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Chapter 16C.01
GENERAL PROVISIONS

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16C.01.01 Title and Authority

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

16C.01.02 Language Interpretation

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

16C.01.03 Purpose of Title

The purpose of Title 16C is to establish a single, uniform system of procedures and standards to be applied to development within designated critical areas of unincorporated Yakima County.

16C.01.04 Intent of Title

- 1) Title 16C establishes policies, standards, and other provisions pertaining to development within designated critical areas regulated under the provisions of the Growth Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program. Additional purpose and intent for the protection of critical areas is provided in the chapter on each subject. Stream corridors, flood hazard areas, wetlands, critical aquifer recharge areas, geologically hazardous areas and fish and wildlife habitat areas constitute Yakima County's critical areas. These areas are of special concern to the people of Yakima County and the state of Washington because they are environmentally sensitive lands, or hazardous areas, which comprise an important part of the county's natural resource base. The policies, standards and procedures of this title are intended to:
 - a) Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions, particularly the functional properties of stream corridors and other hydrologically related critical areas;

- b) Prevent further degradation of critical areas;
 - c) Conserve, protect and, where feasible, restore essential or important natural resources.
 - d) Protect the public health, safety and general welfare;
 - e) Further the goals and objectives of the Yakima County Comprehensive Plan and all of its elements;
 - f) Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A), and the National Flood Insurance Program;
 - g) Recognize and protect private property rights;
 - h) Provide development options for landowners of all existing lots to the greatest extent possible, through the establishment of Adjustment, Reasonable Use provisions and Non-Conforming Use and Facility provisions;
 - i) ~~Recognized that mining and related uses are an appropriate use within designated critical areas when conducted in a manner consistent with the laws of the state that already govern mining including, but not limited to, the Surface Mining Act, RCW 78.44.~~
- 2) In addition, the policies, standards and procedures of this title:
- a) Are not intended to regulate the operation and maintenance of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective dates of provisions in the Critical Areas Ordinance;
 - b) Are not intended to result in an unconstitutional taking of private property;
 - c) Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the Critical Areas Ordinance; but rather to utilize restoration as a tool to mitigate impacts of new development;
 - d) Are not intended to presume that regulatory tools are the only mechanism for protection, but rather integrated with non-regulatory tools in as balanced a manner as possible;
 - e) Are not intended to prohibit the use of valid water rights.

16C.01.05 Applicability

- 1) Except as provided in subsections (3) and (4) below, the provisions of this title shall apply to any new development, construction or use within the unincorporated portion of Yakima County designated as a critical area outside Shoreline jurisdiction, as determined by the Shoreline Master Program (YCC Title 16D), and upon any land mapped and designated as a special flood hazard area under the National Flood Insurance Program, however, this title does not apply to the situations below, except that the Flood Hazard protection provisions of Chapter 5 will continue to apply as determined by the applicability provision in 16C.05.20:
- a) Within critical areas designated by this title or amendments that may later be adopted, there may exist lots, structures and uses which were lawfully established before this title was initially adopted, amended or readopted, as provided below, but which would be subsequently prohibited, regulated or restricted under this ordinance. It is the intent of this title to permit these pre-existing legal non-conformities to continue without requirement to change said non-conformity until such time as conformance is required through permits for development in the future. The adoption and amendment dates of the relevant regulations are provided below;
 - i) Critical Areas Ordinance adopted July 12, 1994;
 - ii) Critical Areas Ordinance amended October 1, 1995;

- 117 iii) Flood Hazard Ordinance adopted June 5, 1985.
- 118 b) Critical areas on federally owned lands are not subject to this title;
- 119 c) Forest practices, as defined by this title, carried out under a Washington Department of
120 Natural Resources Forest Practice permit are not subject to this title, except those that
121 involve a conversion of forest land to a non-forestry use, involve a conversion option
122 harvest plan, or take place on lands platted after January 1, 1960;
- 123 d) Livestock grazing on publicly owned land, when carried out under an agreement that
124 includes a resource management plan that will be monitored by a public entity is not
125 subject to this title;
- 126 e) Changing agricultural crops within an existing farming operation is not considered new
127 development, construction or use, provided that the existing area under agricultural
128 production is not extended further into a vegetative buffer identified under 16C.06.16,
129 and provided that the natural contour of the land subject to this title is not altered by
130 excavation and filling;
- 131 f) Minor, temporary or transient activities, including those of a recreational nature, that do
132 not alter the environment or require a dedicated staging area, use area, or route are not
133 subject to this title, and including temporary signs (election, sale, rent, etc.);
- 134 g) Critical Areas within the exterior boundaries of the Yakama Nation that are located
135 within the designated Closed Areas or not under County jurisdiction as a result of the
136 Supreme Court decision COUNTY OF YAKIMA et. al. v. CONFEDERATED TRIBES
137 AND BANDS OF THE YAKIMA INDIAN NATION (1991) are not subject to this title;
- 138 h) Mining, as defined by this title, that is carried out under a Washington Department of
139 Natural Resources reclamation permit is not subject to, the geologically hazardous areas
140 provisions of this title for erosion hazard areas, oversteepened slope hazard areas,
141 landslide hazard areas and suspected geologic hazard areas. Other critical areas
142 provisions continue to apply.
- 143 2) Other rules and regulations, including the Yakima County Subdivision Ordinance (YCC 14),
144 the Yakima County Zoning Ordinance (YCC Title 15), the Yakima Urban Area Zoning
145 Ordinance (YCC Title 15A), Shoreline Master Program (YCC Title 16D), and the Building
146 and Construction Ordinance (YCC Title 13), shall remain in full force and effect as they
147 apply to a designated critical area. Wherever the requirements of Title 16C conflict with the
148 requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other
149 lawfully adopted County rules or regulations, the most restrictive standards shall govern.
- 150 3) Due to the requirements of Substitute Senate Bill 5248, the provisions or standards of this
151 title shall not apply to agricultural activities in certain areas, as defined below. Such
152 agricultural activities are still subject to the requirements of YCC Title 16A as adopted
153 October 1, 1995.
- 154 a) "agricultural activities" means agricultural uses and practices currently existing or legally
155 allowed on rural land or agricultural land designated under RCW 36.70A.170 including,
156 but not limited to: Producing, breeding, or increasing agricultural products; rotating and
157 changing agricultural crops; allowing land used for agricultural activities to lie fallow in
158 which it is plowed and tilled but left unseeded; allowing land used for agricultural
159 activities to lie dormant as a result of adverse agricultural market conditions; allowing
160 land used for agricultural activities to lie dormant because the land is enrolled in a local,
161 state, or federal conservation program, or the land is subject to a conservation easement;
162 conducting agricultural operations; maintaining, repairing, and replacing agricultural

163 equipment; maintaining, repairing, and replacing agricultural facilities, when the
164 replacement facility is no closer to a critical area than the original facility; and
165 maintaining agricultural lands under production or cultivation.

166 4) Due to the requirements of Engrossed Substitute House Bill (ESHB) 1933, the provisions of
167 this title shall apply to any new development, construction or use within the unincorporated
168 portion of Yakima County designated as a critical area inside Shoreline jurisdiction from the
169 effective date of this title until the date of the next subsequent update of the Shoreline Master
170 Program (anticipated to be YCC Title 16D), as approved by the Washington Department of
171 Ecology per RCW 90.58.090. After the Shoreline Master Program (SMP) is approved,
172 critical areas within Shoreline jurisdiction shall be governed by the SMP.
173

174 **16C.01.06 Science and Protection of Anadromous Fish**

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

- 176 1) Using the best available science as required by RCW 36.70A.172 (Critical areas --
177 Designation and protection -- Best available science to be used) and WAC 365-195-900
178 through WAC 365-195-920 (BAS Background and purpose);
- 179 2) Giving special consideration to conservation or protection measures necessary to preserve or
180 enhance anadromous fish and their habitat, (salmon, steelhead, etc.) as required by RCW
181 36.70A.172 (Best available science to be used) and WAC 365-195-925 (Criteria for
182 demonstrating "special consideration" has been given to anadromous fisheries).
183

184 **16C.01.08 Administrative Authority**

- 185 1) The Yakima County Public Services Department - Planning Division shall be
186 responsible for the general administration of this title. The Planning Division
187 Manager or the Manager's designee shall serve as the Administrative Official of this
188 title, except as noted in Chapters 16C.05.20 through 16C.05.72. The Administrative
189 Official shall establish procedures for implementation of this title.
 - 190 a) Where the provisions of these regulations may be unclear in special
191 circumstances, or where judgment must be made because of the nature of the
192 language used, the Administrative Official shall make such interpretations. A
193 separate record of all interpretations shall be kept. To avoid arbitrariness, any
194 earlier interpretation that may relate to a pending action shall be examined by the
195 Administrative Official for its effect or influence on the pending action.
 - 196 b) A written request for interpretation of any provision of this title, or any rule or
197 regulation adopted pursuant to this title may be submitted to the Administrative
198 Official. Each request shall set forth the specific provision or provisions to be
199 interpreted and the facts of the specific situation giving rise to the request for an
200 interpretation. Interpretations shall be processed in accordance with YCC Title
201 16B.03.070.
202

203 **16C.01.09 Severability**

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

207 **Chapter 16C.02**
208 **DEFINITIONS**

209
210 **16C.02.001 Definitions Generally**

211 a) Whenever the words and terms set forth in this chapter appear in this title, they shall be given
212 the meaning attributed to them by this chapter. References to specific provisions of YCC Title
213 13 and the International Building Codes, statutes and Washington Administrative Code provide
214 greater detail for purposes of administering this title.

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

218
219 **16C.02.005 Abutting**

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

222
223 **16C.02.010 Adjacent**

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

225
226 **16C.02.012 Administrative Official**

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

230
231 **16C.02.025 Alluvial fan**

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

239
240 **16C.02.030 Applicant**

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

243
244 **16C.02.035 Aquifer**

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

247
248 **16C.02.040 Critical Aquifer Recharge Area**

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

253 **16C.02.042 Bank**
254 "Bank" means the land surface above the ordinary high water mark that abuts a body of water
255 and contains it to the bankfull depth.
256

257 **16C.02.043 Bankfull depth**
258 "Bankfull depth" means the average vertical distance between the channel bed and the estimated
259 water surface elevation required to completely fill the channel to a point above which water
260 would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels
261 exist, the bankfull depth is the average depth of all channels along the cross-section.
262

263 **16C.02.044 Base Flood**
264 "Base Flood" for purposes of administering 16C.05 means the flood having a 1-percent chance
265 of being equaled or exceeded in any given year. (Ref. IBC 1612.2)
266

267 **16C.02.045 Base Flood Elevation**
268 "Base flood elevation" for purposes of administering 16C.05 means the elevation of the base
269 flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North
270 American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map
271 (FIRM). (Ref. IBC1612.2)
272

273 **16C.02.046 Basement**
274 "Basement" for purposes of administering 16C.05 means any area of the building having its floor
275 subgrade (below ground level) on all sides. (Ref. IBC 1612.2)
276

277 **16C.02.055 Bed**
278 "Bed" means the land below the ordinary high water lines of state waters. This definition shall
279 not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses
280 except where they exist in a natural watercourse that has been altered by man.
281

282 **16C.02.060 Bedrock**
283 "Bedrock" means in-place solid rock.
284

285 **16C.02.065 Berm**
286 "Berm" means a mound of earth material used as a protective barrier or to control the direction of
287 water flow.
288

289 **16C.02.067 Best Management Practices**
290 "Best Management Practices" or "BMPs" means schedules of activities, practices, maintenance
291 procedures, and structural and/or managerial practices that, when used singly or in a combination
292 prevent or reduce adverse impacts to the environment.
293

294 **16C.02.070 Bioengineering**
295 "Bioengineering" means project designs or construction methods which use live woody
296 vegetation or a combination of live woody vegetation and specially developed natural or
297 synthetic materials to establish a complex root grid within the existing bank which is resistant to
298 erosion, provides bank stability, and maintains a healthy riparian environment with habitat

299 features important to fish life. Use of wood structures or limited use of clean angular rock may
300 be allowable to provide stability for establishment of the vegetation.

301

302 **16C.02.075 Breakwater**

303 "Breakwater" means a fixed or floating off-shore structure that protects the shore from wave
304 action or currents.

305

306 **16C.02.080 Bulkhead**

307 "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the
308 shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject
309 to erosion.

310

311 **16C.02.085 Channel**

312 "Channel" means an open conduit, either naturally or artificially created, which periodically or
313 continuously contains moving water, or which forms a connecting link between two bodies of
314 water.

315

316 **16C.02.092 Chief Building Official**

317 "Chief Building Official" or "building official" means the manager of the Building and Fire
318 Safety Division of the Department of Public Services or designee.

319

320 **16C.02.095 Classification**

321 "Classification" means the definition of value and hazard categories to which critical areas and
322 natural resource lands will be assigned.

323

324 **16C.02.100 Clearing**

325 "Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter
326 from a site.

327

328 **16C.02.110 Compaction**

329 "Compaction" means compressing soil through some mechanical means to make it denser.

330

331 **16C.02.115 Confinement Feeding Operation**

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

337

338 **16C.02.120 Construction**

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

341

342 **16C.02.125 Designated**

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

344

345 **16C.02.130 Department**
346 "Department" means the Yakima County Public Services Department, Planning Division.

347
348 **16C.02.135 Development**
349 "Development" means the division of land into lots or parcels in accordance with the county
350 Subdivision Ordinance, and any clearing, excavation, dredging, drilling, filling, dumping,
351 removal of earth and mineral materials, or other permanent or temporary modification of a site
352 up to, but not including, construction as defined in this chapter. For the purpose of Chapters
353 16C.05.20 through 16C.05.72, "development" also means any manmade change to improved or
354 unimproved real estate located within the special flood hazard area, including but not limited to
355 buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling,
356 temporary or permanent storage of equipment and works defined in this chapter. (Ref. IBC G
357 201.2)

358
359 **16C.02.140 Dike**
360 "Dike" means an embankment to prevent flooding by a stream or other water body. A dike is
361 also referred to as a levee.

362
363 **16C.02.145 Dock**
364 "Dock" means a structure built over or floating upon the water and used as a landing place for
365 boats and other marine transport, fishing, swimming, and other recreational uses.

366
367 **16C.02.150 Dredging**
368 "Dredging" means removal of earth from the bed of a stream, lake, or pond for the purpose of
369 increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill
370 materials. This definition does not include excavation for mining within a pond created by a
371 mining operation approved under this title or under a local zoning ordinance, or a mining
372 operation in existence before Zoning, Shorelines, or Critical Areas permits were required for
373 such operations.

374
375 **16C.02.160 Earth Material**
376 "Earth material" means any rock, natural soil, or combination thereof.

377
378 **16C.02.170 Enhance**
379 "Enhance" means to strengthen any of the basic functional properties listed in Section 16C.06.05
380 that exist but do not perform at optimum efficiency. "Optimum" refers to the most favorable or
381 best performance of each function achievable for a specific segment of stream corridor.

382
383 **16C.02.175 Ephemeral Stream**
384 "Ephemeral stream" means a stream that flows only in response to precipitation with no
385 groundwater association, usually less than 30 days per year. The lack of any groundwater
386 association results in a lack of a distinctive riparian vegetation compared to the surrounding
387 landscape.

388
389 **16C.02.180 Erosion**

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

392

393 **16C.02.190 Excavation**

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

395

396 **16C.02.200 Fill**

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

403

404 **16C.02.205 Flood**

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

408

409 **16C.02.206 Flood Hazard Permit**

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

412

413 **16C.02.207 Flood Insurance Rate Map**

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

417

418 **16C.02.208 Flood Insurance Study**

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

422

423 **16C.02.210 Floodplain**

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

429

430 **16C.02.215 Flood-prone**

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

435

436 **16C.02.216 Flood-proofing**
437 "Flood-proofing" for purposes of administering 16C.05 means any combination of structural and
438 nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood
439 damages to lands, water and sanitary facilities, structures and contents of buildings.

440
441 **16C.02.220 Floodway**
442 "Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent
443 land areas that must be reserved in order to discharge the base flood without cumulatively
444 increasing the water surface elevation more than one foot.

445
446 **16C.02.225 Floodway Fringe**
447 "Floodway fringe" for purposes of administering 16C.05 means that portion of a floodplain
448 which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve
449 as temporary storage for floodwaters.

450
451 **16C.02.230 Forest Land**
452 "Forest land" means land primarily devoted to forest practices activities.

453
454 **16C.02.240 Forest Practices**
455 "Forest practices" means activities conducted under federal forest practices approval or under a
456 Forest Practices permit reviewed and approved by the Washington Department of Natural
457 Resources pertaining to the management of forest land, including growing, managing,
458 harvesting, and interim storage of merchantable timber for commercial value, as well as
459 incidental activities reviewed under federal or state approval, such as road construction and
460 maintenance (including bridges) and mining activities.

461
462 **16C.02.250 Grade**
463 "Grade" means the vertical location of the ground surface. "Natural grade" is the grade as it
464 exists or may have existed in its original undisturbed condition. "Existing grade" is the current
465 grade in either its undisturbed, natural condition or as disturbed by some previous modification.
466 "Rough grade" is a stage where grade conforms approximately to an approved plan. "Finish
467 grade" is the final grade of the site which conforms to an approved plan.

468
469 **16C.02.255 Grading**
470 "Grading" means any excavation, filling, or combination thereof.

471
472 **16C.02.260 Groundwater**
473 "Groundwater" means water that occurs beneath the land surface, also called subsurface water or
474 subterranean water. Groundwater includes water in the zone of saturation of a water-bearing
475 formation.

476
477 **16C.02.263 Hydrologically Related Critical Areas (HRCA)**
478 "Hydrologically related critical areas (HRCA)" include all those areas identified in section
479 16C.06.03, within Yakima County which are important and deserving of protection by nature of
480 their value for the functional properties found in Section 16C.06.05.

481

482 **16C.02.266 Hyporheic**
483 "Hyporheic" means a groundwater area adjacent to and below channels where water is
484 exchanged with channel water and water movement is mainly in the downstream direction.
485

486 **16C.02.270 Intermittent Streams**
487 "Intermittent stream" means a stream which flows only during certain times of the year, with
488 inputs from precipitation and groundwater, but usually more than 30 days per year. The
489 groundwater association generally produces an identifiable riparian area. This definition does
490 not include streams that are intermittent because of irrigation diversion or other manmade
491 diversions of the water.
492

493 **16C.02.275 Lake or pond**
494 "Lake or pond" means an inland body of standing water. The term includes the reservoir or
495 expanded part of a river behind a dam, but excludes a man-made body of water created for
496 surface mining purposes.
497

498 **16C.02.281 Lowest Floor**
499 "Lowest floor" for purposes of administering 16C.05 means the lowest floor of the lowest
500 enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for
501 parking of vehicles, building access or storage, in an area other than a basement area, is not
502 considered a building's lowest floor, provided that such enclosure is not built so as to render the
503 structure in violation of the applicable nonelevation design requirements of this title.
504

505 **16C.02.282 Manufactured Home**
506 "Manufactured home" means a structure fabricated on a permanent chassis that is transportable
507 in one or more sections; is designed to be used with or without a permanent foundation when
508 connected to the required facilities; has sleeping, cooking, and plumbing facilities or any
509 combination thereof; and is intended for human occupancy or is being used for residential
510 purposes. Although Washington Administrative Code (WAC) and Yakima County Code Titles
511 13 and 15 separately define and distinguish between "manufactured home" and "mobile home"
512 according to federal or state construction codes for such dwellings, the term "manufactured
513 home" shall include "mobile home" for regulatory purposes under this chapter. The term shall
514 not include "recreation vehicle," "commercial coach," "camping vehicle," "travel trailer," "park
515 trailer," "tip-out," and any other similar vehicle which is not intended, designed, constructed or
516 used for residential purposes for use as a single-family dwelling and is not otherwise labeled as a
517 manufactured or mobile home under any federal or state law. For floodplain management
518 purposes only under this chapter, park trailers, camping vehicles, travel trailers, tip-outs, and
519 other similar vehicles shall be considered manufactured homes when placed on a site for greater
520 than one hundred eighty days.
521

522 **16C.02.283 Manufactured Home Park or Subdivision**
523 "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided
524 into two or more manufactured home lots for rent or sale in accordance with YCC Title 15 of this
525 Code.
526

527 **16C.02.284 Manufactured Home Park or Subdivision, Existing**

528 "Existing manufactured home park or subdivision" means a manufactured home park or
529 subdivision for which the construction of facilities for servicing the lots on which the
530 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
531 construction of streets, and either final site grading or the pouring of concrete pads) is completed
532 before October 1, 1995, the effective date of these floodplain management regulations.
533

534 **16C.02.285 Minerals**

535 "Minerals" means gravel, sand and metallic and non-metallic substances of commercial value.
536

537 **16C.02.290 Mining**

538 "Mining" means the removal of naturally occurring minerals and materials from the earth for
539 commercial value. Mining includes processing and batching. Mining does not include large
540 excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation
541 (16C.06.20).
542

543 **16C.02.295 Native**

544 "Native" means indigenous to or originating naturally within Yakima County.
545

546 **16C.02.300 Natural Conditions**

547 "Natural conditions" means those conditions which arise from or are found in nature and not
548 modified by human intervention; not to include artificial or manufactured conditions.
549

550 **16C.02.302 New Construction**

551 "New construction" for purposes of administering 16C.05 means structures for which the start of
552 construction commenced on or after June 5, 1985, the date Yakima County enacted Ordinance 3-
553 1985 in order to meet the requirements of the National Flood Insurance Program. October 1,
554 1995, the effective date of the ordinance codified in this title shall be used for defining the term
555 new construction as it applies to all other Critical Areas requirements established under this title
556 by Ordinance 8-1995.
557

558 **16C.02.303 Nonconforming Structure**

559 "Nonconforming structure" for purposes of administering 16C.05 means a structure which was
560 legally constructed prior to October 1, 1995, the effective date of this title, but which would not
561 be permitted as a new structure under the terms of this title because the structure is not in
562 conformance with the applicable elevation and/or flood-proofing requirements.
563

564 **16C.02.304 Nonconforming Use**

565 "Nonconforming use" for purposes of administering 16C.05 means the use of a building,
566 structure or land which was lawfully established, existing and maintained at the effective date of
567 provisions of this title but which, because of the application of this title to it, no longer conforms
568 to the use or applicable elevation and/or flood-proofing requirements of this title and which
569 would not be permitted as a new use under the terms of this title.
570

571 **16C.02.305 Ordinary High Water Mark (OHWM)**

572 "Ordinary high water mark" means that mark on lakes and streams which will be found by
573 examining the bed and banks and ascertaining where the presence and action of waters are so

574 common and usual, and so long continued in ordinary years, as to mark upon the soil a character
575 distinct from that of the abutting upland.

576

577 **16C.02.310 Perennial Stream**

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

580

581 **16C.02.320 Project Site**

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

584

585 **16C.02.321 Qualified Professional**

586 "A qualified professional" shall meet the following criteria:

587 (a) A qualified professional for wetlands must have a bachelors degree or higher in biology,
588 ecology, soil science, botany, or a closely related field, and a minimum of five years of
589 professional experience in wetland identification and assessment in the Pacific Northwest.

590 (b) A qualified professional for stream corridors and habitat conservation areas must have a
591 bachelors degree or higher in wildlife biology, ecology, fisheries, or closely related field, and a
592 minimum of five years professional experience related to the subject species/habitat type.

593 (c) A qualified professional for geologically hazardous areas and preparation of geo-technical
594 reports must be a professional engineering geologist or civil engineer, licensed in the state of
595 Washington.

596 (d) A qualified professional for critical aquifer recharge areas must be a professional
597 hydrogeologist, or environmental engineer licensed in the state of Washington.

598 (e) A qualified professional for channel migration zone reports must be a professional
599 engineering geologist, civil engineer or geologist licensed in the state of Washington, with a
600 minimum of five years of professional experience in geomorphology.

601 (f) A qualified professional for flood studies must be a professional engineering geologist or civil
602 engineer licensed in the state of Washington.

603 (g) A qualified professional for economic studies must have a bachelors degree or higher in
604 economics or business administration with 5 years of professional experience. The five year
605 standard shall be waived for professionals with a PhD degree.

606 (h) A qualified professional for habitat assessments and habitat management plans must have a
607 bachelors degree or higher in biology and professional experience related to the subject species
608 or habitat.

609 ~~(h)~~ Or other person/persons with experience, training, expertise and related work experience
610 appropriate for the relevant critical area subjects determined to be acceptable to the
611 Administrative Official.

612

613 **16C.02.322 Recreation Vehicle**

614 "Recreation vehicle" means a vehicle which is:

615 (1) Built on a single chassis;

616 (2) Four hundred square feet or less when measured at the largest horizontal projection;

617 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

618 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
619 recreational, camping, travel, or seasonal use.

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16C.02.325 Restore

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

16C.02.330 Revetment

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

16C.02.335 Riparian vegetation

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

16C.02.340 Riprap

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

16C.02.345 Scour

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

16C.02.355 Shoreline

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

16C.02.360 Shore Stabilization

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

16C.02.365 Slope

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

16C.02.366 Solid Waste

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

666 **16C.02.367 Special Flood Hazard Areas**
667 "Special flood hazard area" means the land in the floodplain identified by the Federal Emergency
668 Management Agency that is subject to a one-percent or greater chance of flooding in any given
669 year; commonly known as the 100-year floodplain.

670
671 **16C.02.368 Start of Construction**
672 "Start of construction" for purposes of administering 16C.05 means the first placement of
673 permanent construction of a structure (other than a manufactured home) on a site, such as the
674 pouring of slabs or footings or any work beyond the stage of excavation. "Permanent
675 construction" does not include land preparation, such as clearing, grading and filling, nor does it
676 include the installation of streets or walkways; nor does it include excavation for a basement,
677 footings, piers or foundations, or the erection of temporary forms; nor does it include the
678 installation on the property of accessory buildings, such as garage, or sheds not occupied as
679 dwelling units or not as part of the main structure. For a structure (other than a manufactured
680 home) without a basement or poured footings, the "start of construction" includes the first
681 permanent framing or assembly of the structure or any part thereof on its piling or foundation.
682 For manufactured homes not within a manufactured home park, "start of construction" means the
683 affixing of the manufactured home to its permanent site. For manufactured homes within
684 manufactured home parks, "start of construction" is the date on which the construction of
685 facilities for servicing the site on which the manufactured home is to be affixed (including, at a
686 minimum, the construction of streets, either final site grading or the pouring of concrete pads,
687 and installation of utilities) is completed.

688
689 **16C.02.370 Stream**
690 "Stream" means water contained within a channel, either perennial, intermittent or ephemeral.
691 Streams include natural watercourses modified by man, for example, by stream flow
692 manipulation, channelization, and relocation of the channel. They do not include irrigation
693 ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or
694 other artificial watercourses.

695
696 **16C.02.380 Stream Corridor**
697 "Stream corridor," as used in this title, means those features listed and described in Chapter
698 16C.06.03 and related appendices to this title.

699
700 **16C.02.390 Structure**
701 "Structure" means anything constructed or erected which requires location on the ground, or
702 attached to something having a location on the ground, but not including fences or walls used as
703 fences less than six feet in height. The term also includes gas or liquid storage tanks when
704 located principally above ground.

705
706 **16C.02.395 Substantial Improvement**
707 "Substantial improvement" for purposes of administering 16C.05 means any repair,
708 reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent
709 of the assessed value of the structure either:
710 (1) Before the improvement or repair is started; or
711 (2) Before the damage occurred to a structure that has been damaged and is being restored.

712 For the purposes of this definition "substantial improvement" occurs when the first alteration of
713 any wall, ceiling, floor, or other structural part of the building commences, whether or not that
714 alteration affects the external dimensions of the structure. The total value of all improvements to
715 an individual structure undertaken subsequent to October 1, 1995, the effective date of this title,
716 shall be used to define "substantial improvement" for said structure. The term does not, however,
717 include either:

- 718 (1) Any project for improvement to a structure to comply with existing state or local health,
719 sanitary or safety code specifications which are solely necessary to assure safe living conditions;
720 or
721 (2) Any alteration of a structure listed on the National Register or Historic Places or a state
722 inventory of historic places.

