

# **BOARD OF YAKIMA COUNTY COMMISSIONERS**

## **ORDINANCE 10 - 2019**

**IN THE MATTER OF REPEALING ORDINANCE 3-1994 – YAKIMA COUNTY CODE TITLE 16A CRITICAL AREAS ORDINANCE, PERTAINING TO THE IMPLEMENTATION OF THE VOLUNTARY STEWARDSHIP PROGRAM, AS ADOPTED BY THE WASHINGTON STATE LEGISLATURE THROUGH ESHB 1886.**

**WHEREAS**, the Growth Management Act (“GMA”), chapter 36.70A RCW, requires all local governments to designate and protect critical areas (RCW 36.70A.170(1)(d) and RCW 36.70A.060(2)); and

**WHEREAS**, pursuant to RCW 36.70A.060, the Board of Yakima County Commissioners (“Board”) adopted Title 16A, the Critical Areas Ordinance (“CAO”), on July 12, 1994 (Ordinance No. 3-1994); and

**WHEREAS**, the Board amended and re-enacted an amended CAO on October 1, 1995 (Ordinance No. 8-1995) in response to a compliance order from the Eastern Washington Growth Management Hearings Board (Case No. 94-1-0021); and

**WHEREAS**, the GMA requires Yakima County to review and, if necessary, revise its development regulations to ensure compliance with the requirements and time periods established in the GMA; and

**WHEREAS**, RCW 36.70A.560 and .5601 (commonly referred to as the “Ruckelshaus Amendment”) required that for the period ending May 1, 2007, and concluding July 1, 2010 (amended by 2010 c 203 § 3 to December 1, 2012), counties and cities shall defer amending or adopting critical areas ordinances as they specifically apply to agricultural activities on agricultural and rural lands (a “moratorium”); and

**WHEREAS**, Yakima County performed the Washington State Growth Management Act (“GMA”) update to its Critical Areas Ordinance (Yakima County Code Title 16C) in 2007 (Ordinance 13-2007), it retained the previous version of the Critical Areas Ordinance (YCC Title 16A) as the regulations that apply to agricultural activities as necessary to comply with RCW 36.70A.560 and 5601.

**WHEREAS**, The Washington State Legislature, through Engrossed Substitute House Bill 1886 (ESHB 1886) in 2011, amended the Growth Management Act (RCW 36.70A) to allow for options for protecting critical areas and created a Voluntary Stewardship Program (“VSP”) for protection of critical areas in areas of agricultural activities (RCW 36.70A.710); and

**WHEREAS**, ESHB 1886, states that “As an alternative to protecting critical areas in areas used for agricultural activities through development regulations adopted under RCW

36.70A.060, the legislative authority of a county may elect to protect such critical areas through the program”; and

**WHEREAS**, Yakima County by Ordinance 14-2012 (Jan 10, 2012) opted into the Voluntary Stewardship Program (VSP) when Washington State funding was provided; and,

**WHEREAS**, the Director of the Washington State Conservation Commission approved the VSP work plan as required by RCW 36.70A.725(3)(a)(ii) on October 27, 2017; and

**WHEREAS**, RCW 36.70A.130 requires that Yakima County as a “fully planning” county; shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

**WHEREAS**, to meet the obligations of RCW 36.70A.130 and to effectively implement the recently approved VSP work plan, YCC Title 16A needed to be repealed; and

**WHEREAS**, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, YCC 16B.10, which sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; and

**WHEREAS**, Yakima County Planning Division was tasked with repealing YCC Title 16A and those titles that reference Title 16A; and

**WHEREAS**, the proposed text amendment to YCC Titles 2, 12, 13, 16, 16A, 16B, 16C, 16D, 19, and 20, were presented to the Planning Commission for their review on March 13, 2019; and

**WHEREAS**, Yakima County initiated text amendments must be processed in compliance with the State Environmental Policy Act (SEPA); and

**WHEREAS**, on August 29, 2019 Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on the proposed repeal of Title 16A; and

