N, R14E) downstream to the North Fork  
3953 Ahtanum Creek.  
3954  
3955 LITTLE RATTLESNAKE CREEK: From the Wenatchee National Forest  
3956 boundary (Sec. 25-T15N-R15E)  
3957 downstream to mouth at Rattlesnake Creek  
3958 (Sec. 3-T15N-R15N).  
3959  
3960 MIDDLE FORK AHTANUM CREEK: From the north boundary of Sec. 25, T12N,  
3961 R14E, downstream to the North Fork  
3962 Ahtanum.  
3963  
3964 MULE DRY CREEK: From the east boundary of Sec. 24, T9N,  
3965 R20E, downstream to Satus Creek.  
3966  
3967 NASTY CREEK: From the east boundary of Sec. 32, T13N,  
3968 R15E, downstream to the North Fork  
3969 Ahtanum Creek.  
3970  
3971 NILE CREEK: From the east boundary of Sec. 31, T16N,  
3972 R15E, downstream to the Naches River.  
3973  
3974 NORTH FORK AHTANUM CREEK: From east boundary of Sec. 20, T12N,  
3975 R14E, downstream to shoreline jurisdiction  
3976 (Sec. 22, T12N, R14E).  
3977  
3978 REYNOLDS CREEK: From the east boundary of Sec. 16, T13N,  
3979 R15E, to South Fork Cowiche Creek (Sec.  
3980 18, T13N, R16E).  
3981  
3982 ROCK CREEK: From the south boundary of Sec. 8, T16N,  
3983 R15E, downstream to the Naches River.  
3984  
3985 SOUTH FORK COWICHE CREEK: From the north boundary of Sec. 29, T13N,  
3986 R15E, downstream to shoreline jurisdiction  
3987 (Sec. 33, T14N, R16E).



3988 SOUTH FORK AHTANUM CREEK: From the east boundary of Sec. 32, T12N,  
3989 R15E, downstream to shoreline jurisdiction  
3990 (the NE 1/4 of the NW 1/4 of Sec. 26,  
3991 T12N, R15E).  
3992  
3993  
3994 WENAS CREEK: From ~~North Wenas Road~~ the north boundary  
3995 of (Sec.13-T154N-R18ER17ET14N-R18E)  
3996 downstream to shoreline jurisdiction of the  
3997 Yakima River.  
3998  
3999 WIDE HOLLOW CREEK: From South 96<sup>th</sup> Ave. downstream to the  
4000 municipal boundary for the City of Yakima  
4001 (Sec.34-T13N-R18E).  
4002  
4003 WILDCAT CREEK: From the Wenatchee National Forest  
4004 boundary (Sec. 25, T14N, R13E)  
4005 downstream to the Tieton River.  
4006

**Commented [BG98]:** Changed based on comments received from the Yakama Nation fisheries staff.