723
724 **16C.02.400 Use**

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

727
728 **16C.02.415 Vegetative Buffer or Buffer**

729 "Vegetative buffer or Buffer" means an area extending landward from the ordinary high water
730 mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise
731 allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for
732 the performance of the basic functional properties of a stream corridor, wetland and other
733 hydrologically related critical areas as set forth in Chapter 16C.06.05 (Functional Properties) and
734 16C.07.04 (Wetland Functions and Rating). It is understood that optimal conditions do not
735 always exist due to degradation of the vegetative buffer before establishment of this title, or due
736 to colonization by non-native species. Such conditions still provide functional properties, though
737 at a lower level, depending on the difference from natural conditions.

738
739 **16C.02.425 Wetland**

740 "Wetland" or "wetlands" means that area inundated or saturated by surface water or groundwater
741 at a frequency and duration sufficient to support, and under normal circumstances does support, a
742 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
743 generally include swamps, marshes, bogs and similar areas. Wetlands do not include those
744 artificial wetlands intentionally created from non-wetland sites, including, but not limited to,
745 irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater
746 treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1,
747 1990, that were unintentionally created as a result of the construction of a road, street, or
748 highway. However, wetlands may include those artificial wetlands specifically intentionally
749 created from non-wetland areas to mitigate conversion of wetlands.

750
751 **16C.02.430 Wildlife**

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

757

758 **16C.02.435 Wildlife Habitat**

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

762

763 **16C.02.440 Works**

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

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Chapter 16C.03
APPLICATION AND REVIEW PROCEDURES

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806 **General Provisions**

807
808 **16C.03.01 Critical Area Development Authorization Required**

- 809 1) No new development, construction or use shall occur within a designated critical area
810 without obtaining a development authorization in accordance with the provisions of this title,
811 except for those provided for in section 16C.03.05 (Minor Activities Allowed without a
812 Permit or Exemption). Exemptions, as provided for in sections 16C.03.07 through
813 16C.03.09, shall be considered as development authorization.
- 814 2) With respect to application and review procedures, it is the intent of this title to streamline
815 and coordinate the authorization of critical area projects which require other local, state
816 and/or federal permits or authorizations. Any nonexempt development, construction or use
817 occurring within a designated critical area shall be processed according to the provisions of
818 this chapter and the Project Permit Administration Ordinance (YCC Title 16B).
- 819 3) Approval of a development authorization under this title shall be in addition to, and not a
820 substitute for, any other development permit or authorization required by Yakima County.
821 Approval of a development authorization under this title shall not be interpreted as an
822 approval of any other permit or authorization required of a development, construction or use.
- 823 4) Permits issued in accordance with this title shall run with the land.
- 824 5) Coordination with Other Jurisdictions.
- 825 a) Where all or a portion of a standard development project site is within a designated
826 critical area and the project is subject to another local, state or federal development
827 permit or authorization, then the Administrative Official shall determine whether the
828 provisions of this title can be processed in conjunction with, and as part of, that local,
829 state or federal development permit or authorization, or whether a separate critical area
830 development authorization application and review process is necessary. The decision of
831 the Administrative Official shall be based upon the following criteria:
- 832 i) The nature and scope of the project and the critical area features involved or
833 potentially impacted;
- 834 ii) The purpose or objective of the permit or authorization and its relationship to
835 protection of the critical area;
- 836 iii) The feasibility of coordinating the critical area development authorization with the
837 permitting agency;
- 838 iv) The timing of the permit or authorization.
- 839 b) When a determination has been made that provisions of this title can be handled through
840 another applicable development permit or authorization process, project proponents will
841 be required to provide any additional site plans, data and other information necessary as
842 part of that process to fully evaluate the critical area project and ensure its compliance
843 with this title. The Administrative Official's decision on the critical area development
844 authorization shall be coordinated to coincide with other permits and authorizations.

845
846 **Inquiry and Early Assistance**

847
848 **16C.03.02 Critical Area Identification Form and Critical Area Report Requirements.**

- 849 1) Prior to the review or consideration of any proposed development, construction or use,
850 except those provided under Applicability (16C.01.05), and Minor Activities Allowed
851 Without a Permit or Exemption (16C.03.05), the County shall consider available information

852 to determine if a critical area is likely to be present. The presence of a critical area found on
853 the paper and electronic maps within or adjacent to the property proposed for development is
854 sufficient foundation for the Administrative Official to require preparation of a critical area
855 identification form, provided by the department, and a preliminary site plan. This critical area
856 identification form and preliminary site plan may be one piece of information used to analyze
857 how a critical area could be affected by a development proposal. To the extent possible, all
858 critical area features must be identified on the critical area identification form and shown on
859 the preliminary site plan prior to the Administrative Official determining whether the
860 development is subject to this title.

- 861 2) Upon receipt of a critical area identification form and site plan, the Administrative Official
862 will typically conduct a site examination to review critical area conditions on site. The
863 Administrative Official shall notify the property owner of the site examination prior to the
864 site visit. Reasonable access to the site shall be provided by the property owner for the site
865 examination during any proposal review, restoration, emergency action, or monitoring
866 period.
- 867 3) The Administrative Official shall review available information pertaining to the site and the
868 proposal and make a determination as to whether any critical areas may be affected by the
869 proposal. If so, a more detailed critical area report shall be submitted in conformance with
870 section 16C.03.17 (Critical Areas Reports) and section 16C.03.18 (Supplemental Report
871 Requirements for Specific Critical Areas), except as provided below:
- 872 a) **No critical areas present.** If the Administrative Official is able to sufficiently determine
873 that a critical area does not exist within or adjacent to the project area, then a critical area
874 report is not required;
 - 875 b) **Critical areas present, but no impact.** If the Administrative Official is able to
876 determine the existence, location and type of critical area sufficiently to indicate that the
877 project area is not within or adjacent to the critical area and that the proposed activity is
878 unlikely to degrade the functions or values of the critical area, then the Administrative
879 Official may waive the requirement for a critical area report. A summary of the
880 determination shall be included in any staff report or decision on the permit or review;
 - 881 c) **Critical areas may be affected by proposal.** If the project area is within or adjacent to a
882 critical area or buffer the Administrative Official may waive the requirement for a critical
883 areas report if:
 - 884 i) The Administrative Official is sufficiently able to determine the existence, location
885 and type of the critical area;
 - 886 ii) The project is of a small scale or uncomplicated nature, such that a specialist is not
887 needed to identify impacts and mitigation. Work within a wetland or stream channel
888 would generally not meet this provision;
 - 889 iii) The applicant agrees to provide mitigation that the Administrative Official deems
890 adequate to mitigate for anticipated impacts. Restoration of degraded areas may
891 serve as mitigation; and,
 - 892 iv) A summary of the determination shall be included in any staff report or decision on
893 the permit or review.
 - 894 d) If the applicant wants greater assurance of the accuracy of the critical area review
895 determination, the applicant may choose to hire a qualified professional to provide such
896 assurances.

- 897 e) As guidance on the practical application of the requirement for critical areas reports,
898 reports will generally fall into the following groups based on increasing complexity and
899 cost of the report:
- 900 i) Determining the absence of a critical area (sometimes resulting when initial indicators
901 show the likely presence of a critical area);
 - 902 ii) Determining the existence, location and type of a critical area;
 - 903 iii) Determining impacts of an encroachment on a critical area and general mitigation
904 measures;
 - 905 iv) Developing a compensatory mitigation plan for replacement or mitigation of lost
906 wetland or stream channel area.
- 907

908 **16C.03.03 Pre-application Conference**

909 Any new development, construction or use falling under the provisions of this title shall be
910 subject to a pre-application conference, except that project review for flood hazards shall follow
911 the pre-application requirements established to administer chapter 16C.05 (Flood Hazard Areas).
912 The department shall schedule a pre-application conference for as soon as is reasonably possible
913 to allow attendance by the project proponent and necessary staff. To assist in project review and
914 discussion, prior to the pre-application conference, the project proponent must submit a
915 preliminary site plan showing the nature and scope of the proposed project along with any
916 existing features of the property having a relationship to the project. The pre-application
917 conference is intended to allow the Administrative Official to:

- 918 1) Establish the scope of the project and the critical area features involved or potentially
919 impacted;
 - 920 2) Consider the degree to which the project may affect or impair a designated critical area and
921 identify potential concerns that may arise;
 - 922 3) Identify other permits and authorizations which the project proponent may need to obtain;
 - 923 4) Determine whether the project will be processed through the development authorization
924 procedures of this title or coordinated through the review and approval procedures of another
925 development permit or authorization required of the project from Yakima County;
 - 926 5) Provide the proponent with resources and technical assistance (such as maps, scientific
927 information, other source materials, etc.) to assist the proponent in meeting the provisions of
928 this title and any applicable rules and regulations of other agencies and jurisdictions;
 - 929 6) Determine whether there is a need for a preliminary site assessment or a technical assistance
930 conference to better define the critical area issues and alternatives;
 - 931 7) Determine whether the project can be processed as an exemption, or if not, what type of
932 permits or reviews may be needed. Final determination of necessary permits will be made
933 based on the project design and submittal materials;
 - 934 8) Consider whether a preliminary site assessment should be scheduled in the field to determine
935 the applicability of the development standards of this title to the project, based on
936 information contained in the preliminary site plan.
- 937

938 **16C.03.04 Technical Assistance Conference**

939 If requested by the project proponent or otherwise determined necessary, the department will
940 arrange a meeting of representatives of those agencies and organizations with expertise, interest,
941 or jurisdiction in the project. In conjunction with the invitation to attend the technical assistance
942 conference, the department will provide the potential participants with a project summary

943 compiled from the pre-application conference. The technical assistance conference may also
944 involve a preliminary site assessment, if it is determined that resolution of issues related to the
945 project can be achieved through an on-site review. The purpose of the technical assistance
946 conference will be to:

- 947 1) Confirm and define the requirements of any other applicable local, state or federal
948 regulations;
- 949 2) Clarify any identified procedural or regulatory conflicts and define the alternative courses of
950 action available to the applicant in addressing project requirements;
- 951 3) Determine whether compliance with other existing statutes and regulations will adequately
952 address the provisions of this title;
- 953 4) Provide the proponent with guidance, available data and information that will assist in
954 complying with the provisions of this title and other ordinances and regulations;
- 955 5) Provide the proponent with guidance concerning project modifications or site enhancements
956 that would eliminate or minimize impacts to the critical area;
- 957 6) Provide the proponent with alternatives for securing data, information, or assistance
958 necessary to the project but not available through the pre-application conference;
- 959 7) Determine whether a critical area report is necessary, and if so, the qualifications, skills and
960 expertise required of a consultant to perform the special study.

961 **Abbreviated Review Alternatives**

962 **16C.03.05 Minor Activities Allowed without a Permit or Exemption.**

- 963 1) The following activities are included under 16C.01.05(1) (Applicability) and are allowed
964 without a permit or exemption:
 - 965 a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping
966 (including paths and trails) or gardens within a regulated critical area or its buffer.
967 Examples include, harvesting or changing crops, mowing lawns, weeding, harvesting and
968 replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation
969 or indigenous native species to maintain the general condition and extent of such areas.
970 Cutting down trees and shrubs within a buffer is not covered under this provision, but
971 maybe covered under an exemption. Excavation, filling, and construction of new
972 landscaping features, such as concrete work, berms and walls, are not covered in this
973 provision and are subject to review;
 - 974 b) Minor maintenance and/or repair of lawfully established structures that do not involve
975 additional construction, earthwork or clearing. Examples include painting, trim or facing
976 replacement, re-roofing, etc. Construction or replacement of structural elements is not
977 covered in this provision, but may be covered under an exemption. Cleaning canals,
978 ditches, drains, wasteways etc. without expanding their original configuration is not
979 considered additional earthwork, as long as the cleared materials are placed outside the
980 stream corridor, wetlands, and buffers;
 - 981 c) Low impact activities such as hiking, canoeing, viewing, nature study, photography,
982 hunting, fishing, education or scientific research;
 - 983 d) Creation of unimproved private trails that do not cross streams or wetlands that are less
984 than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
 - 985 e) Planting of native vegetation;

- 988 | f) Noxious weed control outside vegetative buffers identified in Chapter 16C.06.16, except
- 989 | for area wide vegetation removal/grubbing;
- 990 | g) Noxious weed control within vegetative buffers, if the criteria listed below are met.
- 991 | Control methods not meeting these criteria may still apply for a restoration exemption, or
- 992 | other authorization as applicable:
- 993 | i) Hand removal/spraying of individual plants only;
- 994 | ii) No area wide vegetation removal/grubbing.
- 995 |

996 | **16C.03.06 Exemption–Procedural Requirements**

997 | Certain activities and uses are exempt from some permit processes and shall instead be reviewed

998 | using the procedures below, except that Flood Hazard exemptions provided in 16C.05.20.06,

999 | shall follow procedures established to administer Chapter 16C.05 (Flood Hazard Areas).

- 1000 | 1) Any exempted development shall be consistent with the policies and provisions of this title.
- 1001 | 2) Only those developments that meet the precise terms of one or more of the listed exemptions
- 1002 | may qualify for review under these provisions.
- 1003 | 3) If any part of a proposed development is not eligible for exemption, then a development
- 1004 | permit is required for the entire proposed development project.
- 1005 | 4) When a development or use is proposed that does not comply with the bulk, dimensional and
- 1006 | performance standards of this title, such development must also obtain an Adjustment
- 1007 | (16C.03.23).
- 1008 | 5) All exempted activities shall use reasonable methods to avoid impacts to critical areas. To be
- 1009 | exempt from this title does not give permission to degrade a critical area or ignore risk from
- 1010 | natural hazards. Any incidental damage to, or alteration of, a critical area that is not a
- 1011 | necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the
- 1012 | responsible party’s expense, according to section 16C.06.23 (Reclamation).
- 1013 | 6) The proponent of an exempt activity shall submit a written request for permit exemption to
- 1014 | the Administrative Official that describes the activity and states the exemption requested.
- 1015 | The applicant shall submit to the Administrative Official a written description of the project
- 1016 | that demonstrates compliance with applicable standards.
- 1017 | 7) The Administrative Official shall review the exemption request to verify that it complies with
- 1018 | this title.
- 1019 | 8) The Administrative Official shall approve or deny the exemption.
- 1020 | 9) A formal letter of exemption shall be provided where an exempt activity is approved under
- 1021 | this title. A copy of the exemption shall be kept on file by the Administrative Official. If an
- 1022 | exemption cannot be granted, the Administrative Official shall notify the applicant in writing
- 1023 | of the reason, at which time the applicant may pursue other permit processes under this title.
- 1024 | 10) Conditions may be attached to the approval of exempted developments and/or uses as
- 1025 | necessary to assure continued consistency of the project with this title.
- 1026 | 11) Exempt activities are identified in the following locations. Such activities are stated as
- 1027 | exempt from the standard development permits or flood hazard permits. However, this
- 1028 | provision does not exempt an activity from other permits or reviews that may be required
- 1029 | under this title.
- 1030 | a) Those activities listed in sections 16C.03.07 (Exemptions from HRCA, and Wetlands) are
- 1031 | exempt from the standard development permit requirements for Wetlands (16C.07), and
- 1032 | Hydrologically Related Critical Areas Features (16C.06.03);

- 1033 b) Those activities listed in sections 16C.03.09 (Exemptions for Upland Wildlife Habitat
1034 and ~~Habitat of Local Importance~~Conservation Areas) are exempt from the standard
1035 development permit requirements for Upland Wildlife Habitat and ~~Habitat of Local~~
1036 ~~Importance~~Conservation Areas (16C.06.0411);
- 1037 c) Those activities listed in sections 16C.03.08 (Exemptions for Geologically Hazardous
1038 Areas) are exempt from the standard development permit requirements for Geologically
1039 Hazardous Areas (16C.08);
- 1040 d) Those activities listed in sections 16C.05.20.060 are exempt from the Flood Hazard
1041 Permit requirements for Flood Hazard Areas (16C.05).

1042
1043 **16C.03.07 Exemptions for Hydrologically Related Critical Areas, and Wetlands**

1044 The following development activities are exempt from standard development permits that are
1045 required within Wetlands designated in chapter 16C.07.02 (Designation and Mapping) and
1046 Hydrologically Related Critical Areas features designated in section 16C.06.03 (HRCA Features)

- 1047 1) ~~Construction by an owner, lessee, or contract purchaser of a single family residence for his~~
1048 ~~own use or the use of his family, which residence meets all requirements of the state agency~~
1049 ~~or local government having jurisdiction thereof, other than requirements imposed pursuant to~~
1050 ~~this title. "Single family residence" means a detached dwelling designed for and occupied~~
1051 ~~by one family including those structures and developments within a contiguous ownership~~
1052 ~~which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and~~
1053 ~~enjoyment of a single family residence and is located landward of the ordinary high water~~
1054 ~~mark and the perimeter of a wetland. Normal appurtenances include a garage; deck;~~
1055 ~~driveway; utilities; fences; installation of a septic tank and drainfield and grading which does~~
1056 ~~not exceed five hundred cubic yards and which does not involve placement of fill in any~~
1057 ~~wetland or waterward of the ordinary high water mark. Construction authorized under this~~
1058 ~~exemption shall be located landward of the ordinary high water mark;~~
- 1059 2) ~~Construction of the normal protective bulkhead common to single family residences. A~~
1060 ~~"normal protective" bulkhead includes those structural and nonstructural developments~~
1061 ~~installed at or near, and parallel to, the ordinary high water mark for the sole purpose of~~
1062 ~~protecting an existing single family residence and appurtenant structures from loss or~~
1063 ~~damage by erosion. A normal protective bulkhead is not exempt if constructed for the~~
1064 ~~purpose of creating dry land. When a vertical or near vertical wall is being constructed or~~
1065 ~~reconstructed, not more than one cubic yard of fill per one foot of wall may be used as~~
1066 ~~backfill. When an existing bulkhead is being repaired by construction of a vertical wall~~
1067 ~~fronting the existing wall, it shall be constructed no further waterward of the existing~~
1068 ~~bulkhead than is necessary for construction of new footings. When a bulkhead has~~
1069 ~~deteriorated such that an ordinary high water mark has been established by the presence and~~
1070 ~~action of water landward of the bulkhead then the replacement bulkhead must be located at~~
1071 ~~or near the actual ordinary high water mark. Bioengineered erosion control projects may be~~
1072 ~~considered a normal protective bulkhead when any structural elements are consistent with~~
1073 ~~the above requirements and when the project has been approved by the department of fish~~
1074 ~~and wildlife;~~
- 1075 3) ~~Development and construction for which the total cost or fair market value, whichever is~~
1076 ~~higher, does not exceed five thousand dollars (adjusted for inflation as determined by the~~
1077 ~~Washington Office of Financial Management using methods provided in RCW~~
1078 ~~90.58.030(3)(e) and WAC 173-27-040(2)(a)), provided such development and construction~~

1079 | ~~does not involve excavation, fill, or other work which is not consistent with the functional~~
1080 | ~~properties of stream corridors and other hydrologically related critical areas as set forth in~~
1081 | ~~Section 16C.06.05 of this title. The total cost or fair market value of the development shall~~
1082 | ~~include the fair market value of any donated, contributed or found labor, equipment or~~
1083 | ~~materials;~~

1084 | 4)1) Construction or practices normal or necessary for farming, irrigation, and ranching
1085 | activities, including agricultural service roads and utilities, construction of a barn or similar
1086 | agricultural structure, and the construction and maintenance of irrigation structures including
1087 | but not limited to head gates, pumping facilities, and irrigation channels; provided, that a
1088 | feedlot of any size, all processing plants, other activities of a commercial nature, and/or
1089 | alteration of the contour of the land by leveling or filling other than that which results from
1090 | normal cultivation, shall not be considered normal or necessary farming or ranching
1091 | activities. A "feedlot" shall be an enclosure or facility used or capable of being used for
1092 | feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for
1093 | growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal
1094 | livestock wintering operations;

1095 | 5)2) Normal maintenance or repair of existing structures or developments, including damage by
1096 | accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a
1097 | decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to
1098 | restore a development to a state comparable to its original condition, including but not
1099 | limited to its size, shape, configuration, location and external appearance, within a
1100 | reasonable period after decay or partial destruction, except where repair involves total
1101 | replacement which is not common practice or causes substantial adverse effects to the
1102 | environment. Replacement of a structure or development may be authorized as repair where
1103 | such replacement is the common method of repair for the type of structure or development
1104 | and the replacement structure or development is comparable to the original structure or
1105 | development including but not limited to its size, shape, configuration, location and external
1106 | appearance, and the replacement does not cause additional substantial adverse effects to the
1107 | environment. The need for replacement resulting from a neglect of maintenance and repair
1108 | is not considered a common method of repair. Replacement of non-conforming uses or
1109 | facilities may also be subject to section 16C.03.26 (Non-conforming Uses and Facilities);

1110 | 6)3) Emergency construction necessary to protect property from damage by the elements. An
1111 | "emergency" is an unanticipated and imminent threat, which requires immediate action or
1112 | response within a time period too brief to allow full compliance with this title. The following
1113 | criteria must exist to qualify any action under an emergency provision:
1114 | a) There must be an immediate threat to life, public or private property, or an immediate
1115 | threat of serious environmental degradation arising from a natural condition or technical
1116 | incident;
1117 | b) The emergency response must be confined to the action necessary to protect life or
1118 | property from damage;
1119 | c) The scope of the emergency response must be limited to the work necessary to relieve the
1120 | immediate threat;
1121 | d) The emergency response applies only to the period of time in which the actual emergency
1122 | exists;
1123 | e) The request must be accompanied by a paid permit application or a request for a non-
1124 | emergency exemption. Submittal requirements beyond normal exemption submittal

1125 requirements are waived until after the emergency is deemed abated. As soon as the
1126 emergency is deemed abated by appropriate authorities, compliance with the
1127 requirements of this title is required, and may include removal of the emergency
1128 construction if non-structural construction measures can adequately deal with site issues.

1129 ~~8) Construction of a dock, including a community dock, designed for pleasure craft only, for the~~
1130 ~~private noncommercial use of the owners, lessee or contract purchaser of a single family and~~
1131 ~~multiple family residence. A dock is a landing and moorage facility for watercraft and does~~
1132 ~~not include recreational decks, storage facilities or other appurtenances. This exception~~
1133 ~~applies if the fair market value of the dock does not exceed ten thousand dollars, but if~~
1134 ~~subsequent construction having a fair market value exceeding two thousand five hundred~~
1135 ~~dollars occurs within five years of completion of the prior construction, the subsequent~~
1136 ~~construction shall be subject to a standard development permit;~~

1137 ~~4)~~ 4) The operation, maintenance or construction of canals, waterways, drains, reservoirs, or other
1138 manmade facilities that now exist or are hereinafter created or developed as a part of an
1139 irrigation system;

1140 ~~9)~~ 5) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing
1141 on July 12, 1994, effective date of this Critical Areas Ordinance, for land not within
1142 Shoreline jurisdiction, which were created, developed, or utilized primarily as a part of an
1143 agricultural drainage and diking system;

1144 ~~10) Construction or modification, by or under the authority of the Coast Guard or a designated~~
1145 ~~port management authority, of navigational aids such as channel markers and anchor buoys;~~

1146 ~~11)~~ 6) Any project with a certification from the governor pursuant to chapter 80.50 RCW
1147 (Energy facilities — site locations);

1148 ~~12) Watershed restoration projects that are authorized by the sponsor of a watershed restoration~~
1149 ~~plan and that implements the plan or a part of the plan;~~

1150 ~~13)~~ 7) Site exploration and investigation activities that are prerequisite to preparation of an
1151 application for development authorization under this chapter, if:
1152 a) The activity will have no significant adverse impact on the environment including but not
1153 limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
1154 b) The activity does not involve the installation of any structure, and upon completion of the
1155 activity the vegetation and land configuration of the site are restored to conditions
1156 existing before the activity;

1157 ~~14)~~ 8) The process of removing or controlling aquatic noxious weeds, as defined in RCW
1158 17.26.020 (control of spartina and purple loosestrife), through the use of an herbicide or
1159 other treatment methods applicable to weed control that are recommended by a final
1160 environmental impact statement published by the Department of Agriculture or the
1161 Department of Ecology jointly with other state agencies under chapter 43.21C RCW
1162 (SEPA).

1163 ~~15) A public or private project, the primary purpose of which is to improve fish or wildlife habitat~~
1164 ~~or fish passage:~~
1165 a) ~~The project has been approved in writing by the Department of Fish and Wildlife as~~
1166 ~~necessary for the improvement of the habitat or passage and appropriately designed and~~
1167 ~~sited to accomplish the intended purpose;~~
1168 b) ~~The project has received hydraulic project approval, when required, by the department of~~
1169 ~~fish and wildlife pursuant to chapter 75.20 RCW (Hydraulics Code);~~
1170 c) ~~The Administrative Official has determined that the project is consistent with this title;~~

1171 d) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 (Fish
1172 Habitat Enhancement Projects) are deemed to be consistent with this title.

1173 ~~16) Hazardous substance remedial actions, which a consent decree, order or agreed order has
1174 been issued pursuant to chapter 70.105D RCW (Model Toxics Control Act) or when the
1175 Department of Ecology conducts a remedial action under chapter 70.105D RCW (Model Toxics
1176 Control Act). The Department of Ecology shall assure that such projects comply with the
1177 substantive requirements of chapter 90.58 RCW (SMA), chapter 173-26 WAC (SMA
1178 Guidelines) and the Shoreline Master Program (YCC Title 16D), when applicable.~~

- 1179 ~~17) 9) The removal of trees that are hazardous, posing a threat to public safety, or posing an
1180 imminent risk of damage to private property, from critical areas and buffers, provided that:~~
1181 ~~a) A dead tree within a buffer may be shortened to the point that the tree will not strike a
1182 structure or defined vehicle parking area. The remainder shall be maintained to provide
1183 wildlife habitat, nesting locations and perch sites. A remainder less than ten (10) feet tall
1184 may be removed completely;~~
1185 ~~b) A diseased or damaged tree may be removed as determined appropriate by the
1186 Administrative Official;~~
1187 ~~c) The removed portion of trees should be placed within the vegetative buffer area as
1188 wildlife habitat, unless it will interfere with a maintained vegetation area identified in
1189 section 16C.03.05(a) (Minor Activities), or unless the Administrative Official determines
1190 otherwise. Portions of trees to be removed from the buffer area should be felled to the
1191 outer edge of a vegetative buffer and dragged out. Heavy equipment is not allowed
1192 within the buffer, except within areas identified in 16C.03.05(a) (Minor Activities).
1193 Damaged riparian vegetation must be repaired;~~
1194 ~~d) Each tree that is felled or topped shall be replaced in a manner acceptable to the
1195 Administrative Official.~~

1196

1197 **16C.03.08 Exemptions for Geologically Hazardous Areas**

1198 The following development activities are exempt from standard development permits that are
1199 required for Geologically Hazardous Areas designated in chapter 16C.08:

- 1200 a) Additions to or alteration of existing single family residences;
1201 b) Uses and surface disturbances (clearing and grubbing) that do not include excavation, fill
1202 or irrigation;
1203 c) Structures less than 200 square feet that are not used as a place of employment or
1204 residence (fences, sheds, gazebos, etc.);
1205 d) Oil, gas, wind or other exploration that does not include explosions, roads, excavation or
1206 fill.