**WHEREAS**, the Planning Commission conducted a properly advertised and noticed public hearing on September 11, 2019, to hear testimony on the proposed repeal of YCC Title 16A; and

**WHEREAS**, the Planning Commission held their deliberations on September 11, 2019; and

**WHEREAS**, the Planning Commission, having carefully considered the staff recommendation, and the written and oral testimonies in its deliberations presented to the Board of Yakima County Commissioners on October 9, 2019, their Findings and Recommendations on the proposed text amendments; and

**WHEREAS**, on December 3, 2019, Yakima County staff issued a Determination of Non-Significance for the 2019 Development Regulation Text Amendments (SEP2018-00007 and SEP2018-00040) which analyzed the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; and

**WHEREAS**, the proposed text amendments to regarding the repeal of YCC Title 16A, were presented to the Board of Yakima County Commissioners for their review on December 9, 2019; and

**WHEREAS**, the Board of Yakima County Commissioners conducted a properly advertised public hearing on December 10, 2019, to hear testimony on the proposed text amendments outlined in the Planning Commission recommendations; and

**WHEREAS**, the Board of Yakima County Commissioners held their deliberations on December 10, 2019, immediately after the close of the open record public hearing and did adopt motions approving, denying or modifying the proposed text amendments; and now therefore,

**BE IT HEREBY ORDAINED** by the Board of Yakima County Commissioners that:

**Section 1. Reasons for Action**

The 2019 amendments regarding the repeal of YCC Title 16A before the Board of Yakima County Commissioners are as follows:

- A. The repeal of YCC Title 16A – Critical Areas Ordinance as a result of Engrossed Substitute House Bill 1886 which nullified Title 16A upon the approval of the Yakima County Voluntary Stewardship Program work plan by the Director of the Washington State Conservation Commission on October 27, 2017.
- B. Those proposed development regulation text amendments to Yakima County Code Titles 2, 12, 13, 16, 16A, 16B, 16C, 16D, 19, and 20 to remove all references to YCC 16A, including minor text changes to maintain internal consistency.
- C. A staff report for the proposed development regulation text amendments were provided to the Planning Commission that identified specific issues and recommended approval, modification or denial of the proposed amendments. Following public testimony and deliberations, the Planning Commission has determined which of the proposed amendments are needed to repeal YCC 16A, maintain internal consistency, correct errors, address deficiencies or more closely correspond to the goals, policies and intent of *Horizon 2040* and presented their findings and recommendations to the Board of Yakima County Commissioners for their consideration. The Board of Yakima County Commissioners then reviewed said amendment requests, held public hearing and decided to approve, modify or deny the proposed amendments.

## **Section 2. Findings**

- A. Compliance with Growth Management Act. The Board of Yakima County Commissioners find that the amendments to YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A (the Growth Management Act, or GMA). The Comprehensive Plan is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.
- B. State Environmental Policy Act (SEPA). The Board of Yakima County Commissioners find that the December 3, 2019, Determination of Non-Significance for the 2019 Development Regulation Text Amendments (SEP2018-00007 and SEP2018-00040) which analyzed the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record.
- C. Planning Commission Findings. The Board of Yakima County Commissioners adopts the proposed development regulation text amendments (LRN2018-00007) as detailed in the Findings and Recommendations of the Planning Commission dated October 9, 2019, which includes:
- a. LRN2018-00007/SEP2018-00040 – YCC Title 16A Repeal


Repeal of YCC Title 16A and associated development regulation text amendments as set forth in Exhibit 1.

**Section 3. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, or the validity of its application to any other persons or circumstances.

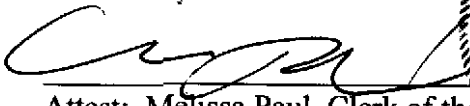
**Section 4. Effective Date.** Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective on the 61<sup>st</sup> day after posting of the Notice of Adoption, unless appealed. In the event of an appeal to the Growth Management Hearings Board, those specific amendments in said ordinance that were not appealed would be effective upon the 61<sup>st</sup> day.