1207

1208 **16C.03.09 Exemptions for Upland Wildlife Habitat and ~~Habitats of Local~~**

1209 **Importune Conservation Areas**

1210 The following development activities are exempt from standard development permits that are
1211 required for Upland Wildlife Habitat ~~and Habitats of Local Importance~~ Conservation Areas
1212 designated in section 16C.06.04 11:

- 1213 a) a) Agricultural and other accessory uses or structures that maintain the existing
1214 natural vegetation (rangeland grazing, stock fences, outdoor recreation, etc.);
1215 ~~b) Any development and associated facilities with less than a 1/2 acre of disturbance area on
1216 existing lots;~~

- 1217 ~~e) New driveways or roads less than 1/2 mile in length;~~
1218 ~~d) b) Additions to or alteration of existing single family residences and associated~~
1219 ~~facilities.~~
1220 ~~e) Subdivision consistent with zoning districts, with roads totaling less than a 1/4 mile in~~
1221 ~~length or less. Clustering to reduce infrastructure is encouraged;~~
1222 ~~f) Development for which a biological assessment or a biological opinion for federal review is~~
1223 ~~provided.~~
1224

1225 **16C.03.10 Mitigation requirements**

- 1226 1) All developments shall demonstrate that all reasonable efforts have been examined with the
1227 intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is
1228 proposed, such alteration shall be avoided, minimized, or compensated for in the following
1229 order of preference:
- 1230 a) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - 1231 b) Minimizing impacts by limiting the degree or magnitude of the action and its
1232 implementation, by using appropriate technology, or by taking affirmative steps, such as
1233 project redesign, relocation, or timing, to avoid or reduce impacts;
 - 1234 c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - 1235 d) Reducing or eliminating the impact over time by preservation and maintenance
1236 operations during the life of the action;
 - 1237 e) Compensating for the impact by replacing, enhancing, or providing substitute resources
1238 or environments;
 - 1239 f) Monitoring the impact and taking appropriate corrective measures.
- 1240 2) Mitigation for individual actions may include a combination of the above measures.
1241 3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all
1242 adverse impacts to or from critical areas and buffers resulting from a development proposal
1243 or alteration shall be mitigated in accordance with an approved Mitigation Plan. Mitigation
1244 shall not be implemented until after approval of the Mitigation Plan.
1245 4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the
1246 functions and values of the critical area, and to prevent risk from a hazard posed by a critical
1247 area. When necessary, mitigation may be provided that is out-of-kind and/or off-site.
1248

1249 **Review Process**

1251 **16C.03.11 Application Submittal**

- 1252 1) Application for a development authorization under this title shall be made on forms provided
1253 by the Department. The application submittal shall include a site plan drawn to scale
1254 showing:
- 1255 a) the actual shape and dimensions of the property site to be used;
 - 1256 b) existing and proposed structures;
 - 1257 c) excavation, fill, drainage facilities, topography, slope, and;
 - 1258 d) such other information as is needed to determine the nature and scope of the proposed
1259 development, including the maximum extent of the project site with respect to
1260 construction, excavation, equipment and material storage, and other project related work.
- 1261 2) The site plan should also show the location of all critical areas, such as those identified in
1262 sections 16C.03.02 (Critical Areas Identification Form and Critical Areas Reports) and

1263 16C.03.17 (Critical Areas Report Requirements), include all required critical areas reports
 1264 prepared in conformance with 16C.03.17, and include the permit information required either
 1265 in YCC Title 16B (Project Permit Administration) or in chapter 16C.05.44 (Flood Hazard
 1266 Protection Administration), as appropriate.
 1267 3) To be accepted as complete, a critical area development authorization application must
 1268 include all maps, drawings and other information or data specified by this title or requested
 1269 on the basis of the pre-application conference (16C.03.03), or technical assistance conference
 1270 (16C.03.04).

1271
 1272 **16C.03.12 Determination of Review Process**

- 1273 1) The Administrative Official shall determine from the application submittal, and other
 1274 available information what type of permit or review is required under this title. The
 1275 Administrative Official shall make such determination as early in the application process as
 1276 is possible and shall inform the project applicant in writing of any application needs.
 1277 Available information used in this determination may include:
 1278 a) critical areas identification form;
 1279 b) pre-application conference information;
 1280 c) technical assistance conference information.
 1281 2) Specific information on when a permit or review is required, its review process type
 1282 and review criteria are found in the section for each permit or review. However, a
 1283 brief description of each type of permit or review is provided in Table 3-1 below.
 1284 Some permits or reviews are general and all projects will have a general review.
 1285 Some permits are more specialized and apply only in specific cases or situations.
 1286 More than one (1) permit or review may be needed for a project.

1287
 1288 **Table 3-1**

General Permits or Reviews
Standard Development. Standard development projects include any development not subject to RCW Chapter 90.58, the Shoreline Management Act.
Exemptions. Exemptions are generally minor activities that do not need to go through the permit process.
Specific Permits
Adjustment. Administrative Adjustments are used outside Shoreline jurisdiction when a project needs to reduce or adjust a development standard.
Non-conforming Use or Facility Alteration. 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.
Minor revisions to an Existing Permit. Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.
Reasonable Use Exceptions. Reasonable Use Exceptions provide an alternative to landowners when all reasonable use of a property has been prohibited.
Flood Hazard Permit. 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.

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16C.03.13 Development Authorization – Review Procedure

Upon submittal and acceptance of a completed development authorization application, the Administrative Official shall process and review the application as follows, except that permits or reviews required for critical areas under chapter 16C.05 (Flood Hazard) shall be processed using the permit development standards, approval criteria and other provisions established in chapter 16C.05.

- 1) Development authorizations shall be processed consistent with review procedures provided in YCC Title 16B (Project Permit Administration), and with any specific processes requirements provided in 16C.03.20 through 16C.03.26 (specific permit descriptions), including but not limited to:
 - a) submittals;
 - b) completeness review;
 - c) notices;
 - d) hearings;
 - e) decisions; and,
 - f) appeals.
- 2) Development authorizations shall be reviewed for conformance with the applicable development standards provided in 16C.03.27 (General Critical Areas Protection Measures), and in chapters 16C.06 through 16C.09, except that:
 - a) For rangeland livestock grazing operations, the Administrative Official may waive compliance with development standards in Chapter 16C.06 (Fish and Wildlife Habitat and the Stream Corridor), 16C.07 (wetlands), 16C.08 (Geologically Hazardous Areas), and 16C.09 (CARA), except for those uses and activities listed in section 16C.06.10 (Prohibited Uses). To qualify for this provision, a Resource Management Plan must be provided that has been prepared using all applicable US Department of Agriculture - National Resource Conservation Service best management practices designed to protect streams, wetlands, vegetative buffers, erosion hazards, and floodplains from grazing operations. An acceptable Resource Management Plan is deemed to consist of acceptable critical areas protection measures capable of dealing with impacts of grazing activities dispersed across large areas. This provision is not intended to apply to pasture grazing, hobby farms, or confinement feeding operations.
- 3) Decisions on a development authorization shall be consistent with section 16C.03.14 (Authorization Decisions – Basis for Action), 16C.03.15 (Conditional Approval of Development Authorization) and with any specific decision criteria provided under the sections for each relevant permit type, as provided in 16C.03.20 through 16C.03.26 (specific permit descriptions).

16C.03.14 Authorization Decisions – Basis for Action

The action on any development authorization under this title shall be based upon the following criteria:

- 1) Impact of the project to critical area features on the property or on abutting or adjacent properties;
- 2) Danger to life and property that would likely occur as a result of the project;

- 1333 3) Compatibility of the project with the critical area features on, adjacent to, or near the
1334 property;
- 1335 4) Conformance with the applicable development standards in this title;
- 1336 5) Requirements of other applicable local, state or federal permits or authorizations, including
1337 compliance with flood hazard mitigation requirements of Chapters 16C.05.20 through
1338 16C.05.72;
- 1339 6) Adequacy of the information provided by the applicant or available to the department;
- 1340 7) Ability of the project to satisfy the purpose and intent of this title;
- 1341 8) Based upon the project evaluation, the decision maker shall take one of the following actions:
- 1342 a) Grant the development authorization;
- 1343 b) Grant the development authorization with conditions, as provided in 16C.03.15
1344 (Conditional Approval), to mitigate impacts to the critical area feature(s) present on or
1345 adjacent to the project site;
- 1346 c) Deny the development authorization.
- 1347 9) The decision by the Administrative Official on the development authorization shall include
1348 written findings and conclusions stating the reasons upon which the decision is based.
1349

1350 **16C.03.15 Conditional Approval of Development Authorization**

1351 In granting any development authorization, the decision maker may impose conditions to:

- 1352 1) Accomplish the purpose and intent of this title;
- 1353 2) Eliminate or mitigate any identified specific or general negative impacts of the project on the
1354 critical area;
- 1355 3) Restore important resource features that have been degraded or lost because of past or
1356 present activities on the project site;
- 1357 4) Protect designated critical areas from damaging and incompatible development;
- 1358 5) Ensure compliance with specific development standards in this title.
1359

1360 **16C.03.16 Fees and Charges**

1361 The board of county commissioners establishes the schedule of fees and charges listed in Yakima
1362 County Code, Title 20 (Yakima County Fee Schedule), for development authorizations,
1363 variances, appeals and other matters pertaining to this title.
1364

1365 **Critical Areas Reports**

1366

1367 **16C.03.17 Critical Areas Report Requirements**

- 1368 1) The Administrative Official may require a critical areas report, paid for by the applicant in
1369 accordance with YCC Title 16B.04, where determined necessary through the critical area
1370 identification form, technical assistance conference, site investigation, or other portion of the
1371 project review.
- 1372 2) A qualified professional, as defined by this title, shall prepare the report utilizing best
1373 available science. The intent of these provisions is to require a reasonable level of technical
1374 study and analysis sufficient to protect critical areas. The analysis shall be commensurate
1375 with the value or sensitivity of a particular critical area and relative to the scale and potential
1376 impacts of the proposed activity.
- 1377 3) The critical area report shall:

- 1378 a) Demonstrate that the submitted proposal is consistent with the purposes and specific
1379 standards of this title;
- 1380 b) Describe all relevant aspects of the development proposal; all critical areas adversely
1381 affected by the proposal including any geologic or flood hazards; all risks to critical
1382 areas, the site, and other public and private properties and facilities resulting from the
1383 proposal; and assess impacts on the critical area from activities and uses proposed; and
1384 c) Identify proposed mitigation and protective measures as required by this title.
- 1385 4) The critical areas report shall include information to address the Supplemental Report
1386 Requirements for Specific Critical Areas (16C.03.18).
- 1387 5) The Administrative Official shall review the critical areas report for completeness and
1388 accuracy, and shall consider the recommendations and conclusions of the critical areas report
1389 to assist in making decisions on development authorizations and to resolve issues concerning
1390 critical areas jurisdiction, appropriate mitigation, and protective measures.
- 1391 6) Critical areas reports shall generally be valid for a period of five (5) years, unless it can be
1392 demonstrated to the satisfaction of the Administrative Official that the previously prepared
1393 report is adequate for current analysis. Future land use applications may require preparation
1394 of new, amended, or supplemental critical area assessment reports. Reports prepared for
1395 nearby lands may be deemed acceptable by the Administrative Official, in whole or in part, if
1396 relevant to the current analysis and meeting the above standards. The Administrative Official
1397 may also require the preparation of a new critical area assessment report or a supplemental
1398 report when new information is found demonstrating that the initial assessment is in error. If
1399 the Administrative Official requires more information in the report, he/she shall make the
1400 request in writing to the applicant stating what additional information is needed and why.
- 1401 7) The Administrative Official may reject or request revision of the critical areas report when
1402 the Administrative Official can demonstrate that the assessment is incomplete, or does not
1403 fully address the critical areas impacts involved.
- 1404 8) To avoid duplication, the reporting requirements of this chapter shall be coordinated if more
1405 than one critical area report is required for a site or development proposal.
- 1406 9) Applicants should provide reports and maps to the County in an electronic format that allows
1407 site data to be incorporated into the County critical areas database, provided that the County
1408 may waive this requirement for single-family developments. Applicants are encouraged to
1409 coordinate with the Administrative Official regarding electronic submittal guidelines. This
1410 requirement shall not be construed as a requirement to use specific computer software.
- 1411 10) At a minimum, a critical areas report shall include the following information:
- 1412 a) A site plan showing the proposed development footprint and clearing limits, and all
1413 relevant critical areas and buffers within and abutting the site, including but not limited to
1414 effects related to clearing, grading, noise, light/glare, modification of surface or
1415 subsurface flow, drilling, damming, draining, creating impervious surface, managing
1416 stormwater, releasing hazardous materials, and other alterations. Projects in frequently
1417 flooded areas must comply with the requirements of section 16C.05.20 through
1418 16C.05.72. For projects on or adjacent to geologically hazardous areas or areas subject to
1419 high floodwater depth or velocity the report shall identify the type of hazard and assess
1420 the associated risks posed by the development to critical areas, the site, and other public
1421 and private properties and facilities that are the result from the proposal, and assess
1422 impacts on the critical area from activities and uses proposed;

- 1423 b) A written description of the critical areas and buffers on or abutting the site, including
1424 their size, type, classification or rating, condition, disturbance history, and functions and
1425 values. For projects on or adjacent to geologically hazardous areas or areas subject to
1426 high floodwater depth or velocity the description shall identify the type and
1427 characteristics of the hazard;
- 1428 c) An analysis of potential adverse critical area impacts associated with the proposed
1429 activity. For geologically hazard areas, also assess the risks posed by the development to
1430 critical areas, the site, and other public and private properties and facilities that are the
1431 result from the proposal, and assess impacts on the critical area from activities and uses
1432 proposed;
- 1433 d) An explanation of how critical area impacts or risks will be avoided and/or minimized,
1434 how proposed mitigation measures will prevent or minimize hazards, why the proposed
1435 activity requires a location on or access across a critical area, the on-site design
1436 alternatives, and why alternatives are not feasible;
- 1437 e) When impacts cannot be avoided, the report shall include a plan describing mitigation to
1438 replace critical area functions and values altered as a result of the proposal, or to reduce
1439 flood or geologic hazards to critical areas, the site, and other public and private
1440 properties. For projects on or adjacent to geologically hazardous areas or areas subject to
1441 high floodwater depth or velocity the plan shall address mitigation for impacts to critical
1442 areas, the site, and other public and private properties and facilities that are the result
1443 from the proposal, and assess impacts on the critical area from activities and uses
1444 proposed;
- 1445 f) The dates, names, and qualifications of the persons preparing the report and
1446 documentation of analysis methods including any fieldwork performed on the site; and
- 1447 g) Additional reasonable information requested by the Administrative Official for the
1448 assessment of critical areas impacts or otherwise required by the subsequent articles of
1449 this title.
- 1450 11) A critical area report may be supplemented by or composed, in whole or in part, of any
1451 reports or studies required by other laws and regulations or previously prepared for and
1452 applicable to the development proposal site, as approved by the Administrative Official.
- 1453 12) The Administrative Official may limit the required geographic area of the critical area report
1454 as appropriate.
- 1455 13) Compensatory Mitigation Plans - When compensatory mitigation, as described in section
1456 16C.03.10 (Mitigation Requirements) is required or proposed for wetland areas or stream
1457 channels, the applicant shall submit for approval by Yakima County a mitigation plan as part
1458 of the critical area report, which includes:
- 1459 a) Environmental Goals and Objectives. The mitigation plan shall include a written report
1460 identifying environmental goals and objectives of the proposed compensation including:
- 1461 i) A description of the anticipated impacts to the critical areas, mitigating actions
1462 proposed, and the purposes of the compensation measures, including the site selection
1463 criteria, identification of compensation goals and objectives, identification of desired
1464 resource functions, dates for beginning and completion of site compensation
1465 construction activities, and an analysis of the likelihood of success of the
1466 compensation project. The goals and objectives shall be related to the functions and
1467 values of the impacted critical area.
- 1468 b) A review of the best available science supporting the proposed mitigation;

- 1469 c) A description of the report author’s experience to date in restoring or creating the type of
1470 critical area proposed;
- 1471 d) Performance Standards. The mitigation plan shall include measurable specific criteria for
1472 evaluating whether or not the goals and objectives of the mitigation project have been
1473 successfully attained;
- 1474 e) Detailed Construction Documents. The mitigation documents shall include written
1475 specifications and plans describing the mitigation proposed, such as:
1476 i) The proposed construction sequence, timing, and duration;
1477 ii) Grading and excavation details;
1478 iii) Erosion and sediment control features;
1479 iv) A planting plan specifying plant species, quantities, locations, size, spacing, and
1480 density;
1481 v) Measures to protect and maintain plants until established, and;
1482 vi) Documents should include scale drawings showing necessary information to convey
1483 both existing and proposed topographic data, slope, elevations, plants and project
1484 limits.
- 1485 f) Monitoring Program. The mitigation plan shall include a program for monitoring
1486 construction of the compensation project and for assessing a completed project. A
1487 protocol shall be included outlining the schedule for site monitoring (for example,
1488 monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the
1489 monitoring data will be evaluated to determine if the performance standards are being
1490 met. A monitoring report shall be submitted as needed to document milestones,
1491 successes, problems, and contingency actions of the compensation project. The
1492 compensation project shall be monitored for a period necessary to establish that
1493 performance standards have been met, but not for a period less than five (5) years.
- 1494 g) Contingency Plan. The mitigation plan shall include identification of potential courses of
1495 action, and any corrective measures to be taken if monitoring or evaluation indicates
1496 project performance standards are not being met.
- 1497 h) Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary,
1498 to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring
1499 fulfillment of the compensation project, monitoring program, and any contingency
1500 measures shall be posted in accordance with section 16C.03.27(1) (Financial
1501 Guarantees).

1502 14) Innovative Mitigation.

- 1503 a) Yakima County encourages innovative mitigation projects that are based on the best
1504 available science. The mitigation plan shall be used to satisfy the requirements of this
1505 chapter and provide relief and/or deviation as appropriate from the specific standards and
1506 requirements thereof. Advance mitigation or mitigation banking are examples of
1507 alternative mitigation projects allowed under the provisions of this Section wherein one
1508 or more applicants, or an organization with demonstrated capability, may undertake a
1509 mitigation project together if it is demonstrated that all of the following circumstances
1510 exist:
1511 i) Creation or enhancement of a larger system of critical areas and open space is
1512 preferable to the preservation of many individual habitat areas;
1513 ii) The group demonstrates the organizational and fiscal capability to act cooperatively;

- 1514 iii) The group demonstrates that long-term management of the habitat area will be
- 1515 provided;
- 1516 iv) There is a clear potential for success of the proposed mitigation at the identified
- 1517 mitigation site;
- 1518 v) There is a clear likelihood for success of the proposed plan based on supporting
- 1519 scientific information and demonstrated experience in implementing similar plans;
- 1520 vi) The proposed project results in equal or greater protection and conservation of critical
- 1521 areas than would be achieved using parcel-by parcel regulations and/or traditional
- 1522 mitigation approaches;
- 1523 vii) The plan is consistent with the general purpose and intent of this chapter;
- 1524 viii) The plan shall contain relevant management strategies considered effective and
- 1525 within the scope of this chapter and shall document when, where, and how such
- 1526 strategies substitute for compliance with the specific standards herein; and
- 1527 ix) The plan shall contain clear and measurable standards for achieving compliance with
- 1528 the purposes of this chapter, a description of how such standards will be monitored
- 1529 and measured over the life of the plan, and a fully funded contingency plan if any
- 1530 element of the plan does not meet standards for compliance.
- 1531 b) Conducting mitigation as part of a cooperative process does not reduce or eliminate the
- 1532 required wetland replacement ratios.
- 1533 c) Projects that propose compensatory wetland mitigation shall also use the standards in
- 1534 sections 16C.07.05 (Compensatory Mitigation Requirements). For those situations where
- 1535 a mitigation bank may provide an opportunity for mitigation, then the requirements in
- 1536 section 16C.07.06 (Wetland Mitigation Banks) shall apply.
- 1537

16C.03.18 Supplemental Report Requirements for Specific Critical Areas

- 1539 1) **Stream Corridors.** When a critical areas report is required for a stream corridor or
- 1540 hydrologically related critical area, it shall include the following:
- 1541 a) A habitat and native vegetation conservation strategy that addresses methods to protect
- 1542 and enhance the functional properties listed in section 16C.06.05 (Functional Properties);
- 1543 b) Where there is evidence that proposed construction lies within an immediate zone of
- 1544 potential channel migration, representing a future hazard to the construction, a hydrologic
- 1545 analysis report may be required. The report shall assume the conditions of the one-
- 1546 hundred-year flood, include on-site investigative findings, and consider historical
- 1547 meander characteristics in addition to other pertinent facts and data.
- 1548 2) **Upland Wildlife** When a critical areas report is required for Upland Wildlife Habitat ~~and~~
- 1549 ~~Habitats of Local Importance~~ **Conservation Areas**, it shall include the following:
- 1550 a) **Habitat Assessment:** A habitat assessment is an investigation of the project area to
- 1551 evaluate the presence or absence of such species, and areas with which such species have
- 1552 a primary association. The presence or absence assessment shall incorporate the time
- 1553 sensitive nature of species use. The landowner may submit an assessment prepared by the
- 1554 state or federal agency with jurisdiction over the species. This assessment is time sensitive
- 1555 and the assessment must be completed no more than 36 months prior to the date the critical
- 1556 areas application is deemed complete.
- 1557 b) If the habitat assessment determines that such habitat area is present on site, a
- 1558 management plan is required that follows published federal, or state, management

- 1559 recommendations. The Administrative Official shall confer with the appropriate agency
1560 and consider their comments through the review process.
- 1561 3) **Wetlands** When a critical areas report is required for Wetlands, it shall include the
1562 following:
- 1563 a) The exact location of a wetland's boundary and wetland rating shall be determined
1564 through the performance of a field investigation by a qualified wetland professional
1565 applying the *Washington State Wetlands Identification and Delineation Manual* (Ecology
1566 Publication #96-94 - <http://www.ecy.wa.gov/pubs/9694.pdf>) as required by RCW
1567 36.70A.175 (Wetlands to be delineated in accordance with manual), and the *Washington*
1568 *State Wetland Rating System for Eastern Washington* (Ecology Publication # 04-06-15),
1569 as amended;
 - 1570 b) All delineated wetlands and required buffers within two hundred (200) feet of the project
1571 area shall be depicted on the site plan. For areas off-site of the project site, wetland
1572 conditions within 200 feet of the project boundaries may be estimated using the best
1573 available information. Best available information should include, but not be limited to
1574 aerial photos, land based photos, soils maps, or topographic maps;
 - 1575 c) A critical area report for wetlands shall contain an analysis of the wetlands including the
1576 following site- and proposal-related information:
 - 1577 i) A statement specifying all assumptions made and relied upon;
 - 1578 ii) Documentation of any fieldwork performed on the site, including field data sheets for
1579 delineations, the wetland rating form, baseline hydrologic data, etc.;
 - 1580 iii) A description of the methodologies used to conduct the wetland delineations, or
1581 impact analyses including references;
 - 1582 iv) Wetland category, including vegetative, faunal, and hydrologic characteristics;
 - 1583 d) For projects that will affect the wetland or it's buffer, provide the following:
 - 1584 i) A habitat and native vegetation conservation strategy that addresses methods to
1585 protect and enhance on-site habitat and wetland functions and values listed in section
1586 16C.07.04(1) (Wetland Functions and Rating), and section 16C.06.05 (Functional
1587 Properties);
 - 1588 ii) Mitigation sequencing pursuant to section 16C.03.10 (Mitigation Requirements) to
1589 avoid, minimize, and mitigate impacts. Mitigation shall result in no net loss of
1590 wetland functions and values. Mitigation ratios may be necessary and should follow
1591 the guidance provided in section 16C.07.05 (Compensatory Mitigation) of the
1592 wetland chapter.
- 1593 4) **Geologically Hazardous Areas** When a critical areas report is required for a Geologically
1594 Hazardous Area, it shall include the following, provided that the Administrative Official may
1595 determine that any portion of these requirements is unnecessary given the scope and/or scale
1596 of the proposed development:
- 1597 a) A description of the site features, including surface and subsurface geology. This may
1598 include surface exploration data such as borings, drill holes, test pits, wells, geologic
1599 reports, and other relevant reports or site investigations that may be useful in making
1600 conclusions or recommendations about the site under investigation;
 - 1601 b) A description of the geologic processes and hazards affecting the property, including a
1602 determination of the actual hazard types for any Suspected and Risk Unknown hazards
1603 identified in the affirmative determination of hazard (16C.08.04);

- 1604 c) A description of the vulnerability of the site to seismic and other geologic processes and
- 1605 hazards;
- 1606 d) A description of any potential hazards that could be created or exacerbated as a result of
- 1607 site development;
- 1608 e) For developments in or affecting landslide hazard areas the report shall also include:
- 1609 i) Assessments and conclusions regarding slope stability including the potential types of
- 1610 landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip,
- 1611 etc.) that may affect the site. The stability evaluation shall also consider dynamic
- 1612 earthquake loading, and shall use a minimum horizontal acceleration as established
- 1613 by the current version of the YCC Title 13 (Building Code);
- 1614 ii) An analysis of slope recession rate shall be presented in those cases where stability is
- 1615 impacted or influenced by stream meandering, or other forces acting on the toe of the
- 1616 slope;
- 1617 iii) Description of the run-out hazard of landslide debris to the proposed development
- 1618 that starts up-slope (whether part of the subject property or on a neighboring
- 1619 property) and/or the impacts of landslide run-out on down-slope properties and
- 1620 critical areas.
- 1621 5) **Flood Hazards**
- 1622 a) Prior to authorization of any major construction project within a floodplain which can be
- 1623 anticipated to displace floodwaters or alter the depth or velocity of floodwaters during the
- 1624 base flood, an engineering report shall be prepared that establishes any new flood
- 1625 elevations that would result for the one-hundred-year flood frequency if the project were
- 1626 implemented.

Permit Review Criteria

16C.03.20 Standard Development Permit

- 1631 1) **Classification Criteria** – Standard Development permits include any development not
- 1632 subject to RCW Chapter 90.58 (Shoreline Management Act).
- 1633 2) **Process** Standard Development permits shall be processed as either a Type I or II permit at
- 1634 the judgment of the Administrative Official, in accordance with YCC Title 16B (Project
- 1635 Permit Administration). Applications that are of a significant size or scope shall be
- 1636 processed as a Type II review with public notice. Examples of such projects include those
- 1637 that typically require environmental review (SEPA), filling or excavating a stream channel or
- 1638 wetlands, involve large amounts of fill, require large amounts of parking, etc.
- 1639 3) **Decision Criteria** – Decisions on Standard Development permits shall be based on the
- 1640 general decision criteria found in section 16C.03.14 (Authorization Decisions – Basis for
- 1641 Action).

16C.03.23 Adjustment

- 1644 1) **Classification Criteria** – For projects not required to be processed under RCW Chapter
- 1645 90.58 (Shoreline Management Act), the Administrative Official is authorized to
- 1646 administratively adjust the development standards specified herein. Existing structures,
- 1647 parcel size, property boundaries, and other constraints may preclude conformance with
- 1648 building setbacks, vegetative buffers, and other provisions of this chapter. Given such
- 1649 constraints, administrative adjustments may be authorized where the site plan and project

1650 design include measures which ensure the protection and performance of the functional
1651 properties identified in Section 16C.06.05 (Functional Properties). Adjustments of vegetative
1652 buffer standards listed in table 6-1 and 6-2 may be allowed down to the minimum buffer
1653 width listed. Reductions below the minimum may be considered but require that stricter
1654 criteria be met in sub-section 3(d) below. Adjustments from prohibited use limits are not
1655 allowed.

1656 2) **Process** – Requests for an Adjustment permit shall be processed as a Type II permit, in
1657 accordance with YCC Title 16B (Project Permit Administration). Requests for adjustments
1658 of development standards shall be made in writing and shall specify the standard(s) for which
1659 an adjustment is sought and the reasons why the adjustment is sought.

1660 3) **Decision Criteria** - Decisions on Adjustment permits shall be based on the general decision
1661 criteria found in section 16C.03.14 (Authorization Decisions – Basis for Action) together
1662 with the criteria below.

1663 a) A particular standard may be reduced or modified as long as the Administrative Official
1664 determines that the adjustment and/or reduction:

1665 i) is consistent with the purpose of this title;
1666 ii) is consistent with the intent of the standard; and,
1667 iii) will not result in degradation of the critical area.

1668 b) The Administrative Official shall consider the following:

1669 i) The proximity and relationship of the project to any critical area and its impact on the
1670 critical area;
1671 ii) The functions and values that the critical area performs;
1672 iii) The overall intensity of the proposed use;
1673 iv) The presence of threatened, endangered, or sensitive species;
1674 v) The site's susceptibility to severe erosion;
1675 vi) The use of a buffer averaging or buffer enhancement plan by the applicant which uses
1676 native vegetation or other measures which will enhance the functions and values of
1677 the Hydrologically Related Critical Area (HRCA).

1678 c) When granting an adjustment to the provisions of this chapter, the Administrative
1679 Official may require alternative measures to be taken to protect the function and value of
1680 the HRCA. These alternative measures may include, but are not limited to, the following:

1681 i) Restoration of impaired channels and banks to conditions which support natural
1682 stream flows, fish habitat, and other values;
1683 ii) Restoration, enhancement, and preservation of soil characteristics and the quantity
1684 and variety of native vegetation;
1685 iii) Provisions for erosion control and for the reduction and filtration of stormwater
1686 runoff to moderate the effects of the project on the stream channel and the available
1687 area of vegetation separating the project from the stream channel;
1688 iv) Removal or alteration of existing manmade facilities associated with stream channels,
1689 or drainage ways which improve stream-flow characteristics or improve the
1690 movement or exchange of surface waters or floodwaters;
1691 v) Replacement of lost wetlands or other stream corridor features on an acre-for-acre
1692 and equivalent value or at a higher acre and/or value basis;
1693 vi) Conservation easements for key portions of stream corridor property and/or their
1694 inclusion within public or private conservation programs which provide for their
1695 long-term preservation and maintenance.

- 1696 vii) Vegetative Buffer Averaging. Vegetative buffers may be modified by averaging
1697 buffer widths. Buffer averaging is preferred in the use of mitigation sequencing
1698 (16C.03.10 Mitigation Requirements), over a reduction in the buffer standards.
1699 d) The following additional criteria must be met to reduce the critical areas stream and
1700 wetland buffers found in tables 6-1 and 6-2 below the minimum listed in the respective
1701 tables.
1702 i) There is a hardship related to maintenance of the minimum buffer width that results
1703 from parcel boundaries or existing on-site development.
1704 ii) When warranted under (a) above, the buffer width shall be the maximum possible
1705 while meeting the minimum needs of the proposal.
1706

1707 **16C.03.24 Reasonable Use Exception**

- 1708 1) **Classification Criteria** - If the application of this title would deny all reasonable economic
1709 use of the subject property, the property owner may apply for a Reasonable Use Exception
1710 pursuant to this Section.
1711 2) **Process** - A Reasonable Use Exception shall be processed as a Type III review with a public
1712 hearing in accordance with YCC Title 16B.03 (Classification by Project Permit Type).
1713 3) **Decision Criteria** - Decisions on the Reasonable Use request shall be based on the general
1714 decision criteria found in section 16C.03.14 (Authorization Decisions – Basis for Action),
1715 together with the criteria below. The Reasonable Use request shall be accompanied by the
1716 evidence necessary to demonstrate conformance with the criteria below. Failure to satisfy
1717 any one of the criteria shall result in denial of the request. The burden of proof shall be on
1718 the applicant to bring forth evidence in support of the application and to provide sufficient
1719 information on which any decision has to be made on the application.
1720 a) The application of this title would deny all reasonable use of the property; provided that
1721 the inability of the applicant to derive reasonable use of the property is not the result of
1722 actions by the applicant;
1723 b) No other reasonable use of the property has less impact on the critical area;
1724 c) Any alteration is the minimum necessary to allow for reasonable use of the property.
1725

1726 **16C.03.25 Minor Revisions to Approved Uses or Developments**

- 1727 1) **Classification Criteria** – Minor revisions to a project that has been approved under a permit
1728 are allowed in certain circumstances.
1729 a) Changes that are not substantive are not required to obtain a revision and may be allowed
1730 as activities to implement the original permit. Examples of such include minor changes
1731 in facility orientation or location, minor changes in structural design that does not change
1732 the height or increase ground floor area, and minor accessory structures (such as
1733 equipment covers or small sheds near the main structure, etc.).
1734 b) Substantive changes are those that materially alter the project in a manner that relates to
1735 its conformance with the permit requirements. Such changes may be approved as a
1736 minor revision, if the Administrative Official determines that the proposed revision and
1737 all previous revisions are within the scope and intent of the original permit, and meet the
1738 criteria listed below. Changes not able to meet the criteria must obtain a new permit.
1739 i) No additional over water construction will be involved, except that pier, dock, or float
1740 construction may be increased by five hundred square feet or ten percent from the
1741 provisions of the original permit, whichever is less;

- 1742 ii) Lot coverage and height may be increased a maximum of ten percent from the
1743 provisions of the original permit: PROVIDED, that revisions involving new
1744 structures not shown on the original site plan shall require a new permit, and:
1745 PROVIDED FURTHER, that any revisions authorized under this subsection shall not
1746 exceed height, lot coverage, setback or any other requirements of these regulations;
1747 iii) Landscaping may be added to a project without necessitating an application for a new
1748 permit: PROVIDED, that the landscaping is consistent with conditions (if any)
1749 attached to the original permit and is consistent with this title for the area in which the
1750 project is located;
1751 iv) The use authorized pursuant to the original permit is not changed;
1752 v) No additional significant adverse environmental impact will be caused by the project
1753 revision.
- 1754 2) **Process** – Minor revisions to existing permits shall be processed as a Type I review, as
1755 provided under YCC Title 16B (Project Permit Administration). Parties of record to the
1756 original permit shall be notified of the revision, though a comment period is not required.
1757 3) **Decision Criteria** - Decisions on permit revisions shall be based on the general decision
1758 criteria found in section 16C.03.14 (Authorization Decisions – Basis for Action).
1759

1760 **16C.03.26 Non-Conforming Uses and Facilities**

1761 Non-Conforming Uses and Facilities are classified as either conforming uses with non-
1762 conforming structures or areas, or as non-conforming uses, as described in subsection 1 below.
1763 Both types have different review processes and decision criteria, as provided below in
1764 subsections 2 and 3.

- 1765 1) **Classification Criteria** – There may be situations that do not conform to the standards or
1766 regulations of this title. These situations are characterized as:
- 1767 a) **Non-conforming Uses.** Uses of a structure or land that were lawfully established at the
1768 time of their initiation but are currently prohibited by this title are non-conforming uses,
1769 and may utilize structures or land areas that are also non-conforming. A non-conforming
1770 use that is discontinued for any reason for more than one year shall have a presumption of
1771 intent to abandon, shall not be re-established, and shall lose its non-conforming status,
1772 unless an Adjustment (16C.03.23) is obtained to extend the length of time, based on
1773 documentation showing that an intent to abandon did not exist during the period of
1774 discontinuance. An Adjustment request may be submitted after the deadline has passed.
1775 In the case of destruction or damage where reconstruction costs exceed 50% of the
1776 assessed value, the structure shall not be rebuilt;
- 1777 b) **Conforming Uses with Non-conforming Structures or Areas** are structures or areas for
1778 conforming uses that were lawfully established at the time of their initiation, but currently
1779 do not conform to the bulk, dimensional or other development standards of this title.
1780 Structures or areas in locations approved under a permit shall not be considered non-
1781 conforming. Non-conforming outdoor areas that have not been used or maintained for 5
1782 consecutive years shall lose their non-conforming status and may not be reestablished;
- 1783 c) Any non-conforming structure, area, or use may be maintained with ordinary care
1784 according to the provisions in 16C.01.05 (Applicability) and 16C.03.05 (Minor Activities
1785 Allowed without a Permit or Exemption) and 16C.03.06 (Exemptions – Procedural
1786 Requirements), and do not require additional review under these non-conforming
1787 provisions.

- 1788 2) **Process**
1789 a) Alterations to conforming uses with non-conforming structures or areas shall be allowed
1790 under the following process requirements with the understanding that other permits or
1791 reviews may also be required under this title:
1792 i) Those that do not increase the existing non-conformity and otherwise conform to all
1793 other provisions of this title are allowed without additional review under these non-
1794 conforming provisions;
1795 ii) Those that increase the non-conformity, including establishing additional square
1796 footage within a buffer, are allowed without additional review under these non-
1797 conforming provisions; however, an Adjustment must be obtained for the increased
1798 non-conformity;
1799 iii) Reconstruction or repair of a structure damaged less than 75% of the assessed value
1800 shall be processed as provided in subsections i) and ii) above;
1801 iv) A nonconforming structure which is moved any distance shall be processed as
1802 provided in subsections 1 and 2 above;
1803 v) Reconstruction or repair of structures destroyed or damaged 75% or more of the
1804 assessed value of the structure (not the whole property), including that resulting from
1805 neglect of maintenance or repair, shall be processed under these non-conforming
1806 provisions as a Type II review under YCC Title 16B (Project Permit Administration).
1807 b) **Alterations to Non-Conforming Uses**
1808 i) Those involving expansion or alteration within an existing structure, but do not
1809 include alterations to outdoor areas, or expansions of the building's height or square
1810 footage are allowed without additional review under these non-conforming
1811 provisions.
1812 ii) Alterations to non-conforming uses, including their non-conforming structures or
1813 areas that do not qualify under paragraph i) above, shall be processed under these
1814 non-conforming provisions as a Type II review, as provided under YCC Title 16B
1815 (Project Permit Administration).
1816 3) **Decision Criteria**
1817 a) Decisions on projects that require review under the non-conforming provisions, as
1818 identified under subsection (1) above shall be based on the general decision criteria found
1819 in section 16C.03.14 (Authorization Decisions – Basis for Action) together with the
1820 criteria below.
1821 b) Applications for conforming uses with non-conforming structures or areas that are
1822 subject to subsection 2(a)(v) above, shall not be approved unless a finding is made that
1823 the project meets all of the following criteria:
1824 i) Using the original location will not place the structure or people in danger of a
1825 hazard;
1826 ii) The previous structure and any structural shore modification used to protect the
1827 structure did not increase hazards or damage to other properties;
1828 iii) The previous structure and any shore modification used to protect the structure did
1829 not cause significant impacts to the functions and values of the critical area.
1830 c) Decisions on non-conforming uses:
1831 i) A non-conforming use may not be altered or expanded in any manner that would
1832 bring that use into greater non-conformity.
1833

1834 **16C.03.27 General Critical Areas Protective Measures**

1835 The standards below apply to all permits and reviews performed under this title.

- 1836 1) Financial guarantees to ensure mitigation, maintenance, and monitoring.
- 1837 a) When mitigation required pursuant to a development proposal is not completed prior to
- 1838 the Yakima County’s final permit approval, such as final plat approval or final building
- 1839 inspection, the Administrative Official may require the applicant to post a financial
- 1840 guarantee to ensure that the work will be completed. If the development proposal is
- 1841 subject to compensatory mitigation for wetlands and streams, the applicant must post a
- 1842 financial guarantee to ensure mitigation is fully functional. Where financial guarantees
- 1843 are required by other state or federal agencies for specific mitigation features, additional
- 1844 financial guarantees for those features are not required under this provision.
- 1845 b) The financial guarantee shall be in the amount of one hundred and twenty-five percent
- 1846 (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of
- 1847 restoring the functions and values of the critical area that are at risk.
- 1848 c) The financial guarantee may be in the form of a surety bond, performance bond,
- 1849 assignment of savings account, an irrevocable letter of credit guaranteed by an acceptable
- 1850 financial institution, or other form acceptable to the Administrative Official, with terms
- 1851 and conditions acceptable to the Yakima County attorney.
- 1852 d) The financial guarantee shall remain in effect until the Administrative Official
- 1853 determines, in writing, that the standards bonded for have been met. Financial guarantees
- 1854 for wetland or stream compensatory mitigation shall be held for a minimum of five (5)
- 1855 years after completion of the work to ensure that the required mitigation has been fully
- 1856 implemented and demonstrated to function, and may be held for longer periods when
- 1857 necessary.
- 1858 e) Public development proposals shall be relieved from having to comply with the bonding
- 1859 requirements of this Section if public funds have previously been committed for
- 1860 mitigation, maintenance, monitoring, or restoration.
- 1861 f) Any failure to satisfy critical area requirements established by law or condition, including
- 1862 but not limited to the failure to provide a monitoring report within thirty (30) days after it
- 1863 is due or comply with other provisions of an approved mitigation plan, shall constitute a
- 1864 default, and the Administrative Official may demand payment of any financial guarantees
- 1865 or require other action authorized by the Yakima County code or any other law.
- 1866 g) Any funds recovered pursuant to this Section shall be used to complete the required
- 1867 mitigation. Such funds shall not be deposited in the County General Fund, but rather
- 1868 provided with a separate account. The County will use such funds to arrange for
- 1869 completion of the project or mitigation, and follow-up corrective actions.
- 1870 h) Depletion, failure, or collection of financial guarantees shall not discharge the obligation
- 1871 of an applicant or violator to complete required mitigation, maintenance, monitoring, or
- 1872 restoration.
- 1873 2) Declarative Covenants
- 1874 a) When a development is authorized by a critical areas permit or review, a declarative
- 1875 covenant shall, unless determined not to be necessary by the Administrative Official, be
- 1876 filed with the Yakima County Auditor to inform future owners of the existence of a
- 1877 critical areas decision that runs with the land and contains limits relating to critical areas
- 1878 on the property. The declarative covenant shall read substantially as follows:
- 1879

1880 “This declarative covenant is intended to reduce the incidence of unintentional
1881 violation of the Critical Areas Ordinance. Please be informed about your property
1882 and the laws that apply to it.
1883

1884 This declarative covenant is provided by Yakima County to the current and future
1885 owners of the property described as [enter property description] to inform them
1886 that, at the time of this notice, [enter Critical Areas present] existed within or
1887 adjacent to the property which are protected and regulated by the Yakima County
1888 Critical Areas Ordinance (YCC Title 16C). Development has taken place on the
1889 property under permit or review number [enter permit file number], which
1890 includes requirements that run with the land. Current and future owners should
1891 obtain copies of the permit and also inform themselves about the critical areas that
1892 exist on the property.
1893

1894 This declarative covenant may be removed or modified if critical areas conditions
1895 change, or if the permit is no longer applicable. Contact the Yakima County
1896 Public Services for assistance in doing so.”
1897

- 1898 b) The declarative covenant shall not be required for a development proposal by a public
1899 agency or public or private utility:
1900 i) Within a recorded easement or right-of-way;
1901 ii) Where the agency or utility has been adjudicated the right to an easement or right-of-
1902 way; or
1903 iii) On the site of a permanent public facility.
1904 c) The applicant shall submit proof that the declarative covenant has been filed for public
1905 record before the Administrative Official approves any development proposal for the
1906 property or, in the case of subdivisions, short subdivisions, planned unit developments,
1907 and binding site plans, at or before recording.
- 1908 3) Subdivision Standards - The following standards apply to all permits or reviews under the
1909 Subdivision Ordinance (YCC Title 14) that contain critical areas:
1910 a) All subdivisions that contain critical areas shall be eligible for density bonuses or other
1911 development incentives, as provided in the Subdivision Ordinance (YCC Title 14) and
1912 Zoning Ordinances (YCC Titles 15 and 15A);
1913 b) Critical areas shall be actively protected through the following:
1914 i) Roads and utilities for the subdivision shall avoid critical areas and their buffers, as
1915 much as possible;
1916 ii) When Geologically Hazardous Areas (excluding Erosion, Over steepened Slopes of
1917 Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway,
1918 Channel Migration Zone (CMZ), ~~Upland Wildlife Habitat Conservation Areas~~,
1919 Streams, Wetlands and/or Vegetative Buffers fall within the boundary of a
1920 subdivision:
1921 (1) Said critical areas shall be protected by placing them entirely within a separate
1922 critical area tract, or by including them entirely within one of the developable
1923 parcels. Other options, such as conservation easements and building envelopes
1924 may be deemed by the Administrative Official as meeting this provision when
1925 special circumstances obstruct the viability of this provision;

- 1926 (2) For those new lots that do contain said critical areas, useable building envelopes
1927 (5,000 square feet or more for residential uses) shall be provided on the plat that
1928 lie outside said critical areas.
- 1929 iii) New lots partially within the floodplain shall provide a usable building envelope
1930 (5,000 square feet or more for residential uses) outside the floodplain;
- 1931 iv) New lots entirely within the floodplain shall be at least one (1) acre in area;
- 1932 | v) For new lots containing ~~Upland Wildlife Habitat Conservation Areas~~, streams,
1933 wetlands, and/or vegetative buffers, outdoor use envelopes (such as lawns, gardens,
1934 play areas, gazebos, etc.) shall be provided on the plat that lie outside said critical
1935 areas;
- 1936 vi) Degraded vegetative buffers shall be restored, or provided with protection measures
1937 that will allow them to recover;
- 1938 vii) Floodplains and critical areas shall be depicted on preliminary subdivision plats and
1939 relevant information about them disclosed on the final plat.
- 1940

Chapter 16C.04
ENFORCEMENT AND PENALTIES

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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 Violation – Penalty

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 16C.04.03 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" 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 – Chapter
Flood Hazard Permits**

It shall be the duty of the Chief Building Official or his designee to enforce the provisions of Chapter 16C.05. 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

- a) 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.
- b) It shall be the affirmative duty of the county prosecutor's office to seek relief under this section for violations of this title.
- c) 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.
- d) 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 ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement

1987 actions, such violations are declared to be public nuisances. Any person, firm, or corporation
1988 violating the provisions of this title shall be liable for all costs of such proceedings, including
1989 reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in
1990 addition to any other remedies available at law or equity.

**Chapter 16C.05
FLOOD HAZARD AREAS**

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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.05.20.070 Interpretations
- 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 "Flood Insurance Study for the Unincorporated Areas of Yakima County," dated March 2, 1998, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps, and any amendments which may thereafter be made by the Federal Emergency Management Agency, are 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.

16C.05.20.030 Principles

- (a) 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.
- (b) In advancing the above principals, the intent of Chapters 16C.05.20 through 16C.05.72 and their application is:
 - (1) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;
 - (2) To meet the minimum requirement of the National Flood Insurance program;
 - (3) 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.
 - (3) Topographic, engineering and construction information necessary to evaluate the

2037 proposed project shall be submitted to the department for approval.
2038 (4) The granting of a permit for any development or use shall not constitute a representation,
2039 guarantee or warranty of any kind or nature by Yakima County, or any official or employee
2040 thereof, of the practicality or safety of any structure or use proposed and shall create no liability
2041 upon or cause of action against such public body, official or employee for any damage that may
2042 result thereto.

2043
2044 **16C.05.20.060 Exemptions** The following uses and activities are exempt from the
2045 provisions of Chapters 16C.05.20 through 16C.05.72:

- 2046 (1) The alteration or substantial improvement of any structure listed on the National Register
2047 of Historic Places or a state inventory of historic places;
2048 (2) The installation and maintenance of aboveground utility transmission lines and poles;
2049 (3) Private driveways, fences and other accessory activities and/or uses necessary for
2050 agricultural uses which the building official determines will not unduly decrease flood storage or
2051 capacity, significantly restrict floodwaters, create a substantial impoundment of debris carried by
2052 floodwaters, and will resist flotation and collapse;
2053 (4) Construction and practices normal or necessary for agricultural uses. The construction of
2054 an accessory barn or similar agricultural structure, designed to have a low flood-damage
2055 potential, not involving substantial cutting, filling, or watercourse modification, is subject to
2056 Section 16C.05.28.020(3)(a through e). (Ref. IRC 323)

2057
2058 **16C.05.20.070 Interpretations**

2059 (a) In the interpretation and application of Chapters 16C.05.20 through 16C.05.72, the provisions
2060 shall be considered as minimum requirements, shall be liberally construed in favor of Yakima
2061 County, and deemed neither to limit or repeal any other powers granted under state statute. Its
2062 provisions shall be applied in addition to and as a supplement to provisions of the Yakima
2063 County Codes (YCC), Title 13, Building and Construction, YCC Title 14 Subdivision and (YCC
2064 (YCC Title 15 and 15A) Zoning Ordinances, and the Shoreline Master Program (YCC Title
2065 16D). Chapters 16C.05.20 through 16C.05.72 are not intended to repeal, abrogate or impair any
2066 existing easements, covenants, or deed restrictions. However, where these chapters and other
2067 ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the
2068 more stringent requirement shall prevail.

2069 (b) In an interpretation as to an exact location of the boundaries of the special flood hazard areas
2070 (i.e., conflict between a mapped boundary and actual field conditions), the person contesting the
2071 location of the boundary shall be given a reasonable opportunity to appeal the interpretation.
2072 Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and
2073 regulations of the National Flood Insurance Program (44 CFR 59, etc.) (Ref. IBC 104.1).

2074
2075 **16C.05.20.080 Compliance** No structure or land shall hereafter be used, constructed,
2076 located, extended, converted or altered without full compliance with the terms of Chapters
2077 16C.05.20 through 16C.05.72 and other applicable regulations.

2078
2079 **16C.05.20.090 Warning and Disclaimer of Liability** The degree of flood protection
2080 required by Chapters 16C.05.20 through 16C.05.72 is considered reasonable for regulatory
2081 purposes and is based on scientific and engineering considerations. Larger floods can and will
2082 occur on rare occasions. Flood heights may be increased by manmade or natural causes. Chapters

2083 16C.05.20 through 16C.05.72 do not imply that land outside the area of special flood hazards or
2084 uses permitted within such area will not be subject to flooding or flood damage.

2085

2086 **16C.05.28 FLOOD HAZARD PROTECTION STANDARDS**

2087 Sections:

2088 16C.05.28.010 General Standards

2089 16C.05.28.020 Specific Standards

2090

2091 **16C.05.28.010 General Standards**

2092 The following regulations shall apply in all special flood hazard areas:

2093 (a) Anchoring and Construction Techniques.

2094 (1) All new construction and substantial improvements shall be:

2095 (A) Anchored to prevent flotation, collapse or lateral movement of the structure; and

2096 (B) Constructed using materials and utility equipment resistant to flood damage; and

2097 (C) Constructed using methods and practices that minimize flood damage; and

2098 (D) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other

2099 service facilities shall be designed and/or otherwise elevated or located so as to prevent water

2100 from entering or accumulating within the components during conditions of flooding.

2101 (2) All manufactured homes must likewise be anchored to prevent flotation, collapse or

2102 lateral movement, and shall be installed using methods and practices that minimize flood

2103 damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties

2104 to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas

2105 guidebook for additional techniques). Anchoring shall meet the specifications set forth below for

2106 structures located within one hundred feet of a floodway or the ordinary high water mark if no

2107 floodway has been established.

2108 (3) All new construction and any improvements or additions to existing floodproofed

2109 structures that would extend beyond the existing floodproofing located within one hundred feet

2110 of the floodway or one hundred feet of the ordinary high water mark if no floodway has been

2111 established, shall be elevated to a height equal to or greater than the base flood, using zero-rise

2112 methods such as piers, posts, columns, or other methodology, unless it can be demonstrated that

2113 non-zero-rise construction methods will not impede the movement of floodwater or displace a

2114 significant volume of water. The size and spacing of any support devices used to achieve

2115 elevation shall be designed to penetrate bearing soil, and be sufficiently anchored, as specified

2116 above in subsection (1)(a) of this section.

2117 (4) Except where otherwise authorized, all new construction and substantial improvements to

2118 existing structures shall require certification by a registered professional engineer, architect or

2119 surveyor that the design and construction standards are in accordance with adopted floodproofing

2120 techniques.

2121 (b) Utilities.

2122 (1) All new and replacement water supply systems and sanitary sewage systems shall be

2123 designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from

2124 the systems into floodwaters; and on-site waste disposal systems shall be located to avoid

2125 impairment to them or contamination from them during flooding.

2126 (c) Subdivision Proposals. Subdivision proposals shall:

2127 (1) Be consistent with the need to minimize flood damage;

2128 (2) Have roadways, public utilities and other facilities such as sewer, gas, electrical, and

- 2129 water systems located and constructed to minimize flood damage;
2130 (3) Have adequate drainage provided to reduce exposure to flood damage; and
2131 (4) Include base flood elevation data.

2132
2133 (d) Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of
2134 any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a
2135 watercourse in riverine situations, the department shall notify adjacent communities, the
2136 Department of Ecology and FEMA of the proposed development.

2137
2138 **16C.05.28.020 Specific Standards** In all special flood hazard areas where base elevation
2139 data has been provided as set forth in Section 16C.05.20.010, the following regulations shall
2140 apply, in addition to the general regulations of Section 16C.05.28.010:

2141 (1) Residential Construction. (ref. IRC323.2)

2142 (A) New construction and substantial improvement of any residential structure shall
2143 have the lowest floor, including basement, elevated at a minimum to or above the base flood
2144 elevation.

2145 (B) Fully enclosed areas below the lowest floor that are subject to flooding are
2146 prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior
2147 walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement
2148 must either be certified by a registered professional engineer or architect or must meet or exceed
2149 the following minimum criteria:

2150 (i) A minimum of two openings having a total net area of not less than one square
2151 inch for every square foot of enclosed area subject to flooding shall be provided.

2152 (ii) The bottom of all openings shall be no higher than one foot above grade.

2153 (iii) Openings may be equipped with screens, louvers, or other coverings or devices,
2154 provided that they permit the automatic entry and exit of floodwaters.

2155 (C) Residential construction within one hundred feet of a floodway or the ordinary high
2156 water mark, if no floodway has been established, shall also meet the requirements of Section
2157 16C.05.28.010(a)(3).

2158 (2) Nonresidential Construction. New construction and substantial improvement of any
2159 commercial, industrial or other nonresidential structure, and any addition to an existing
2160 floodproofed structure that would extend beyond the existing floodproofing, shall either have the
2161 lowest floor, including basement, elevated a minimum of one foot above the base flood
2162 elevation; or, together with attendant utility and sanitary facilities, shall:

2163 (A) Be floodproofed so that below an elevation one foot above base flood level the
2164 structure is watertight, with walls substantially impermeable to the passage of water; and

2165 (B) Have structural components capable of resisting hydrostatic and hydrodynamic
2166 loads and effects of buoyancy;

2167 (C) Be certified by a registered professional engineer or architect that the design and
2168 method of construction are in accordance with accepted standards of practice for meeting
2169 provisions of this subsection, based on their development and/or review of the structural design,
2170 specifications and plans. Such certifications shall be provided to the building official;

2171 (D) Nonresidential structures that are elevated, not floodproofed, must meet the same
2172 standards for space below the lowest floor as described in Section 16C.05.28.020(1)(B) above;

2173 (E) Meet the special standards for structures set forth in Section 16C.05.28.010(a)(3)
2174 above if within one hundred feet of a floodway or within one hundred feet of the ordinary high

2175 water mark and no floodway has been established;
2176 (F) Applicants floodproofing nonresidential buildings shall be notified that flood
2177 insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a
2178 building constructed to the base flood level will be rated as one foot below the level). Flood
2179 proofing the building an additional foot will reduce insurance premiums significantly. (Ref. IBC
2180 1612.5)

2181 (3) Agricultural Construction. New construction and substantial improvement of any
2182 agricultural structure shall either have the lowest floor, including basement, elevated at a
2183 minimum to or above the base flood elevation; or meet the floodproofing requirements of
2184 subsection (2) of this section. Agricultural construction or other accessory structures that
2185 constitute a minimal investment and comply with the floodway encroachment standards may be
2186 exempt from the floodproofing and elevation requirements of subsection (2) above when such
2187 structures, together with attendant utility sanitary facilities:

2188 (A) Have a low potential for structural flood damage;

2189 (B) Are designed and oriented to allow the free passage of floodwaters through the
2190 structure in a manner affording minimum flood damage; and

2191 (C) Ensure that all electrical and mechanical equipment subject to floodwater damage
2192 and permanently affixed to the structure be elevated a minimum of one foot above the base flood
2193 elevation or higher, or floodproofed;

2194 (D) Are constructed and placed on the building site so as to offer the minimum
2195 resistance to the flow of floodwaters; and

2196 (E) Will not be used for human habitation.

2197 All such structures shall be anchored to resist flotation, collapse, and lateral movement, and that
2198 only flood resistant materials be used for elements of these buildings below the base flood
2199 elevation.

2200 (4) Manufactured Homes.

2201 (A) Manufactured homes shall be anchored in accordance with Section
2202 16C.05.28.010(a)(2), shall have the lowest floor elevated to or above the base flood elevation,
2203 and shall be securely anchored to an adequately anchored foundation system to resist flotation,
2204 collapse and lateral movement in accordance with Section 16C.05.28.010(a)(2).

2205

2206 **16C.05.32 FLOODWAY FRINGE USES**

2207 Sections:

2208 16C.05.32.010 Permitted Uses

2209 16C.05.32.020 Prohibited Uses

2210

2211 **16C.05.32.010 Permitted Uses** The following uses are permitted in the floodway fringe
2212 areas:

2213 (1) Any use permitted in the zoning district in accordance with YCC Title 15 or 15A of the
2214 Yakima County Code, unless prohibited by Section 16C.05.32.020.

2215 (2) Utility Transmission Lines. Utility transmission lines shall be permitted when consistent
2216 with YCC Title 15 and where not otherwise inconsistent with Chapters 16C.05.20 through
2217 16C.05.72; except that when the primary purpose of such a transmission line is to transfer bulk
2218 products or energy through a floodway fringe or special flood hazard area, such transmission line
2219 shall conform to the following:

2220 (A) Electric transmission lines shall cross floodway fringe and special flood hazard
2221 areas by the most direct route feasible. When support towers must be located within floodway
2222 fringe or special flood hazard areas, they shall be placed to avoid high floodwater velocity and/or
2223 depth areas, and shall be adequately floodproofed.

2224 (B) Buried utility transmission lines transporting hazardous materials, including but not
2225 limited to crude and refined petroleum products and natural gas, shall be buried a minimum of
2226 four feet. Such burial depth shall be maintained within the floodway fringe or special flood
2227 hazard area to the maximum extent of potential channel migration as determined by hydrologic
2228 analyses. All such hydrologic analyses shall conform to requirements of Section
2229 16C.05.36.010(2)(c).

2230 (C) Beyond the maximum extent of potential channel migration, utility transmission
2231 lines transporting hazardous and nonhazardous materials shall be buried below existing natural
2232 and artificial drainage features. Burial depth in all other agricultural and nonagricultural
2233 floodway fringe or special flood hazard areas shall be determined on the basis of accepted
2234 engineering practice and in consideration of soil conditions and the need to avoid conflict with
2235 agricultural tillage.

2236 (D) Aboveground utility transmission lines, not including electric transmission lines,
2237 shall only be allowed for the transportation of nonhazardous materials. In such cases, applicants
2238 must demonstrate that line placement will have no appreciable effect upon flood depth, velocity
2239 or passage. Such lines shall be adequately protected from flood damage.

2240 (E) Aboveground utility transmission line appurtenant structures, including valves,
2241 pumping stations or other control facilities, shall not be permitted in floodway fringe or special
2242 flood hazard areas except where no other alternative is available, or in the event a floodway
2243 fringe or special flood hazard location is environmentally preferable. In such instances,
2244 aboveground structures shall be located so that no appreciable effect upon flood depth, velocity
2245 or passage is created, and shall be adequately floodproofed.

2246
2247 **16C.05.32.020 Prohibited Uses** The following uses shall be prohibited in floodway
2248 fringe areas:

2249 (1) New manufactured home parks and the expansion of manufactured home/parks.
2250

2251 **16C.05.36 FLOODWAY USES**

2252 Sections:

2253 16C.05.36.010 Permitted Uses

2254 16C.05.36.020 Prohibited Uses

2255

2256 **16C.05.36.010 Permitted Uses** Permitted uses include any use permitted in the zoning
2257 district in accordance with YCC Title 15 of this code, provided that said use is in compliance
2258 with the flood hazard protection standards of Chapter 16C.05.28 and other applicable provisions
2259 of this title, and will have a negligible effect upon the floodway in accordance with the floodway
2260 encroachment provisions of Section 16C.05.36.020(2):

2261 (1) Surface mining, provided that the applicant can provide clear evidence that such uses will
2262 not divert flood flows causing channel-shift or erosion, accelerate or amplify the flooding of
2263 downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in
2264 any other way threaten public or private properties. When allowed, such removal shall comply
2265 with the provisions of Title 15 and the Yakima County Shoreline Management Master Program
2266 Regulations (WAC-173-19-470).

2267 (2) Utility transmission lines, unless otherwise prohibited by this division; except that when
2268 the primary purpose of such a transmission line is to transfer bulk products or energy through a
2269 floodway en route to another destination, as opposed to serving customers within a floodway,
2270 such transmission lines shall conform to the following:

2271 (A) All utility transmission lines shall cross floodways by the most direct route feasible
2272 as opposed to paralleling floodways,

2273 (B) Electric transmission lines shall span the floodway with support towers located in
2274 flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width,
2275 support towers shall be located to avoid high floodwater velocity and/or depth areas, and shall be
2276 adequately floodproofed,

2277 (C) Buried utility transmission lines transporting hazardous and nonhazardous materials,
2278 including but not limited to crude and refined petroleum products and natural gas, water and
2279 sewage, shall be buried a minimum of four feet below the maximum established scour of the
2280 waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be
2281 maintained horizontally within the hydraulic floodway to the maximum extent of potential
2282 channel migration as determined by hydrologic analyses. In the event potential channel
2283 migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and
2284 special flood hazard areas shall also govern placement. All hydrologic analyses are subject to
2285 acceptance by Yakima County, shall assume the conditions of a one-hundred-year frequency
2286 flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations
2287 and consideration of historical meander characteristics in addition to other pertinent facts and
2288 data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall
2289 be consistent with the Yakima County Shoreline Management Master Program Regulations,

2290 (D) Beyond the maximum extent of potential channel migration, utility transmission
2291 lines transporting hazardous and nonhazardous materials shall be buried below existing natural
2292 and artificial drainage features. Burial depth in all agricultural areas requiring or potentially
2293 requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to
2294 the top of the transmission line, or at other such depth as deemed necessary by on-site
2295 investigations performed by a qualified soils expert familiar with Yakima County soils. Burial
2296 depth in all other agricultural and nonagricultural floodway areas shall be determined on the
2297 basis of accepted engineering practice and in consideration of soil conditions and the need to
2298 avoid conflict with agricultural tillage,

2299 (E) Aboveground utility transmission lines, not including electric transmission lines,
2300 shall only be allowed for the transportation of nonhazardous materials where an existing or new
2301 bridge or other structure is available and capable of supporting the line. When located on existing

2302 or new bridges or other structures with elevations below the level of the one-hundred-year flood,
2303 the transmission line shall be placed on the downstream side and protected from flood debris. In
2304 such instances, site-specific conditions and flood damage potential shall dictate placement,
2305 design and protection throughout the floodway. Applicants must demonstrate that such
2306 aboveground lines will have no appreciable effect upon flood depth, velocity or passage, and
2307 shall be adequately protected from flood damage. If the transmission line is to be buried except
2308 at the waterway crossing, burial specifications shall be determined as in subsection (2)(C) of this
2309 section;

2310 (F) Aboveground utility transmission line appurtenant structures, including valves,
2311 pumping stations, or other control facilities, shall not be permitted in the floodway,

2312 (G) Where a floodway has not been determined by preliminary Corps of Engineers'
2313 investigations or official designation, a floodway shall be defined by qualified engineering work
2314 by the applicant on the basis of a verified one-hundred-year flood event;

2315 (3) Construction or reconstruction of residential structures only as authorized in Section
2316 16C.05.36.020(3);

2317 (4) Improvements to existing residential structures that are not substantial improvements per
2318 Section 16C.05.24.260; provided, the improvement complies with the requirement set forth in
2319 Section 16C.05.36.020(2).

2320 (5) Water-dependent utilities and other installations which by their very nature must be in the
2321 floodway. Examples of such uses are: dams for domestic/industrial water supply, flood control
2322 and/or hydroelectric production; water diversion structures and facilities for water supply,
2323 irrigation and/or fisheries enhancement; floodwater and drainage pumping plants and facilities;
2324 hydroelectric generating facilities and appurtenant structures; structures and nonstructural uses
2325 and practices; provided, that the applicant shall provide evidence that a floodway location is
2326 necessary in view of the objectives of the proposal, and provided further that the proposal is
2327 consistent with other provisions of this title and the Shoreline Management Master Program
2328 (YCC Title 16D). In all instances of locating utilities and other installations in floodway
2329 locations, project design must incorporate floodproofing and otherwise comply with subsection
2330 (2) above;

2331 (6) Dikes, provided that the applicant can provide evidence that:

2332 (A) Adverse effects upon adjacent properties will not result relative to increased
2333 floodwater depths and velocities during the base flood or other more frequent flood occurrences,

2334 (B) Natural drainage ways are minimally affected in that their ability to adequately drain
2335 floodwaters after a flooding event is not impaired,

2336 (C) The proposal has been coordinated through the appropriate diking district where
2337 applicable, and that potential adverse effects upon other affected diking districts have been
2338 documented;

2339 (7) Roads and bridges, subject to the regulations of Section (2) above.

2340

2341 **16C.05.36.020 Prohibited Uses** The following uses/developments are prohibited in the
2342 floodway:

2343 (1) Any structure, including manufactured homes, designed for, or to be used for human
2344 habitation of a permanent nature (including temporary dwellings authorized by Section
2345 15.72.060);

2346 (2) All encroachments, including fill, new construction and other development unless
2347 certification by a registered professional engineer is provided demonstrating through hydrologic

2348 and hydraulic analysis performed in accordance with standard engineering practice that the effect
 2349 of the subject encroachment together with the cumulative effects of all similar potential
 2350 encroachments shall not materially cause water to be diverted from the established floodway,
 2351 cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or
 2352 result in any increase in flood levels during the occurrence of the base flood discharge;
 2353 (3) Construction or reconstruction of residential structures within designated floodways,
 2354 except for (i) repairs, reconstruction, or improvements to a structure which do not increase the
 2355 ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of
 2356 which does not exceed fifty percent of the assessed value of the structure either (A) before the
 2357 repair, reconstruction or improvement is started, or (B) if the structure has been damaged and is
 2358 being restored, before the damage occurred. Work done on structures to correct existing
 2359 violations of existing health, sanitary or safety codes, or to structures identified as historic places
 2360 shall not be included in the fifty percent. If subsection (2) of this section is satisfied, all new
 2361 construction and substantial improvements shall comply with all applicable flood hazard
 2362 reduction provisions of Chapters 16C.05.20 through 16C.05.72, including those set forth in
 2363 subsection (5) below;
 2364 (4) The construction or storage of any object subject to flotation or movement during flood
 2365 level periods;
 2366 (5) The following uses, due to their high degree of incompatibility with the purpose of
 2367 establishing and maintaining a functional floodway, are specifically prohibited:
 2368 (A) The filling of wetlands, except as authorized under Chapter 16C.06 (Fish and
 2369 Wildlife Habitat and the Stream Corridor) and Chapter 16C.07 (Wetlands) of this title,
 2370 (B) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or
 2371 materials,
 2372 (C) Damming or relocation of any watercourse that will result in any downstream
 2373 increase in flood levels during the occurrence of the base flood discharge;
 2374 (6) The listing of prohibited uses in this section shall not be construed to alter the general
 2375 rule of statutory construction that any use not permitted is prohibited.

2376
 2377 **16C.05.40 NON-CONFORMING USES AND STRUCTURES**

2378 Sections:

- 2379 16C.05.40.010 Generally
- 2380 16C.05.40.020 Non-conforming Uses of Land
- 2381 16C.05.40.030 Non-conforming Structures
- 2382 16C.05.40.040 Improvements
- 2383 16C.05.40.050 Restoration
- 2384 16C.05.060 Discontinuance

2385
 2386 **16C.05.40.010 Generally**

- 2387 (a) Within the special flood hazard areas established by Chapters 16C.05.20 through 16C.05.72
- 2388 or amendments thereto, there may exist structures and uses of land and structures which were
- 2389 lawful before these chapters were adopted or amended, but which would be prohibited, regulated
- 2390 or restricted under the terms of Chapters 16C.05.20 through 16C.05.72 or future amendment.
- 2391 (b) It is the intent of Chapters 16C.05.20 through 16C.05.72 to permit these lawful pre-existing
- 2392 nonconformities to continue until they are removed by economic forces or otherwise, but not to

2393 encourage their survival except in cases where continuance thereof would not be contrary to the
2394 public health, safety or welfare, or the spirit of said chapters.

2395 (c) To avoid undue hardship, nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed
2396 to require a change in the plans, construction, or designated use of any building on which actual
2397 construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted
2398 Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program,
2399 and upon which actual building construction has been diligently carried on; namely, actual
2400 construction materials placed in permanent position and fastened in a permanent manner. Where
2401 demolition or removal of an existing building has been substantially begun preparatory to
2402 rebuilding, such demolition or removal shall be deemed to be actual construction, provided that
2403 work shall be diligently carried on until completion of the building involved. October 1, 1995,
2404 the effective date of the ordinance codified in this title shall be used as it applies to all other
2405 Critical Areas requirements established under this title by Ordinance 8-1995.
2406

2407 **16C.05.40.020 Non-conforming Uses of Land** If, on October 1, 1995, the effective date
2408 of Chapters 16C.05.20 through 16C.05.72, a lawful use of land not conducted within a building
2409 exists that is made no longer permissible under the terms of said chapters as adopted or amended,
2410 such use may be continued as long as it remains otherwise lawful, subject to the following
2411 provisions:

2412 (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a
2413 greater area of the lot of record than that which it occupied at the effective date of adoption or
2414 amendment of Chapters 16C.05.20 through 16C.05.72.

2415 (2) At such time as a structure is erected thereon, the structure and the use of the land shall
2416 conform to the regulations specified by Chapters 16C.05.20 through 16C.05.72 and YCC Title
2417 15 or 15A.
2418

2419 **16C.05.40.030 Non-conforming Structures**

2420 (a) If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a
2421 structure is nonconforming only because the structure is not in conformance with the applicable
2422 elevation and/or floodproofing requirement of said chapters and Chapter 15.68 of YCC Title 15,
2423 or Chapter 15A.19 of YCC Title 15A provided that the degree of nonconformity shall not be
2424 increased and the applicable elevation and/or floodproofing requirements of this title shall be
2425 observed, any structural alterations or enlargements of an existing structure under such
2426 conditions shall not increase the degree of nonconformity.

2427 (b) A structure, nonconforming only because the structure is not in conformance with the
2428 applicable elevation and/or floodproofing requirements of Chapters 16C.05.20 through
2429 16C.05.72, destroyed to an extent such that restoration costs would exceed fifty percent of the
2430 assessed value of the structure immediately prior to such occurrence, shall be considered
2431 completely destroyed and shall be required to meet all applicable requirements of this titles and
2432 YCC Title 15 or 15A upon restoration.
2433

2434 **16C.05.40.040 Improvements** Nothing in Chapters 16C.05.20 through 16C.05.72 shall
2435 be construed to restrict normal structural repair and maintenance activities, including
2436 replacement of walls, fixtures and plumbing, provided that the value of work and materials in
2437 any twelve-month period does not exceed twenty-five percent of the assessed value of the
2438 structure prior to such work.

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16C.05.40.050 Restoration

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

16C.05.060 Discontinuance

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

16C.05.44 FLOOD HAZARD PROTECTION ADMINISTRATION

Sections:

- 16C.05.44.010 Administration
- 16C.05.44.020 Authority
- 16C.05.44.030 Permit – Required
- 16C.05.44.040 Permit – Application
- 16C.05.44.050 Permit – Review
- 16C.05.44.060 Use of Available Data
- 16C.05.44.070 Limitations
- 16C.05.44.080 Permit – Expiration & Cancellation

16C.05.44.010 Administration

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

16C.05.44.020 Authority

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

16C.05.44.030 Permit – Required

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

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16C.05.44.040 Permit – Application

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

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

16C.05.44.050 Permit – Review Flood hazard permit applications will be reviewed to determine:

- (1) That the floodproofing requirements and other provisions of Chapters 16C.05.20 through 16C.05.72 have been satisfied;
- (2) If the proposed development is located in the floodway, the floodway encroachment provisions of Section 16C.05.36.020(2) are met;
- (3) If the proposed development includes the alteration or relocation of a watercourse, the provisions of Section 16C.05.28.010(d) are met;
- (4) That the proposed development is a use permitted under Chapters 16C.05.20 through 16C.05.72 and YCC Title 15 or 15A;
- (5) That all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

16C.05.44.060 Use of Available Data

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

16C.05.44.070 Limitations

2529 Permits issued on the basis of plans and applications approved by the administrative official
2530 authorize only the use, arrangement and construction set forth in such approved plans and
2531 applications, and no other use, arrangement or construction. Use, arrangement or construction at
2532 variance with that authorized is a violation of Chapters 16C.05.20 through 16C.05.72 and
2533 punishable as provided by 16C.04 (Enforcement and Penalties).
2534

2535 **16C.05.44.080 Permit – Expiration & Cancellation**

2536 If the work described in any permit has not begun within one hundred eighty days from the date
2537 of issuance thereof, the permit shall expire and be canceled by the chief building official.
2538

2539 **16C.05.44.090 Performance bonds**

2540 (a)The county may require bonds in such form and amounts as may be deemed necessary to
2541 assure that the work shall be completed in accordance with approvals under Chapters 16C.05.20
2542 through 16C.05.72. Bonds, if required, shall be furnished by the property owner, or other person
2543 or agent in control of the property.

2544 (b)In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the
2545 department in an amount equal to that which would be required in the surety bond.
2546

2547 **16C.05.44.100 Appeals**

2548 The decision to grant, grant with conditions or deny a flood hazard permit shall be final and
2549 conclusive unless the applicant appeals the decision pursuant to the procedure established for
2550 appeals in Chapter 16C.03.
2551

2552 **16C.05.44.110 Coordination**

2553 Upon application, the Chief Building Official shall have the authority to grant a flood hazard
2554 permit when compliance with the applicable conditions as set forth in Chapter 16C.05.20
2555 through 16C.05.72 and in other applicable local, state and federal regulations has been
2556 demonstrated and the proposal is found to be consistent with the purpose of this title.
2557

2558 **16C.05.48 ELEVATION AND FLOODPROOFING CERTIFICATION**

2559 Sections:

2560	16C.05.48.010	Applicability
2561	16C.05.48.020	Certification Form
2562	16C.05.48.030	Information to be obtained and maintained
2563	16C.05.48.040	Certification Responsibility

2564
2565 **16C.05.48.010 Applicability**

2566 Certification shall be provided to verify that the minimum floodproofing and elevation standards
2567 of Chapter 16C.05.28 have been satisfied. Certification shall be required only for the new
2568 construction or substantial improvement of any residential, commercial, industrial or
2569 nonresidential structure located in a special flood hazard area, except that agricultural and certain
2570 accessory structures constructed in accordance with the standards of Section 16C.05.28.020(3)
2571 shall not require certification. Such structures are still subject to elevation or floodproofing
2572 certification for flood insurance purposes.
2573

2574 **16C.05.48.020 Certification Form**

2575 The form of the elevation and floodproofing certificate shall be specified by the Chief Building
2576 Official and shall be generally consistent with that required by FEMA for the administration of
2577 the National Flood Insurance Program.).
2578

2579 **16C.05.48.030 Information to be obtained and maintained**

2580 The elevation and floodproofing certificate shall verify the following flood hazard protection
2581 information:

2582 (1) The actual elevation (in relation to mean sea level) of the lowest floor (including
2583 basement) of all new or substantially improved structures, and whether or not the structure
2584 contains a basement;

2585 (2) The actual elevation (in relation to mean sea level) of floodproofing of all new or
2586 substantially improved floodproofed structures, and that the floodproofing measures utilized
2587 below the base flood elevation render the structure watertight, with walls substantially
2588 impermeable to the passage of water;

2589 (3) Where a base flood elevation has not been established according to Section
2590 16C.05.20.010, obtain and record the actual elevation (in relation to mean sea level) of the
2591 lowest floor (including basement) as related to the highest adjacent grade, and whether or nor the
2592 structure contains a basement.
2593

2594 **16C.05.48.040 Certification Responsibility**

2595 The project proponent shall be responsible for providing required certification data to the Chief
2596 Building Official prior to the applicable construction inspection specified in the certification
2597 form. All elevation and floodproofing data specified in Section 16C.05.48.030 must be obtained
2598 and certified by a registered professional engineer, architect, or surveyor. The elevation and
2599 floodproofing certification shall be permanently maintained by the chief building official.
2600

2601 **16C.05.52 VARIANCES**

2602 **Sections:**

- 2603 16C.05.52.010 Procedure
- 2604 16C.05.52.020 Variance limitations
- 2605 16C.05.52.030 Conditions for Authorization
- 2606 16C.05.52.040 Administrative Official's Decision
- 2607 16C.05.52.050 Notification and Final Decision
- 2608 16C.05.52.060 Power to Refer Decisions
- 2609 16C.05.52.070 Appeals

2610
2611 **16C.05.52.010 Procedure**

2612 Any person seeking a variance from the requirements of Chapters 16C.05.20 through 16C.05.72
2613 authorized under Section 16C.05.52.020 shall make such request in writing to the department on
2614 forms supplied by the department. Upon receipt of a completed application and application fee
2615 for the variance, a notice of the variance request shall be forwarded to all landowners of adjacent
2616 property within twenty days of the receipt of completed application and fee. The notice shall
2617 solicit written comment on the variance request and specify a time period not less than ten days
2618 from the date of mailing, during which written comments may be received and considered. The
2619 notice shall also state that copies of the administrative official's final decision will be mailed

2620 upon request. The administrative official may also solicit comments from any other person or
2621 public agency he or she feels may be affected by the proposal.

2622

2623 **16C.05.52.020 Variance limitations**

2624 (a) Variances shall be limited solely to the consideration of:

2625 (1) Elevation requirements for lowest floor construction;

2626 (2) Elevation requirements for floodproofing;

2627 (3) The type and extent of floodproofing.

2628 (b) Variances shall not be considered for any procedural or informational requirements or use
2629 prohibitions of Chapters 16C.05.20 through 16C.05.72.

2630

2631 **16C.05.52.030 Conditions for Authorization**

2632 Before a variance to the provisions of Chapters 16C.05.20 through 16C.05.72 may be authorized,
2633 it shall be shown that:

2634 (1) There are special circumstances applicable to the subject property or to the intended use,
2635 such as size, topography, location or surroundings, that do not apply generally to other property
2636 in the same vicinity and zone; and

2637 (2) The granting of such variance will not be materially detrimental to the public welfare or
2638 injurious to the property or improvements in the vicinity and zone in which the subject property
2639 is located; and

2640 (3) Such a variance is the minimum necessary, considering the flood hazard, to afford relief;
2641 and

2642 (4) Failure to grant the variance would result in exceptional hardship to the applicant; and

2643 (5) The granting of such a variance will not result in:

2644 (A) Increased flood heights,

2645 (B) Additional threats to public safety,

2646 (C) Creation of nuisances,

2647 (D) Extraordinary public expense,

2648 (E) Conflicts with other existing local laws or ordinances.

2649

2650 **16C.05.52.040 Administrative Official's Decision**

2651 After considering any comments received from other agencies, jurisdictions or adjoining
2652 property owners, the administrative official shall approve, approve with conditions, or deny the
2653 variance request. The administrative official shall prepare written findings and conclusions
2654 stating the specific reasons upon which the decision is based.

2655

2656 **16C.05.52.050 Notification and Final Decision**

2657 The decision shall be issued within seven days from the end of the comment period. Further, the
2658 administrative official shall mail the findings and decision to the applicant and to other parties of
2659 record requesting a copy.

2660

2661 **16C.05.52.060 Power to Refer Decisions**

2662 In exercising the duties and powers of implementing and administering Chapters 16C.05.20
2663 through 16C.05.72, the administrative official may refer any variance application to the hearing
2664 examiner for action at a public hearing.

2665

2666 **16C.05.52.070 Appeals**
2667 Any decision by the administrative official to approve or deny a variance request may be
2668 appealed subject to the procedures set forth in Section 16C.03.13 (Development Authorization –
2669 Review Procedure).
2670
2671 **16C.05.72 Map Correction Procedures**
2672 **Sections:**
2673 **16C.05.72 Map Correction Procedures**
2674 16C.05.72.010 Federal flood hazard map correction procedures. The procedures for federal
2675 flood hazard map correction, as provided in federal regulations Section 70 CFR of the National
2676 Insurance Program are hereby adopted by reference.

2677 **Chapter 16C.06**

2678 **FISH AND WILDLIFE HABITAT AND THE STREAM CORRIDOR SYSTEM**

2679 Sections:

2680 **Introduction**

- 2681 16C.06.01 Purpose and Intent
- 2682 16C.06.02 Protection Approach

2683

2684 **Designation and Mapping**

- 2685 16C.06.03 Hydrologically Related Critical Area Features
- 2686 | ~~16C.06.04 Upland Wildlife Habitat and Habitats of Local Importance~~
- 2687 16C.06.05 Functional Properties
- 2688 16C.06.06 Stream, Lake and Pond Typing System
- 2689 16C.06.07 Wetland Rating System
- 2690 16C.06.08 Maps
- 2691 | ~~16C.06.09 Upland Wildlife Habitat and Habitats of Local Importance Development~~
- 2692 | ~~Standards~~

2693 **General Development Standards**

- 2694 16C.06.10 Prohibited Uses
- 2695 16C.06.11 General Policies and Standards

2696

2697 **Water Dependency Development Standards and Buffer Requirements**

- 2698 16C.06.12 Use Classifications
- 2699 16C.06.13 Water-dependent Uses
- 2700 16C.06.14 Water-related Uses
- 2701 16C.06.15 Non-water Oriented Uses
- 2702 16C.06.16 Vegetative Buffers

2703

2704 **Land Modification Development Standards**

- 2705 16C.06.17 Roads, Railroads and Parking
- 2706 16C.06.18 Utility Transmission Lines
- 2707 16C.06.19 Shore Stabilization
- 2708 16C.06.20 Dredging and Excavation
- 2709 16C.06.21 Filling
- 2710 16C.06.22 Commercial Mining of Gravels
- 2711 16C.06.23 Reclamation

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16C.06.01 Purpose and Intent

- 1) The stream corridor system includes hydrologically related critical areas, streams, lakes, ponds, and wetlands, and are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:
 - a) Meet the requirements of the Growth Management Act (RCW 36.70A.172) to protect the functions and values of fish and wildlife habitat, wetlands, stream undercutting geologic hazards and frequently flooded areas; and to give special consideration to anadromous fish;
 - b) Meet eligibility requirements of the National Flood Insurance Program (NFIP).
- 2) The guidelines, policies, and standards of this chapter are intended to:
 - a) Provide alternatives for necessary development, construction, and uses within a designated stream corridor and other hydrologically related critical areas;
 - b) Prevent further degradation in the quantity and quality of surface and subsurface waters;
 - c) Conserve, restore, and protect sensitive or unique fish and wildlife habitats, vegetation, and ecological relationships;
 - d) Protect public and private properties from adverse effects of improper development within hazardous or sensitive areas of the stream corridor;
 - e) Provide a zero net loss of natural wetlands functions and values together with, a gain of wetlands in the long term, if reasonably possible through voluntary agreements or government incentives;
 - f) Establish measures to protect streams, lakes, ponds, and wetlands;
 - g) Recognize that, based on WAC 365-190-080(5) (Fish and Wildlife Habitat Conservation Areas) wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important;
 - h) ~~Emphasize that these provisions do not attempt to protect individuals of species. Rather, these provisions are intended to provide protection for wildlife habitats.~~

16C.06.02 Protection Approach

- 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. Riparian corridors offer a natural system of such linkages. Yakima County accomplishes fish and wildlife habitat protection in 3 parts:
 - a) Protect habitat for aquatic (in-water) species through stream, lake, pond and wetland standards;

2757 b) Protect habitat for riparian (near-water) species through stream, lake, pond, and wetland
2758 standards and buffer requirements;

2759 c) Protect habitat for upland habitat conservation areas species using the upland wildlife
2760 habitat protection measures described below of Chapter 16C.11.

2761 *(Note: the text below has copied to Chapter 16C.11).*

2762 2) Yakima County has a very high proportion of federal, state and other publicly and tribally
2763 owned land, including State Natural Area Preserves and Natural Resource Conservation
2764 Areas. These lands are managed to some extent for the conservation of wildlife habitat.
2765 Consequently, one of Yakima County's approaches to protecting all wildlife habitat types is
2766 to rely on the management of these lands by the responsible entity. The protection of Larch
2767 mountain salamander (*Plethodon larselli*) (State Sensitive, Federal Species of Concern) and
2768 Spotted Owl (*Strix occidentalis*) (State Endangered, Federal Threatened) habitat is
2769 accomplished through this approach, since their habitat of primary association is located
2770 within Federal ownership.

2771 3) To accomplish upland wildlife protection on private lands, Yakima County performed an
2772 assessment to map wildlife habitat. Only a small percentage of the mapped area is within
2773 private ownership and that is largely in remote areas of forest and rangeland. Consequently,
2774 part of Yakima County's approach to protect upland wildlife on private land is to rely on the
2775 large lot/low density provisions of the Remote (40 acre minimum), Forest (80 acre minimum)
2776 and Agriculture (40 acre minimum) zoning districts.

2777 4) Corridors for wildlife to move between large habitat areas are a component of wildlife
2778 habitat. Riparian corridors offer a natural system of linkages between such areas. In semi-
2779 arid regions such as Yakima County, riparian corridors not only offer migratory linkages
2780 between large habitat areas but also offer important refuge and habitat for numerous species
2781 that rely on the riparian areas for their existence. Consequently, Yakima County's approach
2782 to protect wildlife migration corridors and riparian habitat is to rely on the protection
2783 measures for stream corridors, wetlands, and Shoreline jurisdiction (YCC 16D), where
2784 applicable.

2785 5) Yakima County's approach to protecting aquatic habitat is to rely on the protection standards
2786 for stream corridors, wetlands, and Shoreline jurisdiction (where applicable).

2787 ~~6) 1) The state gives some discretion to local governments in designating fish and wildlife~~
2788 ~~habitat. WAC 365-190-080(5)(a) (fish and wildlife habitat designation) identifies six~~
2789 ~~non-marine habitat types from which to choose in designating fish and wildlife habitat,~~
2790 ~~but does not require the use of all listed habitat types. Five habitat types are protected~~
2791 ~~using the approaches described above. The remaining habitat type—Threatened,~~
2792 ~~Endangered, and Sensitive Species Habitat is difficult to use due to the difficulties in~~
2793 ~~obtaining accurate maps of habitat for the different species. In addition, such species are~~
2794 ~~protected by federal and state laws which are administered by other agencies. Yakima~~
2795 ~~County's approach to protecting Threatened, Endangered, and Sensitive Species Habitat~~
2796 ~~is to do so indirectly, using each of the above listed protection approach items. Direct~~
2797 ~~protection measures are deferred to the relevant state or federal agency with jurisdiction~~
2798 ~~over the different species. Yakima County will consider comments and advice related to~~
2799 ~~a species from such agencies in the course of normal development review processes.~~
2800 Through the wildlife habitat analysis, habitat for listed state and federal threatened,
2801 endangered, and sensitive species was assessed and incorporated for upland species.
2802 Consequently, Yakima County's approach to protect habitat for listed state and federal

2803 threatened, endangered, and sensitive upland species is to require approval of a standard
2804 development permit, the submittal of a habitat assessment, and where necessary,
2805 development of a management plan consistent with state and/or federal guidelines as
2806 outlined in Section 16C.11.060 and 16C.11.070 below. Protection measures for Bull
2807 Trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and Steelhead
2808 (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the
2809 standards in chapter 16C.06.

2810 **Designation and Mapping**

2811 **16C.06.03 Hydrologically Related Critical Area Features**

2812 The stream corridor and other hydrologically related critical areas include one or more of the
2813 following features:

- 2814 1) Any floodway and floodplain identified as a special flood hazard area. Special flood hazard
2815 areas are those identified by the Federal Insurance Administration in the Flood Insurance
2816 Study for Yakima County which, together with accompanying Flood Insurance Maps, is
2817 hereby adopted by reference and declared to be a part of this title as set forth in Chapters
2818 16C.05.20 through 16C.05.72;
- 2819 2) Perennial and intermittent streams, excluding ephemeral streams, including the stream main
2820 channel and all secondary channels within the Ordinary High Water Mark;
- 2821 3) Naturally occurring ponds under twenty acres and their submerged aquatic beds; and man-
2822 made lakes and ponds created within a stream channel designated under (2) above;
- 2823 4) All wetlands, that meet the definition found in Section 16C.02.425, as required by WAC 365-
2824 190-080(1), and as designated in section 16C.07.02(1) of the wetland chapter;
- 2825 5) Where specifically cited, any flood-prone area not included in a designated floodway and
2826 floodplain but indicated as flood-prone by U.S. Soil Conservation Service soil survey data or
2827 geologic evidence developed through professional geologists or engineers;
- 2828 6) A buffer area extending on a horizontal plane from the ordinary high water mark of a stream
2829 channel, lake, or pond, designated in this section or from the edge of a wetland designated in
2830 this section according to the distances set forth in Section 16C.06.16 (Vegetative Buffers);
2831
2832
2833

2834 *(Note: the section below was moved to Chapter 16C.11.)*

2835 ~~16C.06.04 Upland Wildlife Habitat and Habitats of Local Importance~~

2836 ~~1) State Natural Area Preserves and Natural Resource Conservation Areas shall be designated~~
2837 ~~Upland Wildlife Habitat.~~

2838 ~~2) Species and Habitats of Local Importance. These are habitats or species that due to their~~
2839 ~~declining population, sensitivity to habitat manipulation or other values make them important~~
2840 ~~on a local level. Habitats of Local Importance may include a seasonal range or habitat~~
2841 ~~element with which a given species has a primary association, and which, if altered, may~~
2842 ~~reduce the likelihood that the species will maintain and reproduce over the long term.~~

2843 ~~a) Species and Habitats of Local Importance may be identified for protection under this title.~~
2844 ~~State or local agencies, individuals or organizations may identify and nominate for~~
2845 ~~consideration specific species and habitats, or a general habitat type, including streams,~~
2846 ~~ponds or other features. Proponents shall have the burden of presenting evidence concerning~~
2847 ~~the criteria set forth below. The nomination shall be processed once a year through the annual~~
2848 ~~Comprehensive Plan 2015 amendment cycle.~~

2849 ~~b)The decision for changes to species and habitats of local importance should consider:~~
2850 ~~i)Concern due to population status;~~
2851 ~~ii)Sensitivity to habitat manipulation;~~
2852 ~~iii)Importance to the local community, and/or;~~
2853 ~~iv)The economic impact both positive and negative to the applicants property or surrounding~~
2854 ~~property. Economic impacts are to be determined by a properly qualified individual or firm~~
2855 ~~using industry standards.~~
2856 ~~e)Nominated habitats, and habitats for species of local importance shall consider the~~
2857 ~~following, and must include maps to illustrate the proposal:~~
2858 ~~i)A seasonal range or habitat element which, if altered, may reduce the likelihood that the~~
2859 ~~species will maintain or reproduce over the long term;~~
2860 ~~ii)Areas of high relative density or species richness, breeding habitat, winter range, and~~
2861 ~~movement corridors;~~
2862 ~~iii)Habitat with limited availability or high vulnerability to alteration;~~
2863 ~~iv)Whether these habitats are already identified and protected under the provisions of this or~~
2864 ~~other county ordinances or state or federal law.~~
2865 ~~d)Habitat management recommendations shall be included for use in the administration of this~~
2866 ~~chapter.~~

2867 2868 **16C.06.05 Functional Properties**

- 2869 1) Streams, lakes and ponds and wetlands require a sufficient riparian area to support one or
2870 more of the following functional properties:
2871 a) Streambank and shore stabilization;
2872 b) Providing sufficient shade through canopy cover to maintain water temperatures at
2873 optimum levels and to support fish habitat;
2874 c) Moderating the impact of stormwater and meltwater runoff;
2875 d) Filtering solids, nutrients, and harmful substances;
2876 e) Surface erosion prevention;
2877 f) Providing and maintaining migratory corridors for wildlife;
2878 g) Supporting a diversity of wildlife habitat;
2879 h) Providing floodplain functions noted below;
2880 i) Contributing woody debris and organic matter to the aquatic environment;
2881 j) Providing altered climatic conditions different from upland areas.
2882 2) Stream channels generally support one or more of the following functional properties:
2883 a) Groundwater recharge and/or discharge;
2884 b) Water transport;
2885 c) Sediment transport and/or storage;
2886 d) Biogeochemical functions (see lakes, ponds and wetland functions below);
2887 e) Channel migration and creation of a dynamic habitat mosaic;
2888 f) Food web and habitat functions
2889 3) Lakes, ponds and wetlands generally provide similar functions, sometimes to a greater or
2890 lesser degree. Wetlands are often located along the margins of lakes and ponds, which often
2891 mixes the functions between the two. Lakes, ponds and wetlands generally provide one or
2892 more of the following functional properties:

- 2893 a) Biogeochemical functions, which are related to trapping and transforming chemicals and
 2894 include functions that improve water quality in the watershed such as: nutrient retention
 2895 and transformation, sediment retention, metals and toxics retention and transformation;
 2896 b) Hydrologic functions, which are related to maintaining the water regime in a watershed,
 2897 such as: flood flow attenuation, decreasing erosion, groundwater recharge;
 2898 c) Food web and fish and wildlife habitat functions, which includes habitat for:
 2899 invertebrates, amphibians, anadromous fish, resident fish, birds, mammals.
 2900 4) Floodplains generally provide one or more of the following functional properties:
 2901 a) Floodwater storage and passage, including the movement of high velocity flood waters;
 2902 b) Sediment storage and recruitment;
 2903 c) Food web and habitat functions;
 2904 d) Nutrient sink and/or source;
 2905 e) Groundwater recharge and/or discharge.

2906 ~~5) Wildlife habitat consists of the arrangement of food, water, cover, and space required to meet
 2907 the biological needs of an animal. Different wildlife species have different requirements, and
 2908 these requirements vary over the course of a year. Wildlife habitat generally includes one or
 2909 more of the following functional properties:
 2910 a) Reproduction and/or nesting;
 2911 b) Resting and refuge;
 2912 e) Foraging for food;
 2913 ~~d) f) Dispersal and migration.~~~~

2914 ~~6) 5) _____~~ Some functions, as, for example, supporting a diversity of wildlife habitat, require
 2915 larger areas which may not be achievable due to existing development and construction
 2916 constraints. In these instances, adjustments to the minimum standards to accommodate such
 2917 constraints may be necessary. However, a reduction of standards impairs the hydrologically
 2918 related critical area's ability to support some functional properties. Reductions of standards
 2919 should be offset by enhancement, restoration or preservation measures which replace lost
 2920 functions or strengthen other functional properties if replacement of the lost functions is not
 2921 possible.
 2922

2923 **16C.06.06 Stream, Lake and Pond Typing System**

2924 For purposes of this title, Yakima County hereby adopts a stream, lake and pond typing system,
 2925 for those features designated as critical areas in section 16C.06.03 (Hydrologically Related
 2926 Critical Area Features), as follows:

- 2927 1) **Type 1 streams**, lakes and ponds are those waters , within their ordinary high water mark
 2928 (OHWM), meeting the criteria as "shorelines of the state" and "shorelines of statewide
 2929 significance" under RCW Chapter 90.58, but not including those waters' associated wetlands
 2930 as defined in RCW Chapter 90.58. The current list of Shoreline waters, along with their
 2931 specific shoreline environments are provided in Appendix B and C of the Shoreline Master
 2932 Program. Type 1 streams and lakes are protected by the Shoreline Mater Program (YCC Title
 2933 16D), rather than the CAO;
 2934 2) **Type 2 streams**, lakes and ponds are those surface water features which require protection
 2935 due to the nature of their contributions to the functional properties listed in Section
 2936 16C.06.05 , and are considered "Streams, Lakes and/or Ponds of Local Importance", as
 2937 listed in Appendix A of this title. Habitats of local importance are designated using the

- 2938 process listed in section 16C.06.04 (Upland Wildlife Habitat and Habitats of Local
 2939 Importance);
- 2940 3) **Type 3 streams** include all perennial streams within Yakima County not classified as Type 1
 2941 or 2;
- 2942 4) **Type 4 streams** are all intermittent streams within Yakima County not classified as Type 1,
 2943 2 or 3;
- 2944 5) **Type 5 streams** are all ephemeral streams within Yakima County not classified as Type 1, 2,
 2945 3 or 4. Type 5 streams are not regulated;
- 2946 6) **Lakes and ponds** not designated as a shoreline that receive water from the OHWM of a
 2947 Type 2, 3, or 4 stream shall have the same surface water type as the highest stream type
 2948 associated with it. Lakes or ponds not designated as a shoreline that are connected to a Type
 2949 1 stream shall be Type 3 ponds;
- 2950 7) **Natural lakes and ponds**, not designated as a shoreline, that do not receive water from the
 2951 OHWM of a Type 1, 2, 3, or 4 stream shall be Type 3 ponds.

2952

2953 **16C.06.07 Wetland Rating System**

2954 Wetlands within Yakima County are defined in Section 16C.02.425 and are shown on the data
 2955 maps referenced in Section 16C.06.08 (Maps). Most, but not all, of the wetlands within Yakima
 2956 County occur near streams. All wetlands deserve a standard of protection, through the use of
 2957 vegetative buffers, that is directly related to their contribution to the functional properties listed
 2958 in Section 16C.06.05 (Functional Properties) and section 16C.07.04 (Wetland Functions and
 2959 Rating). For regulatory purposes, wetlands are classified into four categories according to the
 2960 Wetland Rating System found in section 16C.07.04(2) (Wetland Functions and Rating) of the
 2961 wetland chapter.

2962

2963 **16C06.08 Maps**

2964 Certain fish and wildlife habitat and hydrologically related critical areas have been inventoried
 2965 and are depicted on a series of paper and electronic maps maintained at the Yakima County
 2966 Public Services Department. The best available graphic depiction of critical areas within the
 2967 county will be used and continuously updated as reliable data becomes available. Maps may be
 2968 both regulatory and non-regulatory in nature as described below:

- 2969 1) Regulatory maps are created with a defined process not necessarily corresponding directly
 2970 with easily observable physical features such as streams and wetlands. These maps define
 2971 the regulated critical areas. They are also formally adopted by the Board of Yakima County
 2972 Commissioners and may only be changed by that body. Regulatory maps include the
 2973 following:
- 2974 a) Any floodway or floodplain identified as a special flood hazard area by the Federal
 2975 Insurance Administration in the Flood Insurance Study for Yakima County.
- 2976 2) Administrative maps are intended to indicate the approximate presence, location and/or
 2977 typing of the subject critical area features, and act as a trigger for further investigation of the
 2978 extent and characteristics of critical areas in a specific project location. These maps were
 2979 created using reconnaissance level or better data. Given site-specific variations in
 2980 reconnaissance level data, more detailed information developed at the site-specific level may
 2981 be used to modify the maps as it is developed; the maps maintained by the Yakima County
 2982 Public Services Department do not officially define the extent or characteristics of specific
 2983 critical areas; rather the physical characteristics that exist “on the ground” define the

- 2984 boundaries of the regulated critical areas. Administrative maps include, but are not limited to
 2985 the following:
- 2986 a) Wetlands;
 - 2987 b) Streams;
 - 2988 c) Channel migration zone;
 - 2989 d) Species and Habitats of Local Importance - Mapped habitat areas for newly listed species
 2990 will be generated as needed to supplement the existing maps. Habitats of local
 2991 importance currently include:
 - 2992 i) Type 2 Streams, lakes and/or ponds listed in Appendix A and described in section
 2993 16C.06.06(2) above.
 - 2994 e) Upland Wildlife Habitat Analysis Map.
- 3) Other information sources – these are maps or other data sources, including special studies
 2995 and management plans, which are neither produced or maintained by the Yakima County
 2996 Public Services Department, which are used to indicate the presence of Critical Areas,
 2997 importance or ranking of critical areas functions, or hazard or risk associated with Critical
 2998 Areas. These information sources include, but are not limited to:
- 3000 a) Comprehensive Flood Hazard Management Plans and associated studies;
 - 3001 b) Soil Survey of Yakima County;
 - 3002 c) Natural resource management plans, such as local and federal Recovery Plans, or Forest
 3003 Plans prepared by the US Forest Service;
 - 3004 d) Surficial Geologic Maps;
 - 3005 e) Historic and Current Aerial Photo Series;
 - 3006 f) Geohydraulic studies – geologic cross sections showing aquifers and confining units.

~~3008 **16C.06.09 — Upland Wildlife and Habitats of Local Importance Development Standards**
 3009 Projects located within an Upland Wildlife Habitat Critical Area or Habitats of Local
 3010 Importance, as designated in section 16C.06.04, shall meet the following standards listed below,
 3011 rather than the development standards in 16C.06.10 through 16C.06.23 for Hydrologically
 3012 Related Critical Areas, unless review is also needed for a Hydrologically Related Critical Area.~~

- ~~3013 1) Projects shall be designed using management recommendations established for the species or
 3014 habitat by federal and state agencies, or those adopted for Species and Habitats of Local
 3015 Importance by Yakima County. The department shall consider the extent such
 3016 recommendations are used in its decision on the proposal, and may consider
 3017 recommendations and advice from the agencies with expertise.~~

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;

- 3029 4) The draining or filling of a wetland, lake or pond, except as provided for in Section
- 3030 16C.06.21 (Filling);
- 3031 5) The removal and transport of material for fill outside of the stream corridor;
- 3032 6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds,
- 3033 and other similar waste disposal facilities. This provision does not include municipal
- 3034 wastewater lines or septic systems approved by a local or state agency with authority to
- 3035 permit such facilities;
- 3036 7) Solid waste disposal sites;
- 3037 8) Automobile wrecking yards;
- 3038 9) Fill for the sole purpose of increasing land area within the stream corridor;
- 3039 10) Those uses located within the floodway fringe that are listed in 16C.05.32.020 (new and
- 3040 expanded mobile or manufactured home parks);
- 3041 11) Those uses located within the floodway that are listed in 16C.05.36.020 (dwellings, filling
- 3042 wetlands, landfills, junkyards, storage of vehicles and material, damming streams, and any
- 3043 use causing flood impacts.)
- 3044

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:

- 3048 1) The Ordinary High Water Mark of a stream or lake, the edge of a wetland, and the outside
- 3049 edges of stream and/or wetland buffers shall be marked on the ground before any
- 3050 development, construction, or use is initiated.
- 3051 2) Existing riparian vegetation and any unique or sensitive vegetative species identified on the
- 3052 project site within the stream corridor shall be disturbed to the minimum extent possible.
- 3053 3) Nesting areas and other sensitive wildlife habitat identified within a stream corridor shall be
- 3054 disturbed to the minimum extent possible.
- 3055 4) Projects within the stream corridor shall be scheduled to occur at times and during seasons
- 3056 having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling
- 3057 recommendations from the appropriate state and/or federal agency may be considered.
- 3058 5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved
- 3059 by a local, state or federal agency, and transportation projects using stormwater manuals that
- 3060 are deemed equivalent to the Eastern Washington Stormwater Manual are exempt from the
- 3061 requirements below.
- 3062 a) Excavation, grading, cut/fills, compaction, and other modifications which contribute to
- 3063 erosion of upland soils shall be confined to the minimum necessary to complete the
- 3064 authorized work and avoid increased sediment load.
- 3065 b) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for
- 3066 periods when soils are the least vulnerable to erosion, compaction and movement unless
- 3067 suitable protective measures are used to prevent erosion.
- 3068 c) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to
- 3069 ensure the minimal duration of exposed, unprotected soils.
- 3070 d) Increases in impervious surface area, compaction of soil, changes in topography, and
- 3071 other modifications of land within a stream corridor which are determined will
- 3072 permanently increase stormwater and meltwater runoff into stream channels, drainage
- 3073 ways, and conduits, shall provide on-site or off-site facilities for the detention, control,
- 3074 and filtration of such increases.

- 3075 e) The discharge point for controlled stormwater and meltwater runoff and other outfall
3076 shall be designed and constructed to avoid causing erosion through the use of native
3077 riparian vegetation where possible or by reducing velocity, use of rock spillways, riprap,
3078 splash plates, or other demonstrably effective means.
- 3079 f) Matting or approved temporary ground cover shall be used to control erosion until natural
3080 vegetative ground cover is successfully established.
- 3081 6) Development, construction, and uses shall not directly or indirectly degrade surface water
3082 and groundwater through the introduction of nutrients, fecal coliform, toxins, and other
3083 biochemical substances.
- 3084 7) Prior to the approval of development, construction, or uses within a designated stream
3085 corridor, any existing source of biochemical or thermal degradation identified as originating
3086 on the project property or on contiguous properties of the same ownership shall be corrected.
- 3087 8) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk
3088 products, application schedules, and other protective methodology to minimize the surface
3089 and subsurface transfer of biochemical materials into the stream corridor.
- 3090 9) Modifications to natural channel gradient, channel morphology, drainage patterns, and other
3091 stream features shall not permanently alter or obstruct the natural volume or flow of surface
3092 waters.
- 3093 10) Development, construction, or uses within the stream corridor shall not alter or divert flood
3094 flows causing channel shift or erosion, increase or accelerate the flooding of upstream or
3095 downstream flood hazard areas, or otherwise threaten public or private properties.
- 3096 11) Wells located within a stream corridor shall be protectively lined and installed in a deep
3097 aquifer with an acceptable minimum hydraulic continuity with either surface waters or a
3098 shallow aquifer.
- 3099 12) Structures placed in close proximity to the outer edge of bends in stream channels identified
3100 as having a high potential to meander shall be located to minimize the hazard from stream
3101 undercutting and stream bank erosion stemming from potential future stream migration.
- 3102 13) Adjacent communities and the Department of Ecology shall be notified prior to any alteration
3103 or relocation of a watercourse and evidence of such notification shall be submitted to the
3104 Federal Emergency Management Agency.
- 3105 14) Require that maintenance is provided within the altered or relocated portion of said
3106 watercourse so that the flood-carrying capacity is not diminished.
- 3107 15) Development, construction, or uses within the hydrologically related critical area that would
3108 contribute to the degradation of the functions and values shall be avoided or mitigated using
3109 mitigation sequencing as outlined in section 16C.03.10 (Mitigation Requirements).
- 3110 16) Development shall not obstruct, cut off, or isolate stream corridor features.
- 3111 17) Nothing in these regulations shall constitute authority of any person to trespass or in any way
3112 infringe upon the rights of private ownership.
- 3113 18) If archaeological resources are uncovered during excavation, developers and property owners
3114 shall immediately stop work and notify Yakima County, the Washington State Office of
3115 Archaeology and Historic Preservation and any affected indian tribes. Archaeological sites
3116 are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites
3117 and records), and development or uses that may impact such sites shall comply with WAC
3118 25-48 (Archaeological Excavation and Removal Permit).
- 3119 19) The provisions of Chapter 16C.05 of this title shall also apply to the development of lots and
3120 the placement, construction, or installation of structures in floodways and floodplains.

- 3121 20) Any portion of the vegetative buffer temporarily damaged or disturbed as a result of
 3122 construction activities (excluding approved permanent use areas) shall be repaired at the
 3123 completion of construction using reclamation standards in section 16C.06.23 (Reclamation).
 3124 21) Projects located within the floodway must meet the requirements of 16C.05.36.010
 3125 (Floodway – Permitted Uses).
 3126 22) Projects within a floodplain must meet the requirements of section 16C.05.28. (Flood Hazard
 3127 Protection Standards) and 16C.05.32 (Floodway Fringe Uses).
 3128 23) Changing from an existing use or development which does not meet the provisions of this
 3129 chapter to a new use shall be reviewed in light of the following:
 3130 a) The conversion will demonstrably reduce impacts to stream corridor and other
 3131 hydrologically related critical area features; and
 3132 b) The conversion will restore and/or enhance the functional properties outlined in Section
 3133 16C.06.05 (Functional Properties).
 3134

3135 **Water Dependency Development Standards and Buffer Requirements**
 3136

3137 **16C.06.12 Use Classifications**

3138 For purposes of this chapter, the components of any development, construction, or use requiring
 3139 a critical area development authorization shall be classified as provided below, and shall conform
 3140 with the development standards applicable to the classification provided in 16C.06.13 through
 3141 16C.06.15, except for those activities listed in Section 16C.03.05 (Minor Activities Allowed
 3142 without a Permit or Exemption):

- 3143 1) Water Oriented Uses are one of the following two (2) categories of uses:
 3144 a) Water-dependent uses include dams, water diversion facilities, marinas, boat launching
 3145 facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland
 3146 crossings for roads and railroads, stream and wetland crossings for utilities, swimming
 3147 beaches, fishing sites, in-water or on-land shore stabilization structures, livestock
 3148 watering sites, and other uses that cannot exist in any other location and are dependent on
 3149 the water by reason of the intrinsic nature of their operations. This provision applies only
 3150 to the specific portion of a project that is demonstrably dependent upon the water or
 3151 shore.
 3152 b) A water-related use is one not intrinsically dependent on a waterfront location but whose
 3153 economic viability is enhanced by a waterfront location either because it requires large
 3154 quantities of water, or because it provides services for water dependant uses and the
 3155 proximity to its customers makes such services less expensive and/or more convenient.
 3156 Examples would include thermal power plants, wastewater treatment plants, water
 3157 processing and treatment plants, support services for fish hatcheries or aquaculture, fly
 3158 shops and boat rental shops.
 3159 2) Non-water-oriented uses include any use not qualifying as uses in subsection (1) above.
 3160

3161 **16C.06.13 Water-dependent Uses**

3162 The following provisions shall apply to water-dependent uses:

- 3163 1) Structures shall be clustered at locations on the water's edge having the least impact to the
 3164 surface water and shore;

- 3165 2) Use areas and structures which require direct shore locations shall be located and constructed
 3166 to minimize impacts to the shore area and the vegetative buffer specified in Section
 3167 16C.06.16 (Vegetative Buffers);
 3168 3) Use areas and structures requiring direct shore locations shall minimize any obstruction or
 3169 impairment of normal public navigation of the surface water.
 3170

3171 **16C.06.14 Water-related Uses**

3172 The following provisions shall apply to water-related uses:

- 3173 1) Structures and use areas shall be located as far landward from the ordinary high water mark
 3174 or wetland edge as is possible and still preserve the essential or necessary relationship with
 3175 the surface water;
 3176 2) Structures and use areas shall not be located within the vegetative buffer specified in Section
 3177 16C.06.16 (Vegetative Buffers) except where existing development or the requirements
 3178 associated with the use make such a location unavoidable.
 3179

3180 **16C.06.15 Non-water Oriented Uses**

3181 The following provisions shall apply to non-water-oriented uses:

- 3182 1) Structures and use areas shall be set back so as not to be located within the vegetative buffer
 3183 specified in Section 16C.06.16 (Vegetative Buffers);
 3184 2) Construction abutting the vegetative buffer specified in Section 16C.06.16 (Vegetative
 3185 Buffers) shall be designed and scheduled to ensure there will not be permanent damage or
 3186 loss of the vegetative buffer.
 3187

3188 **16C.06.16 Vegetative Buffers**

3189 Establishment. There is hereby established a system of vegetative buffers that are necessary to
 3190 protect the functions and values of certain hydrologically related critical areas. Standard and
 3191 minimum buffers for streams, lakes, ponds and wetlands, based on a review of the best available
 3192 science, are listed in table 6-1 and 6-2.

- 3193 1) Vegetative buffers shall be measured from the Ordinary High Water Mark (OHWM) for
 3194 streams, lakes and ponds, and from the wetland edge for wetlands, as identified in the field.
 3195 The width of the buffer shall be determined according to the stream or wetland type.
 3196 2) Buffer width may be reduced through an Adjustment (16C.03.23) permit process. Type 1
 3197 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D)
 3198 rather than the Critical Areas Ordinance (YCC Title 16C).
 3199 3) The minimum buffer widths listed in Tables 4-1 and 4-2 apply only for Adjustments.
 3200 Adjustments below the minimum buffer must meet additional approval criteria as provided in
 3201 section 16C.03.23(3)(d) (Adjustments).
 3202 4) The adequacy of these standard buffer widths presumes the existence of a relatively intact
 3203 native vegetation community in the buffer zone adequate to protect the stream functions and
 3204 values at the time of the proposed activity. If the vegetation is degraded, then no adjustment
 3205 to the buffer width should be granted and re-vegetation should be considered. Where the use
 3206 is being intensified, a degraded buffer should be re-vegetated to maintain the standard width.
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Table 6 – 1

Stream Type	Buffer Width Standard/(minimum adjustment) See 16C.06.16,
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	subsections 1-4.
Type 1 Shoreline streams, lakes and ponds	100' <u>(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))</u>
Type 2 streams, lakes and ponds	75'/(25')
Type 3 streams (Perennial), lakes and ponds	50'/(25')
Type 4 streams (Intermittent), lakes and ponds	25'/(15')
Type 5 streams (Ephemeral)	No buffer standards Type 5 streams are not regulated <u>Type 5 streams are not regulated through buffer requirements, but 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..</u>

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Table 6-2

Type 1 Wetlands (standard/minimum)	Type 2 Wetlands (standard/minimum)	Type 3 Wetlands (standard/minimum)	Type 4 Wetlands (standard/minimum)
200'/25'	100'/25'	75'/25'	50'/25'

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

- 1) Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor.
 - a) Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
 - b) Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor.
 - c) Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.
- 2) Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the corridor;

- 3230 3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause
- 3231 displacement that would increase the elevation of flood waters such that it would cause
- 3232 properties not in the floodplain to be flood-prone;
- 3233 4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the
- 3234 stream corridor;
- 3235 5) Bridges and water-crossing structures shall not constrict the stream channel or impede the
- 3236 flow of the ordinary high water, sediment and woody debris;
- 3237 6) The preservation of natural stream channels and drainage ways shall be preferred over the use
- 3238 of culverts, where culverts are the preferred method, large, natural bottom culverts, multi-
- 3239 plate pipes and bottomless arches are preferred;
- 3240 7) The alignment and slope of culverts shall parallel and match the natural flow of streams or
- 3241 drainage ways, unless doing so conflicts with subsection (1) and (2), and shall be sized to
- 3242 accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.
- 3243 8) Where fish are present, culverts shall be designed and constructed to specifications provided
- 3244 through the Department of Fish and Wildlife or a comparable source of expertise;
- 3245 9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed
- 3246 away during high water;
- 3247 10) Roads must be designed and constructed using established flood resistant and design and
- 3248 construction methods when they may be subject to damage by flood waters;
- 3249 11) Roads and bridges within floodways must meet the requirements of section 16C.05.36.010
- 3250 subsection (7) and (2).

3251

16C.06.18 Utility Transmission Lines and Facilities

3252 The following provisions shall apply to the location, construction, or installation of utility
 3253 transmission lines and facilities (such as those for wastewater, water, communication, natural
 3254 gas, etc.) within a designated hydrologically related critical area:

- 3255 1) Utility transmission lines and facilities shall be permitted within the stream corridor only
- 3256 where it is necessary to cross the corridor or where existing development, topography, and
- 3257 other conditions preclude locations outside the stream corridor.
- 3258 a) Utility transmission lines and facilities across stream corridors shall be by the most direct
- 3259 route possible having the least impact to the stream corridor.
- 3260 b) The construction of utility transmission lines and facilities within a stream corridor shall
- 3261 be designed and located to ensure minimum disruption to the functional properties
- 3262 specified under Section 16C.06.05 (Functional Properties) of this title.
- 3263 2) Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy
- 3264 replacement or repair with minimal disturbance to the stream corridor;
- 3265 3) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four
- 3266 feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is
- 3267 greater, and for a similar depth below any associated floodway and floodplain to the
- 3268 maximum extent of potential channel migration as determined by hydrologic analysis;
- 3269 4) Wherever possible, new aboveground installations shall use available, existing bridge and
- 3270 utility locations and stream corridor crossings as opposed to creating new locations and
- 3271 stream corridor crossings;
- 3272 5) Aboveground electrical support towers and other similar transmission structures shall be
- 3273 located as far upland as is practical;
- 3274

- 3275 6) Transmission support structures shall be located clear of high flood velocities, located in
3276 areas of minimum flood depth which require the least floodproofing, and shall be adequately
3277 floodproofed;
- 3278 7) Underground utility transmission lines shall be constructed so they do not alter, intercept or
3279 dewater groundwater patterns that support streams, wetlands and hyporheic flow;;
- 3280 8) All new and replacement water supply systems and wastewater systems within a special
3281 flood hazard area must meet the requirements of 16C.05.28.010(b) (re: infiltration or
3282 discharge into or out of the system);
- 3283 9) Utility transmission lines within the Floodway Fringe shall meet the standards of
3284 16C.05.32.010 (2);
- 3285 10) Utility transmission lines within the Floodway shall meet the standards of 16C.05.36.010(2).

3286
3287 **16C.06.19 Shore Stabilization**

- 3288 1) The following provisions shall apply to shore stabilization projects:
3289 Shore stabilization projects shall be allowed only where there is evidence of erosion which
3290 clearly represents a threat to existing property, structures, or facilities, and which
3291 stabilization will not jeopardize other upstream or downstream properties;
- 3292 2) Stabilization projects shall be developed under the supervision of, or in consultation with,
3293 agencies or professionals with appropriate expertise;
- 3294 3) Stabilization projects shall be confined to the minimum protective measures necessary to
3295 protect the threatened property;
- 3296 4) The use of fill to restore lost land may accompany stabilization work, provided the resultant
3297 shore does not extend beyond the new ordinary high water mark, finished grades are
3298 consistent with abutting properties, a restoration plan is approved for the area, and the fill
3299 material is in compliance with Section 16C.06.21 (Filling);
- 3300 5) Stabilization projects shall use design, material, and construction alternatives that do not
3301 require high or continuous maintenance and which prevent or minimize the need for
3302 subsequent stabilization to other segments of the shore. Junk car bodies and other unsuitable
3303 debris are not to be used in shore stabilization projects;
- 3304 6) Alternative Preferences. Vegetation, berms, bioengineering techniques, and other
3305 nonstructural alternatives which preserve the natural character of the shore shall be preferred
3306 over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization.
3307 Riprap using rock or other natural materials shall be preferred over concrete revetments,
3308 bulkheads, breakwaters, and other structural stabilization;
- 3309 7) Applications to construct or enlarge dikes or levees shall meet the requirements of
3310 16C.05.36.010(6);
- 3311 8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the
3312 shore;
- 3313 9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or
3314 other solid construction methods;
- 3315 10) All new flood control projects shall define maintenance responsibilities and a funding source
3316 for operations, maintenance, and repairs for the life of the project.

3317
3318 **16C.06.20 Dredging and Excavation**

3319 The following provisions shall apply to dredging and excavation within a designated
3320 hydrologically related critical area:

- 3321 1) Dredging in surface waters shall be allowed only where necessary because of existing
- 3322 navigation needs, habitat restoration or improvement, maintenance or construction of water-
- 3323 dependent uses;
- 3324 2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the
- 3325 intended purpose or use;
- 3326 3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom
- 3327 materials shall be preferred over agitation forms of dredging;
- 3328 4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal
- 3329 of sediments and other dredge materials;
- 3330 5) Entries across shore and wetland edges to accomplish dredging or excavation shall be
- 3331 confined to the minimum area necessary to gain entry and shall be confined to locations with
- 3332 the least potential for site disturbance and damage;
- 3333 6) Dredging and excavation shall be scheduled at times having the least impact to fish
- 3334 spawning, nesting patterns, and other identified natural processes;
- 3335 7) Dredge spoils are also considered fill, and shall not be deposited within the stream except
- 3336 where such deposit is in accordance with approved procedures intended to preserve or
- 3337 enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
- 3338

3339 **16C.06.21 Filling**

3340 The following provisions shall apply to filling activities within a designated hydrologically
 3341 related critical area:

- 3342 1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction
- 3343 with water-dependent uses, or an approved reclamation plan under Section 16C.06.23
- 3344 (Reclamation) or approved compensatory mitigation plan under Section 16C.03.17(13);
- 3345 2) Fill for the purpose of increasing elevation may be permitted if such can be accomplished in
- 3346 a manner consistent with the policies of this chapter;
- 3347 3) Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined
- 3348 to areas having the least impact to the stream corridor. Other alternatives should be preferred
- 3349 over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-
- 3350 rise methods such as piers, posts, columns, or other methods;
- 3351 4) Fill in floodplains shall meet the requirements of chapter 16C.05 (Flood Hazards);
- 3352 5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities;
- 3353 6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands
- 3354 shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade
- 3355 water quality;
- 3356 7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting
- 3357 patterns, and other identified natural processes;
- 3358 8) Fill and finished surface material shall require low maintenance, provide high resistance to
- 3359 erosion, and prevent or control the migration of sediments and other material from the fill
- 3360 area to surrounding water, shore, and wetlands, unless the Washington Department of Fish
- 3361 and Wildlife indicates other options are preferred;
- 3362 9) Projects that propose fill shall make every effort to acquire fill onsite (also known as
- 3363 compensatory storage) where appropriate;
- 3364 10) Fill should not obstruct, cut off, or isolate stream corridor features.
- 3365

3366 **16C.06.22 Commercial Mining of Gravels**

3367 The following provisions shall apply to the commercial mining of gravels within a designated
3368 hydrologically related critical area, except that mining may be regulated as Forest Practices
3369 under this title, (refer to those relevant sections):

- 3370 1) Prior to the authorization of a commercial gravel mining operation, the project proponent
3371 shall provide maps to scale which illustrate the following:
 - 3372 a) The extent to which gravel excavation and processing will affect or modify existing
3373 stream corridor features, including existing riparian vegetation;
 - 3374 b) The location, extent and size in acreage of any pond, lake, or feature that will be created
3375 as a result of mining excavation;
 - 3376 c) The description, location, and extent of any proposed subsequent use that would be
3377 different than existing uses.
- 3378 2) Wherever feasible, the operations and any subsequent use or uses shall not cause permanent
3379 impairment or loss of floodwater storage, wetland, or other stream corridor features.
3380 Mitigation shall provide for the feature's replacement at equal value;
- 3381 3) Any surface mining allowed within the floodway shall meet the standards of
3382 16C.05.36.010(1);
- 3383 4) Except where authorized by Yakima County in consultation with the State Department of
3384 Fish and Wildlife and Department of Ecology, the following shall apply:
 - 3385 a) The excavation zone for the removal of gravels shall be located a minimum of one
3386 hundred feet upland from the ordinary high water mark (OHWM) of the stream channel;
 - 3387 b) Equipment shall not be operated, stored, refueled, or provided maintenance within one
3388 hundred feet of the OHWM;
 - 3389 c) Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within
3390 one hundred feet of the OHWM.
- 3391 5) Mining proposals shall be consistent with the Washington Department of Natural Resources
3392 Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).

3393

3394 **16C.06.23 Reclamation**

3395 The following guidelines shall apply to the reclamation of disturbed sites resulting from
3396 development activities within a designated hydrologically related critical area:

- 3397 1) Development, construction, or uses shall include the timely restoration of disturbed features
3398 to a natural condition or to a stabilized condition that prevents degradation within the stream
3399 corridor;
- 3400 2) Large-scale projects or projects extending over several months shall be phased to allow
3401 reclamation of areas where work or operations have been completed;
- 3402 3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season,
3403 and other seasonal variables that influence restoration and recovery;
- 3404 4) Topography shall be finished to grades, elevations, and contours consistent with natural
3405 conditions in adjacent and surrounding areas;
- 3406 5) Where existing development and construction prevent the return of a site to its natural
3407 condition, sites may be finished to conditions comparable to surrounding properties provided
3408 suitable protective measures are used to prevent stream corridor degradation;
- 3409 6) Cut-and-fill slopes shall be stabilized at, or at less than the normal angle of repose for the
3410 materials involved;
- 3411 7) The replacement or enhancement of vegetation within wetlands and required vegetative
3412 buffers shall use naturally occurring, native plant species. In other parts of the stream

3413 corridor, naturally occurring, native plant species shall be used, unless a showing of good
3414 cause acceptable to the Administrative Official is provided, in which case self-maintaining or
3415 low-maintenance plant species compatible with native vegetation shall be preferred over non-
3416 native and high-maintenance species.

**Chapter 16C.07
WETLANDS**

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Sections:

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

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

16C.07.02 Designating and Mapping

- 1) Wetlands are those areas that meet the definition found in Section 16C.02.425 as provided in RCW 36.70A.030(20). All areas within Yakima County meeting the wetland definition are hereby designated critical areas and are subject to the provisions of this title. The following clarifications guide the application of the wetland definition:
 - a) Due to the inherent design of most irrigation systems, such systems are reasonably and foreseeably expected to result in some leakage or seepage. Such leakage or seepage is a normal result of utilization of irrigation systems and is deemed for the purposes of this title to be a non-regulated, artificial wetland.
- 2) The approximate location and extent of wetlands are shown on maps maintained by Yakima County, which may include information from the National Wetlands Inventory produced by the US Fish and Wildlife Service and soil maps produced by United States Department of Agriculture National Resources Conservation Service that are useful in helping to identify potential wetland areas. These maps are to be used as a guide for Yakima County, project applicants and/or property owners, and may be continuously updated as wetlands are more accurately identified, located and delineated.

16C.07.03 Protection Approach

- 1) Wetlands will be protected using the Protection Approach for Hydrologically Related Critical Areas found in 16C.06.02 (Protection Approach), which accommodates issues affecting wetlands.
- 2) Wetlands and their functions will be protected using the standards found in the Stream Corridor Chapter (16C.06), which includes provisions to:
 - a) follow mitigation sequencing as outlined in section 16C.03.10 (Mitigation Requirements);
 - b) avoid degrading the functions and values of the wetland and other critical areas;
 - c) provide a zero net loss of wetland functions and values together with, if reasonably possible through voluntary agreements or government incentives, a gain in functions and values through the long term.

16C.07.40 Wetland Functions and Rating

- 3462 1) Wetlands are unique landscape features that are the interface between the aquatic and
3463 terrestrial environments. Wetlands provide the following functions:
- 3464 a) Biogeochemical functions, which are related to trapping and transforming chemicals and
3465 include functions that improve water quality in the watershed such as: nutrient retention
3466 and transformation, sediment retention, metals and toxics retention, and transformation;
 - 3467 b) Hydrologic functions, which are related to maintaining the water regime in a watershed,
3468 such as: flood flow attenuation, decreasing erosion, groundwater recharge;
 - 3469 c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians,
3470 anadromous fish, resident fish, birds, mammals.
- 3471 2) Wetlands shall be rated based on categories that reflect the functions and values of each
3472 wetland. Wetland categories shall be based on the criteria provided in the *Washington State*
3473 *Wetland Rating System for Eastern Washington*, revised August 2004 (Ecology Publication
3474 #04-06-15 - <http://www.ecy.wa.gov/pubs/0406015.pdf>) as determined using the appropriate
3475 rating forms contained in that publication. These categories are summarized as follows:
- 3476 a) Category I wetlands are those that represent a unique or rare wetland type, are more
3477 sensitive to disturbance than most wetlands, are relatively undisturbed and contain
3478 ecological attributes that are impossible or too difficult to replace within a human
3479 lifetime, and provide a high level of functions. Generally, these wetlands are not
3480 common and make up a small percentage of the wetlands within Yakima County. The
3481 following types of wetlands are Category I:
 - 3482 i) Alkali wetlands;
 - 3483 ii) Natural Heritage Wetlands - Wetlands that are identified by scientists of the
3484 Washington Department of Natural Resources Natural Heritage Program as high
3485 quality, relatively undisturbed wetlands, or wetlands that support state Threatened, or
3486 Endangered plant species;
 - 3487 iii) Bogs;
 - 3488 iv) Mature and old-growth forested wetlands with native slow growing trees, which
3489 include Western Red Cedar (*Thuja plicata*), Alaska Yellow Cedar (*Chamaecyparis*
3490 *nootkatensis*), pine species (mostly White pine - *Pinus monticola*), Western Hemlock
3491 (*Tsuga heterophylla*), Oregon White Oak (*Quercus garryana*) and Englemann Spruce
3492 (*Picea engelmannii*);
 - 3493 v) Forested wetlands with stands of Aspen;
 - 3494 vi) Wetlands scoring 70 points or more (out of 100) in the Eastern Washington Wetland
3495 Rating System.
 - 3496 b) Category II wetlands are difficult, though not impossible, to replace, and provide high
3497 levels of some functions. These wetlands occur more commonly than Category I
3498 wetlands, but still need a relatively high level of protection. Category II wetlands include:
 - 3499 i) Forested wetlands in the floodplains of rivers;
 - 3500 ii) Mature and old-growth forested wetlands with native fast growing trees, which
3501 include Alders (Red - *Alnus rubra*, Thin leaf - *A. tenuifolia*), Cottonwoods (Narrow
3502 leaf - *Populus angustifolia*, Black - *P. balsamifera*), Willows (Peach leaf - *Salix*
3503 *amygdaloides*, Sitka - *S. sitchensis*, Pacific - *S. lasiandra*); Aspen (*Populus*
3504 *tremuloides*); or Water Birch (*Betula occidentalis*)
 - 3505 iii) Vernal pools;
 - 3506 iv) Wetlands scoring between 51-69 points (out of 100) in the Eastern Washington
3507 Wetland Rating System.

- 3508 c) Category III wetlands are often smaller, less diverse and/or more isolated from other
3509 natural resources in the landscape than Category II wetlands. Category III wetlands
3510 include:
3511 i) vernal pools that are isolated, and
3512 ii) wetlands with a moderate level of functions (scoring between 30 -50 points) in the
3513 Eastern Washington Wetland Rating System.
3514 d) Category IV wetlands have the lowest levels of functions, scoring less than 30 points in
3515 the Eastern Washington Wetland Rating System, and are often heavily disturbed. These
3516 are wetlands that should be able to be replaced, and in some cases be improved. These
3517 wetlands may provide some important functions, and also need to be protected.
3518 3) The wetland rating categories as described in section (2), above, shall be applied to projects
3519 which are submitted on or after the date of adoption of these provisions. The wetlands shall
3520 be rated as they exist on the day of project application submission, as the wetland naturally
3521 changes thereafter, or as the wetland changes in accordance with permitted activities.
3522 However, illegal modifications to wetlands which have been made since the original
3523 adoption of the Critical Areas Ordinance (YCC Title 16A 1995) shall not be considered when
3524 rating the wetland. Information regarding the original condition of illegally modified
3525 wetlands that can not be discerned from aerial photographs or other reliable information
3526 sources, which is needed to complete the *Eastern Washington Wetland Rating System* data
3527 sheets, shall use the highest appropriate points value within each missing data field of the
3528 rating sheet to complete the rating.
3529

3530 **16C.07.05 Compensatory Mitigation Requirements**

3531 Projects that propose to compensate for wetland acreage and/or functions are subject to State and
3532 Federal regulations. Compensatory mitigation for alterations to wetlands shall provide no net
3533 loss of wetland functions and values, and must be consistent with the Mitigation Plan
3534 Requirements in section 16C.03.17 (13) (Compensatory Mitigation Plans). The following
3535 guidance documents were developed to assist applicants in meeting the regulations and
3536 requirements.

- 3537 1) Compensatory mitigation plans must be consistent with *Guidance on Wetland Mitigation in*
3538 *Washington State Part 2: Guidelines for Developing Wetland Mitigation Plans and*
3539 *Proposals* or as revised (Washington State Department of Ecology, U.S. Army Corps of
3540 Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology
3541 publication number 04-06-013B -
3542 http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html).
- 3543 2) Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent
3544 with “*Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing*
3545 *Wetlands – Appendix 8-D- Section 8-D3*” or as revised (Washington State Department of
3546 Ecology. Publication number 05-06-008 -
3547 http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html).

3548 **16C.07.06 Wetland Mitigation Banks**

- 3549 1) Credits from a wetland mitigation bank may be approved for use as compensation for
3550 unavoidable impacts to wetlands when:
3551 a) The bank is certified under RCW 90.84 and its administrative rules WAC 173-700;
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- 3553 b) The Administrative Official determines that the wetland mitigation bank provides
3554 appropriate compensation for the authorized impacts; and
3555 c) The proposed use of credits is consistent with the terms and conditions of the bank's
3556 certification.
- 3557 2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios
3558 specified in the bank's certification.
- 3559 3) Credits from a certified wetland mitigation bank may be used to compensate for impacts
3560 located within the service area specified in the bank's certification. In some cases, bank
3561 service areas may include portions of more than one adjacent drainage basin for specific
3562 wetland functions.

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Chapter 16C.08
GEOLOGICALLY HAZARDOUS AREAS

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Sections:

3567 16C.08.01 Purpose and Intent

3568 16C.08.02 Mapping and Designation

3569 16C.08.03 Geologically Hazardous Areas Protection Approach

3570 16C.08.04 Supplemental Development Review Procedure for Geologically Hazardous Areas

3571 16C.08.05 General Protection Requirements

3572 16C.08.06 Critical Area Report – Geologic Assessment

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16C.08.01 Purpose and Intent

3575 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.

3582 2) The purposes of this chapter are to:

3583 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;

3584 b) Maintain natural geological processes while protecting existing and new development;

3585 c) Establish review procedures for development proposals in geologically hazardous areas.

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16C.08.02 Mapping and Designation

3589 1) Geologically hazardous areas are areas that are susceptible to one or more of the following types of hazards, based on WAC 365-190-080 (4)(b) through (h):

3591 a) Erosion hazards;

3592 b) Landslide hazards, which in the Yakima County inventory includes:

3593 i) oversteepened slope hazards;

3594 ii) alluvial fan/flash flooding hazards;

3595 iii) avalanche hazards, and;

3596 iv) stream undercutting hazards;

3597 c) Seismic hazards (referred to below as earthquake hazards);

3598 d) Volcanic hazards;

3599 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.

3605 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

3608 mapped and classified using the stated criteria based on WAC 365-190-080(4) (b) through
3609 (h):

3610 a) **Landslide hazard areas (LS)** – These include places where landslides, debris flows, or
3611 slumps have already occurred. Where sliding is presumed to have occurred within 10,000
3612 years or less is shown as High Risk (LS3) on the map. Slides thought to be older than
3613 10,000 years but still capable of movement are shown as Intermediate Risk (LS2). Areas
3614 where slides are absent are unlabeled and combined with other Low Risk areas.

3615 i) **Oversteepened slope hazard areas (OS)** - These include areas with slopes steep
3616 enough to create potential problems. High risk areas (OS3) have a high potential to
3617 fail, and include slopes greater than 40%, and consist of areas of rock fall, creep, and
3618 places underlain with unstable materials. Intermediate Risk areas (OS2) are less likely
3619 to fail but are still potentially hazardous. This category also includes some slopes
3620 between 15 and 40%. Low Risk areas, unlikely to fail, are unlabeled and combined
3621 with other Low Risk categories.

3622 ii) **Alluvial fan/flash flooding hazard areas (AF)** - These are areas where flash
3623 flooding can occur, and are often associated with inundation by debris from flooding.
3624 They include alluvial fans, canyons, gullies, and small streams where catastrophic
3625 flooding can occur. They do not include all areas where flash flooding may occur
3626 with Yakima County. Flooding may also occur in larger streams and rivers, but these
3627 are depicted in the "Flood Insurance Study for the Unincorporated Areas of Yakima
3628 County," dated March 2, 1998, with accompanying Flood Insurance Rate Maps
3629 (FIRMs) and Flood Boundary and Floodway Maps, and any amendments which may
3630 thereafter be made by the Federal Emergency Management Agency, rather than on
3631 the Geologically Hazardous Areas Map. High Risk areas (AF3) are those most likely
3632 to experience flooding. These areas usually involve larger drainage areas, easily
3633 eroded sediments, and steeper gradients. Intermediate Risk areas (AF2) have some
3634 potential for flash flooding but involve smaller drainages and flatter slopes. Low Risk
3635 areas are where flash flooding is unlikely, are unlabeled and combined with other
3636 Low Risk areas on the map.

3637 iii) **Avalanche risk hazard areas (AR)** - Areas of avalanche hazards are limited (within
3638 the mapped boundaries) to areas near the Cascade Crest. High Risk areas (AF3) are
3639 those in areas of high snowfall where avalanche scars are visible and slopes are steep
3640 to moderately steep. These areas could also be rated OS3. Intermediate Risk areas
3641 (AF2) are usually adjacent to AF3 areas but where vegetation is still in place and
3642 slopes are moderate. AF2 and AF3 areas are mapped on the basis of aerial
3643 photography and observed scars. Climatic data (snowfall, wind direction, etc) are
3644 necessary for more detailed mapping. Low Risk areas, where avalanches are unlikely,
3645 are unlabeled and combined with other Low Risk geologic hazards.

3646 iv) **Stream undercutting hazard areas (SU)** - These areas are confined to banks near
3647 main streams and rivers where undercutting of soft materials may result. High Risk
3648 areas (SU3) include steep banks of soft material adjacent to present stream courses.
3649 Intermediate Risk areas (SU2) are banks along the edge of a flood plain but away
3650 from the present river course. Low Risk areas are unlabeled and combined with other
3651 Low Risk areas on the maps.

3652 b) **Earthquake activity hazard areas (EA)** - Recorded earthquake activity in Yakima
3653 County is mostly marked by low magnitude events and thus low seismic risk. One

3654 exception is an area along Toppenish Ridge where Holocene faulting may have produced
3655 earthquakes of as much as magnitude 7. Zones of surficial fault scarps are shown on High
3656 Risk areas (EA3) while areas adjacent to the scarps are assigned Intermediate Risk
3657 (EA2). The rest of the county is Low Risk, are unlabeled, and combined with other low
3658 risk hazards.

3659 c) **Suspected geologic hazard areas (SUS)** – These are areas for which detailed geologic
3660 mapping is lacking but preliminary data indicate a potential hazard. No risk assessment
3661 (1-2-3) is given for these areas. Most are probably OS or LS hazards.

3662 d) **Risk unknown hazard areas (UNK)** - In these areas geologic mapping is lacking or is
3663 insufficient to make a determination. All of these areas are associated with other
3664 classified geologic hazards, and most are located in remote areas of Yakima County.

3665 4) Volcanic Hazard Areas are not mapped but are defined as areas subject to pyroclastic
3666 (formed by volcanic explosion) flows, lava flows and inundation by debris flows, mudflows
3667 or related flooding resulting from volcanic activity. Volcanic Hazard Areas in Yakima
3668 County are limited to pyroclastic (ash) deposits. While Yakima County contains a portion of
3669 Mt Adams and is in close proximity to Mt Rainer, and Mt St. Helens, the threat of volcanic
3670 hazards is minimal and limited to ash deposition. The more devastating effects of volcanic
3671 activity such as lava flows, and lahars (volcanic landslide or mudflow) are not possible due to
3672 intervening ridges. No specific protection requirements are identified for volcanic hazard
3673 areas.

3674 5) This chapter does not imply that land outside mapped geologically hazardous areas or uses
3675 permitted within such areas will be without risk. This chapter shall not create liability on the
3676 part of Yakima County, any officer, or employee thereof for any damages that result from
3677 reliance on this chapter or any administrative decision lawfully made hereunder.
3678

3679 **16C.08.03 Geologically Hazardous Areas Protection Approach**

3680 1) **Erosion hazard areas** – Protection measures for erosion hazard areas will be accomplished
3681 by implementing the regulatory standards for erosion and drainage control required under
3682 YCC Title 13 (Building Code). Any future stormwater program erosion control measures
3683 that may be formally adopted by the Board of County Commissioners shall supersede YCC
3684 Title 13 erosion control requirements. Standards to meet YCC Title 13 requirements can be
3685 met by the application of the Best Management Practices (BMPs) in the Eastern Washington
3686 Stormwater Manual (WDOE Publication number 04-10-076) or equivalent manual adopted
3687 by Yakima County, or any other approved manual deemed appropriate by the Building
3688 Official, including but not limited to applicable Natural Resource Conservation Service
3689 (NRCS) Field Office Technical Guide (FOTG) BMP's and the Washington State Department
3690 of Transportation Highway Runoff Manual. Application of the Environmental Protection
3691 Agency (EPA) "Construction Rainfall Erosivity Waiver" is at the discretion of the Building
3692 Official on a case by case basis.

3693 2) **Landslide hazard areas** - Protection measures for landslide hazard areas will be
3694 accomplished through the review process of 16C.08.04 (Development Review Procedure for
3695 Geologically Hazardous Areas), by implementing the development standards of 16C.08.05
3696 (General Protection Requirements), and by implementing the appropriate sections of the
3697 International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16
3698 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).

- 3699 3) **Alluvial fan/flash flooding hazard areas** - Protection measures for alluvial fan/flash
3700 flooding hazard areas will be accomplished through the review process of 16C.08.04
3701 (Development Review Procedure for Geologically Hazardous Areas), by implementing the
3702 development standards of 16C.08.05 (General Protection Requirements), and by
3703 implementing the appropriate sections of the International Building Code (IBC) as adopted in
3704 YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations;
3705 Appendix J Grading; and, Flood Resistant Design and Construction (ASCE-24-98)).
- 3706 4) **Stream undercutting hazard areas** - Protection measures for stream undercutting hazard
3707 areas will be accomplished by Critical Areas review for flood hazards, streams, and
3708 Shoreline jurisdiction, in addition to implementing the appropriate sections of the
3709 International Building Code (IBC) as adopted in YCC Title 13 (Flood Resistant Design and
3710 Construction (ASCE-24-98)).
- 3711 5) **Avalanche hazard areas** - Protection measures for avalanche hazard areas will be
3712 accomplished through the review process of 16C.08.04 (Development Review Procedure for
3713 Geologically Hazardous Areas), by implementing the development standards of 16C.08.05
3714 (General Protection Requirements), and by implementing the appropriate sections of the
3715 International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16
3716 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).
- 3717 6) **Oversteepened slope hazard areas** - Protection measures for oversteepened slope hazard
3718 areas will be accomplished through the review process of 16C.08.04 (Development Review
3719 Procedure for Geologically Hazardous Areas), by implementing the development standards
3720 of 16C.08.05 (General Protection Requirements), and by implementing the appropriate
3721 sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently
3722 Section 16 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).
- 3723 7) **Earthquake/Seismic hazard area protection standards** - Protection measures for
3724 earthquake/Seismic hazard areas will be accomplished by implementing the appropriate
3725 sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently
3726 Section 16 Structural Design; Section 18 Soils and Foundations; and, Appendix J Grading).
- 3727 8) **Suspected geologic hazard areas and Risk unknown hazard areas** - Protection measures
3728 for suspected geologic hazard areas and risk unknown hazard areas will be accomplished
3729 through the review process of 16C.08.04 (Development Review Procedure for Geologically
3730 Hazardous Areas), by implementing the development standards of 16C.08.05 (General
3731 Protection Requirements), and by implementing the appropriate sections of the International
3732 Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design;
3733 Section 18 Soils and Foundations; and, Appendix J Grading).

3734

3735 **16C.08.04 Development Review Procedure for Geologically Hazardous Areas**

- 3736 1) The Administrative Official shall make a determination of hazard to confirm whether the
3737 development or its associated facilities (building site, access roads, limits of grading/
3738 excavation/ filling, retaining walls, septic drainfields, landscaping, etc.):
- 3739 a) are located within a mapped geologically hazardous area;
 - 3740 b) are abutting, or adjacent to a mapped geologically hazardous area and may result in or
3741 contribute to an increase in hazard, or pose a risk to life and property on or off the site;
 - 3742 c) are located within a distance from the base of an adjacent landslide hazard area equal to
3743 the vertical relief of said hazard area;
 - 3744 d) are located within the potential run-out path of a mapped avalanche hazard.

- 3745 2) Developments that receive an affirmative determination of hazard by the Administrative
3746 Official under (1) above, must conduct a geologic hazard report as provided in 16C.03.18(4)
3747 (Supplemental Report Requirements – Geologically Hazardous Areas), which may be part of
3748 a geo-technical report required under additional review below.
- 3749 a) If the geologic hazard report determines no hazard exists or that the project area lies
3750 outside the hazard, then no Geologic Hazard review is needed.
 - 3751 b) The Administrative Official is authorized to waive further geologic hazard review for
3752 oversteepened slope hazards on a determination that the hazards identified in the
3753 geologic hazard report will be adequately mitigated under grading or construction
3754 permits.
- 3755 3) Developments that receive an affirmative determination of hazard, but do not meet the
3756 provisions of paragraph 2a or 2b above, must:
- 3757 a) Obtain a Critical Areas Development Authorization under 16C.03 (Application and
3758 Review Procedures);
 - 3759 b) Submit a geo-technical report that is suitable for obtaining the grading and construction
3760 permits that will be required for development. The geo-technical report should
3761 incorporate the submitted assessment, include the design of all facilities and include a
3762 description and analysis of the risk associated with the measures proposed to mitigate the
3763 hazards, ensure public safety, and protect property and other critical areas, and;
 - 3764 c) Be consistent with the General Protection Requirements of section 16C.08.05 (General
3765 Protection Requirements).

3766
3767 **16C.08.05 General Protection Requirements**

- 3768 1) Grading, construction, and development and their associated facilities shall not be located in
3769 a geologically hazardous area, or any associated setback for the project recommended by the
3770 geo-technical report, unless the applicant demonstrates that the development is structurally
3771 safe from the potential hazard, and that the development will not increase the hazard risk
3772 onsite or off-site.
- 3773 2) Development shall be directed toward portions of parcels, or parcels under contiguous
3774 ownership, that are at the least risk of hazard in preference to lands with higher risk, unless
3775 determined to be infeasible in the geo-technical report.
- 3776 3) The geo-technical report shall recommend methods to ensure the information and education
3777 about the hazard and any recommended buildable area for future landowners over the long
3778 term.
- 3779 4) The applicable requirements of grading and construction permits for developments in
3780 hazardous areas must be included in the development proposal and geo-technical report.

3781 **Chapter 16C.09**
3782 **CRITICAL AQUIFER RECHARGE AREAS (CARA)**
3783

3784 Sections:

3785 16C.09.01 Purpose and Intent

3786 16C.09.02 Mapping

3787 16C.09.03 Protection Approach

3788 16C.09.04 References
3789

3790 **16C.09.01 Purpose and Intent**

3791 1) The Growth Management Act (RCW 36.70A) requires local jurisdictions to protect, through
3792 designation and protection, areas with a critical recharging effect on aquifers used for potable
3793 water, or areas where a drinking aquifer is vulnerable to contamination that would affect the
3794 potability of the water. These areas are referred to as Critical Aquifer Recharge Areas
3795 (CARA) in this title.

3796 2) Potable water is an essential life sustaining element. Much of Yakima County’s drinking
3797 water comes from groundwater supplies. Once groundwater is contaminated it can be
3798 difficult, costly, and sometimes impossible to clean up. In some cases, the quality of
3799 groundwater in an aquifer is inextricably linked to its recharge area

3800 3) The intent of this chapter is to:

3801 a) Preserve, protect, and conserve Yakima County's CARA from contamination;

3802 b) Establish a protection approach that emphasizes the use of existing laws and regulations,
3803 and minimizes the use of new regulations.

3804 4) It is not the intent of this ordinance to:

3805 a) regulate everyday activities (including the use of potentially hazardous substances that
3806 are used according to State and Federal regulations and according to label specifications);

3807 b) enforce or prevent illegal activities;

3808 c) regulate land uses that use or store small volumes of hazardous substances (including in-
3809 field agricultural chemical storage facilities, which do not require permits, or are already
3810 covered under existing state, federal, or county review processes and have detailed permit
3811 review);

3812 d) establish additional review for septic systems, which are covered under existing County
3813 review processes and have detailed permit review by another agency;

3814 e) establish additional review for stormwater control, which are covered under existing
3815 County review processes and have detailed permit review, or;

3816 f) require review for uses that do not need building permits and/or zoning review.
3817

3818 The above items are deemed to have small risks of CARA contamination or are beyond the
3819 development review system’s ability to control.
3820

3821 **16C.09.02 Mapping**

3822 1) **Mapping Methodology** – The CARA are depicted in the map titled “Critical Aquifer
3823 Recharge Areas of Yakima County”. The CARA map was developed through a geographic
3824 information system (GIS) analysis using the methodology outlined in the Washington
3825 Department of Ecology “Guidance Document for the Establishment of Critical Aquifer
3826 Recharge Area Ordinances” (Publication #97-30). Yakima County has determined this

3827 analysis to be the best available science at the time the analysis was conducted. This analysis
3828 was at a coarse, countywide scale, rather than a site specific assessment. The approximate
3829 location and extent of critical aquifer recharge areas are shown on the map, and are to be
3830 used as a guide for the county, project applicants and/or property owners, and may be
3831 updated as more detailed data becomes available. The CARA map estimates areas of
3832 moderate, high and extreme susceptibility to contamination, in addition to wellhead
3833 protection areas. To characterize hydrogeologic susceptibility of the recharge area to
3834 contamination, the GIS analysis used the following physical characteristics:

- 3835 a) Depth to ground water;
- 3836 b) Soil (texture, permeability, and contaminant attenuation properties);
- 3837 c) Geologic material permeability;
- 3838 d) Recharge (amount of water applied to the land surface, including precipitation and
3839 irrigation).

3840 2) **Wellhead Protection Areas** - The CARA map includes those Wellhead Protection Areas for
3841 which the County has maps. Wellhead Protection Areas are required for all Class A public
3842 water systems in the State of Washington. The determination of a wellhead protection area is
3843 based upon the time of travel of a water particle from its source to the well. Water purveyors
3844 collect site specific information to determine the susceptibility of the water source to surface
3845 sources of contamination. Water sources are ranked by the Washington State Department of
3846 Health with a high, moderate or low susceptibility to surface contamination. Wellhead
3847 protection areas are defined by the boundaries of the ten (10) year time of ground water
3848 travel, in accordance with WAC 246-290-135. For purposes of this chapter, all wellhead
3849 protection areas shall be considered highly susceptible.
3850

3851 **16C.09.03 Protection Approach**

- 3852 1) Maps shall be used only as an informational resource to communicate with applicants on
3853 potential problems with meeting the applicable laws on a particular site. The maps indicate
3854 that high susceptibility areas tend to be located in the valley bottoms and follow along
3855 floodplain and stream corridors, with the extreme susceptibility locations being largely
3856 within floodplains, and along streams and wetlands.
- 3857 2) Land uses are subject to many existing, federal, state, local, or tribal laws regarding the
3858 handling of substances that may contaminate CARAs. Additional regulatory standards by
3859 Yakima County are not needed. Disclosure, educational information, and coordination of
3860 existing laws during existing review processes can accomplish the requirement to protect
3861 Critical Aquifer Recharge Areas. Consequently, Yakima County's protection of CARA shall
3862 be accomplished through normal project permit review under various Yakima County Codes,
3863 especially the stream protection standards in Chapter 16C.06 (Fish and Wildlife Habitat and
3864 the Stream Corridor System), including section 16C.06.10 (Prohibited Uses); the Shoreline
3865 Use Table in YCC Title 16D, section 16D.10.05 and YCC Title 13 (Building and
3866 Construction Code), which provides detailed construction, use, and fire/life-safety standards
3867 for the storage and handling of dangerous and hazardous substances to a greater extent than
3868 most existing state and federal laws.
- 3869 3) The Administrative Official shall develop and maintain a list of the relevant laws noted
3870 above. This list shall be informational, and is intended to be used in coordination with
3871 development permit review. This list shall be periodically reviewed and updated so as to

3872 provide the most comprehensive list possible to inform project applicants of the requirements
3873 of other agencies.

3874 4) The Administrative Official shall also develop and maintain a table of land uses with the
3875 potential of being subject to the relevant laws noted above. The table shall be generated and
3876 maintained using the intent stated in 16C.09.01(4) (Purpose and Intent).

3877 5) The Administrative Official and Building Official shall cooperatively develop questionnaires,
3878 to be filled out by new development permit applicants, which comprehensively establish the
3879 potential use, storage, and handling methods within the project for substances that have the
3880 potential to contaminate groundwater. The questionnaires are intended to ensure full
3881 application of existing building and construction codes related to such substances in order to
3882 forestall new regulations.

3883 6) The Administrative Official and Building Official shall develop technical assistance and
3884 information materials to assist landowners and developers with understanding and meeting
3885 relevant existing federal, state, and local laws relating to CARAs.
3886

3887 **Upland Wildlife Habitat Conservation Areas**

3888
3889 **Sections:**

3890 16C.11.010 Purpose and Intent

3891 16C.11.020 Protection Approach

3892 16C.11.030 Functional Properties

3893 16C.11.040 Upland Wildlife Habitat and Habitats of Local Importance

3894 16C.11.050 Mapping

3895 16C.11.060 Critical Areas Report Requirement

3896 16C.11.070 Upland Wildlife and Habitats of Local Importance Development Standards

3897
3898 **16C.11.010 Purpose and Intent**

- 3899 1) Wildlife habitat conservation means land management for maintaining species in suitable
3900 habitats within their natural geographic distribution so that isolated subpopulations are
3901 not created. This does not mean maintaining all individuals of all species at all times, but
3902 it does mean cooperative and coordinated land use planning is critically important (WAC
3903 365-190-080(5)).
- 3904 2) It is the intent of these provisions to € classify seasonal ranges and habitat elements with
3905 which federal and state listed endangered, threatened and sensitive species have a
3906 primary association and which, if altered, may reduce the likelihood that the species will
3907 maintain and reproduce over the long term.
- 3908 3) It is the purpose of these provisions to protect, conserve and encourage restoration, where
3909 practical, natural habitats of fish and wildlife species.

3910
3911 **16C.11.020 Protection Approach** (Note: This section has been copied and edited from Section
3912 16C.06.020.)

- 3913 1) To maintain viable populations of fish and wildlife species, there must be adequate
3914 environmental conditions for reproduction, foraging, resting, cover, and dispersal of
3915 animals at a variety of scales across the landscape. Key factors affecting habitat quality
3916 include fragmentation, the presence of essential resources such as food, water, nest
3917 building materials, the complexity of the environment, and the presence or absence of
3918 predator species and diseases. As a method of linking large habitat areas, migration
3919 corridors offer a means by which to connect publicly protected lands and other intact
3920 habitat areas. Yakima County protects habitat for upland species using the Upland
3921 Wildlife Habitat Conservation Area and associated protection measures described below.
3922 Riparian corridors offer a natural system of such linkages. Yakima County accomplishes
3923 fish and wildlife habitat protection in 3 parts:
- 3924 a) Protect habitat for aquatic (in-water) species through stream (16C.06 Stream
3925 Corridors) and wetland standards (16C.07 Wetlands).
- 3926 b) Protect habitat for riparian (near water) species through stream (16C.06 Stream
3927 Corridors) and wetland (16C.07 Wetlands) buffer standards.
- 3928 c) Protect habitat for upland species using the Upland Wildlife Habitat Conservation
3929 Area and associated protection measures described below.
- 3930 2) Yakima County has a very high proportion of federal, state and other publicly and tribally
3931 owned land. These lands are generally managed for the conservation of wildlife habitat.

3932 Consequently, one of Yakima County’s approaches to protecting all wildlife habitat types
3933 is to rely on the management of these lands by the responsible entity (i.e. US Forest
3934 Service, US Bureau of Land Management, US Department of Defense, Washington
3935 Department of Fish and Wildlife, Washington Department of Natural Resources, Yakima
3936 Nation, etc.). The protection of Larch mountain salamander (*Plethodon larselli*) (State
3937 Sensitive, Federal Species of Concern) and Spotted Owl (*Strix occidentalis*) (State
3938 Endangered, Federal Threatened) habitat is accomplished through this approach, since
3939 their habitat of primary association is located within Federal ownership.

3940 3) To ~~accomplish~~ aid in upland wildlife protection on private lands, Yakima County
3941 followed a methodology utilizing Gap Analysis Program (GAP) data to map wildlife
3942 habitat. Comparison of the map to public lands shows that a small percentage of the
3943 mapped area is within private ownership. An analysis of the privately owned lands
3944 showed that they are largely in remote areas that are undeveloped with no cultivated
3945 agriculture. The predominate land use on these private lands is forest and rangeland.
3946 Consequently, part of Yakima County’s approach to protect upland wildlife on private
3947 land is to rely on the large lot/low density provisions of the Remote (40 acre minimum),
3948 Forest (80 acre minimum) and Agriculture (40 acre minimum) zoning districts.

3949 ~~4) Corridors for wildlife to move between large habitat areas are a component of wildlife
3950 habitat. Riparian corridors offer a natural system of linkages between such areas. In
3951 semi-arid regions such as Yakima County, riparian corridors not only offer migratory
3952 linkages between large habitat areas but also offer important refuge and habitat for
3953 numerous species that rely on the riparian areas for their existence. Of the more than 300
3954 vertebrate species known to occur within Yakima County, approximately 57% of them
3955 use the riparian corridors as their primary habitat. Species that use riparian areas for
3956 some portion of their life cycle represent up to 80% of all species. The wildlife habitat
3957 analysis resulted in habitat areas that followed long linear ridges in the arid areas, and
3958 large blocks in the forested areas. The larger habitat blocks are connected by the
3959 County’s large river corridors. Consequently, part of Yakima County’s approach to
3960 protect wildlife corridors and riparian habitat is to rely on the standards in Section 16C.06
3961 (Stream Corridors), Section 16C.07 (Wetlands) and the Shoreline Master Program (YCC
3962 Title 16D).~~

3963 ~~1) Yakima County’s approach to protecting aquatic habitat is to rely on the protection
3964 standards in Section 16C.06 (Stream Corridors), and Section 16C.07 (Wetlands).~~

3965
3966 4) Through the wildlife habitat analysis, habitat for listed state and federal threatened,
3967 endangered, and sensitive species was assessed and incorporated for upland species.
3968 Consequently, Yakima County’s approach to protect habitat for listed state and federal
3969 threatened, endangered, and sensitive upland species is to require approval of a standard
3970 development permit, the submittal of a habitat assessment, and where necessary,
3971 development of a management plan consistent with state and/or federal guidelines as
3972 outlined in Section 16C.11.060 and 16C.11.070 below. Protection measures for Bull
3973 Trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and Steelhead
3974 (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the
3975 standards in chapter 16C.06.

3976
3977 16C.11.030 Functional Properties

3978 | (Note: This section was moved from 16C.06.05(5) Functional Properties)
 3979 | Wildlife habitat consists of the arrangement of food, water, cover, and space required to meet the
 3980 | biological needs of an animal. Different wildlife species have different requirements, and these
 3981 | requirements vary over the course of a year. Wildlife habitat generally includes one or more of
 3982 | the following functional properties:
 3983 | a) Reproduction and/or nesting;
 3984 | b) Resting and refuge;
 3985 | c) Foraging for food;
 3986 | d) Dispersal and migration.

3987 |
 3988 | **Designation and Mapping**
 3989 |

3990 | **16C.06.0411.040 Upland Wildlife Habitat and Habitats of Local**
 3991 | **Importance Conservation Areas** (Note: this section was moved from 16C.06.040 and edited)
 3992 | 1.—

3993 | 1) Upland Wildlife Habitat Conservation Areas include are those areas within which state or
 3994 | federally designated endangered, threatened, or sensitive species have a primary association.
 3995 | State listed species are those native fish and wildlife species legally designated as
 3996 | Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or Sensitive (WAC 232-
 3997 | 12-011) by the Washington Fish and Wildlife Commission. Federal listed Threatened,
 3998 | Endangered or Sensitive species means all species of wildlife listed as such by the United
 3999 | States Secretary of the Interior or Commerce.

4000 | ~~These lists are periodically updated, Yakima County shall update the list below as the state and~~
 4001 | ~~federal list are updated. At the time of this ordinance, the following species are identified within~~
 4002 | ~~Yakima County:~~

- 4003 | ~~Sage Grouse (*Centrocercus urophasianus*) (State Threatened, Federal Species of Concern);~~
- 4004 | ~~Ferruginous Hawk (*Buteo regalis*) (State Threatened, Federal Species of Concern);~~
- 4005 | ~~Bald eagle (*Haliaeetus leucocephalus*) (State Threatened, Federal Threatened);~~
- 4006 | ~~Western gray squirrel (*Sciurus griseus*) (State Threatened, Federal Species of Concern);~~

4007 |
 4008 |
 4009 | ~~1)2)Upland Wildlife Habitat Conservation Areas include~~ State Natural Area Preserves and
 4010 | ~~Natural Resource Conservation Areas shall be designated Upland Wildlife Habitat.~~

4011 | ~~2)3)Upland Wildlife Habitat Conservation Areas include~~ Species and Habitats of Local
 4012 | Importance. These are habitats or species that due to their declining population, sensitivity to
 4013 | habitat manipulation or other values make them important on a local level. Habitats of Local
 4014 | Importance may include a seasonal range or habitat element with which a given species has a
 4015 | primary association, and which, if altered, may reduce the likelihood that the species will
 4016 | maintain and reproduce over the long term.

- 4017 | a) Species and Habitats of Local Importance may be identified, for protection under this
- 4018 | title. State or local agencies, individuals or organizations may identify and nominate for
- 4019 | consideration specific species and habitats, or a general habitat type, including streams,
- 4020 | ponds or other features.
- 4021 | b) ~~The~~ Review of a Species and/or Habitat of Local Importance application is a legislative
 4022 | action, and nomination shall be processed ~~once a year through~~ during the annual
 4023 | Comprehensive Plan 2015 amendment cycle.

- c) Species and/or Habitat of Local Importance applications shall be docketed for official action with the Planning Commission in accordance with section 16B.10.090 (Development Regulation Amendments) with no fee requirements.
- d) The Planning Commission may convene a best available science committee to ensure the Species and/or Habitat of Local Importance application conforms to RCW 36.70A.172 and WAC 365-195-900 through WAC 365-195-925.
- e) Species and/or Habitat of Local Importance shall be adopted as appendices to this title.
- f) Species and/or Habitat of Local Importance applications shall be reviewed for conformance with subsections (g) and (h) below.
- g) ~~Proponents~~ Applicants for Species and/or Habitat of Local Importance shall have the burden of presenting evidence concerning the criteria set forth in sub-section (h) below, including maps to illustrate the proposal and habitat management recommendations for use in the administration of this chapter, and/or:
 - ~~e.h)~~ The Economic impact both positive and negative to the applicants property or surrounding property. Economic impact are to be determined by a properly qualified individual or firm using industry standards. The review of Nominated habitats, and habitats for species of local importance shall consider the following, and must include maps to illustrate the proposal
 - i) Concern due to population status;
 - ii) Sensitivity to habitat manipulation;
 - ~~i.iii)~~ A seasonal range or habitat element which, if altered, may reduce the likelihood that the species will maintain or reproduce over the long term;
 - ~~ii.iv)~~ Areas of high relative density or species richness, breeding habitat, winter range, and movement corridors;
 - ~~iii.v)~~ Habitat with limited availability or high vulnerability to alteration;
 - vi) Whether these habitats are already identified and protected under the provisions of this or other county ordinances or state or federal law.
 - v) ~~Habitat management recommendations shall be included for use in the administration of this chapter. (moved to 2(g) above)~~

16C.11.050 Mapping

- 1) The approximate location and extent of upland wildlife habitat conservation areas for, Endangered, Threatened and Sensitive species are shown on the County’s critical area map titled, “Upland Wildlife Habitat Conservation Areas of Yakima County”. This map is to be used as a guide for the county, project applicants and/or property owners, and may be updated as more detailed data becomes available. This map is a reference and does not provide a final critical area designation.
- 2) The Upland Wildlife Habitat Conservation Area map utilized GAP (Gap Analysis Project) and Department of Fish and Wildlife data. GAP data is derived from satellite imagery and modeling of vegetation and species presence. The wildlife habitat analysis methodology was chosen to protect wildlife from a regional perspective rather than a species-specific perspective, to identify areas of high biodiversity for long-term species survival. The methodology:
 - a) Uses the richest habitat areas;
 - b) Includes some habitat for all species;
 - c) Focuses on large habitat areas that are most remote from human development;

- d) Uses publicly owned lands as much as possible;
- e) Provides corridor links between blocks of habitat areas using streams, and steep ridge slopes;
- f) Considers WDFW Priority Habitat and Species and Wildlife Heritage data to test accuracy, and;
- g) Covers threatened endangered and sensitive species on private land.

16C.11.060 Permit and Critical Areas Report Requirement

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

16C.11.070 (Note: this section was moved from 16C.06.09.) **Upland Wildlife and Habitats of Local Importance Habitat Conservation Area Development Standards**

Projects located within an Upland Wildlife Habitat ~~Critical~~ Conservation Area ~~or Habitats of Local Importance~~, as designated in section 16C.06.04, 11.040 shall meet the following standards listed below, rather than the development standards in 16C.06.10 through 16C.06.23 for Hydrologically Related Critical Areas, unless review is also needed for a ~~Hydrologically Related Critical Ares.~~

- 1) Projects shall be designed using management recommendations established for the species or habitat by federal and state agencies, or those adopted for Species and Habitats of Local Importance by Yakima County. The department shall consider the extent such recommendations are used in its decision on the proposal, and may consider recommendations and advice from the agencies with expertise.

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

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The following stream reaches within Yakima County are designated critical areas under the Critical Areas Ordinance.

1. BACHELOR CREEK: From source at Ahtanum Creek (SEC13-TWP12N-RGE16 EWM) downstream to its mouth at Ahtanum Creek (SEC1-TWP12N-RGE18E).
2. COTTONWOOD CANYON CREEK: From the south line of SEC32-TWP13N-RGE17E, downstream to mouth at Wide Hollow Creek (SEC36-TWP13N-RGE17E).
3. COTTONWOOD CREEK (WENAS): From boundary of the L.T. Murray Wildlife Recreation Area (South line, SEC35-TWP15N-RGE18E) downstream to mouth at Wenas Creek (SEC12-TWP14N-RGE18E).
4. COWICHE CREEK, NORTH FORK: Commencing at the north line of SEC36-TWP14N-RGE15E, downstream to its confluence with the South Fork of Cowiche Creek (SEC3-TWP13N-RGE17E).
5. HATTON CREEK: From its source at Ahtanum Creek (SEC18-TWP12N-RGE17) downstream to its confluence with Ahtanum Creek (SEC8-TWP12N-RGE18E).
6. LITTLE RATTLESNAKE CREEK: From the Wenatchee National Forest boundary (SEC30-TWP15N-RGE15E) downstream to mouth at Rattlesnake Creek (SEC3-TWP15N-RGE15N).
7. WIDE HOLLOW CREEK: From the east line of the SW1/4 of the NW1/4 (SEC28-TWP13N-RGE17E) downstream to the municipal boundary for the City of Yakima (SEC34-TWP13N-RGE18E).
8. WENAS CREEK: From the east line of SEC5-TWP14N-RGE18E downstream to its mouth at the Yakima River (SEC18-TWP14N-RGE19E).