DONE this 17 day of December 2019

  
\_\_\_\_\_  
Michael D. Leita, Chairman

  
\_\_\_\_\_  
Norm Childress, Commissioner  
*EXCUSED*

\_\_\_\_\_  
Ron Anderson, Commissioner  
*constituting the Board of County Commissioners  
for Yakima County, Washington*

  
\_\_\_\_\_  
Attest: Melissa Paul, Clerk of the Board



# EXHIBIT 1

**2.23.050 Standards of Conduct.**

(1) No person, including city or county officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his duties in any other way; provided, that an official or employee of the city of Yakima or Yakima County may, in the performance of his official duties provide information to the examiner when the action is disclosed at the hearing or meeting nor shall this section prohibit rendering of legal services to the examiner or to the board.

(2) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest or in which such conduct or participation shall violate any rule of law applicable thereto.

(Ord. 8-1985 §1(part), 1986).

**2.23.060 Rules.**

The examiner shall implement procedural rules for the conduct of hearings and other procedural matters related to the duties of his office in accordance with RCW 36.70.970.

(Ord. 8-1985 §1(part), 1986).

**2.23.070 Time Computation.**

In computing any period of time prescribed by this chapter, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a county legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or county legal holiday.

(Ord. 8-1985 §1(part), 1986).

**2.23.080 Duties and Powers.**

The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances including but not limited to the following land use and adult entertainment facility licensing matters:

(1) Matters prescribed by Title 19 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of Title 19 of this code.

(2) Review of preliminary plats and modifications thereto within the county using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17. The decisions of the hearing examiner on such matters shall constitute recommendations to the board of county commissioners.

(3) Plat vacations or amendments pursuant to RCW Chapter 58.17. Decisions of the examiner on such matter shall constitute final decisions unless appealed to the board under the provisions of this chapter.

(4) The examiner shall conduct hearings pursuant to RCW Chapter 43.21C State Environmental Policy Act (SEPA) in Title 16 of this code.

(5) The matters prescribed by the Yakima County Critical Areas Ordinance – Titles ~~16A and 16C~~ Yakima County Code, except Chapters ~~16A.05 and 16C.05~~.

(6) The matters prescribed by the Project Permit Administration Ordinance – Title 16B Yakima County Code.

(7) The matters prescribed by the Yakima County Regional Shoreline Master Program – Title 16D Yakima County Code, except Chapter 16D.05.

(8) Adult entertainment licensing appeals as set forth in the provisions of Chapter 5.06 of this code.

The provisions of this section designating and assigning the hearing examiner the duties and functions listed in this chapter shall supersede any and all conflicting provisions of this code.

hydraulically sorted sediments, or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial drainageways, unless they are used to convey streams naturally occurring prior to construction.

“Structure” means anything constructed or erected, even partially, including buildings, which requires location on the ground or attached to something having a location on the ground.

“UIC” or “UIC well” or “Underground Injection Control” means a manmade sub-surface fluid distribution system designed to discharge fluids into the ground and consists of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. A public UIC is one owned, operated, and maintained by Yakima County and includes the collection system of catch basins, pipes, ditches, or other public infrastructure that collects and conveys stormwater to the UIC.

“Upland Flow” means runoff from lands upslope of a project site.

“Urban Roads” means roads located within designated Urban Growth Areas. Partially controlled limited access highways located inside of Urban Growth Areas are considered urban roads.

“Waters of the State” includes those waters as defined as “waters of the United States” in 40 CFR 122.2 within the geographic boundaries of Washington State and “waters of the state” as defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

“Wetland” or “Wetlands” includes those areas as defined in YCC ~~16A.16C.02.425~~ and ~~16D.02.425~~.

(Ord. 3-2016 (part), 2017).

#### **12.10.200 What Is Required on a Site Plan.**

(1) General. The site plan shall identify natural drainage, floodplains, floodways, and drainage easements on the plat site plan and record drainage easements on the plat in accordance with YCC 12.10.230 (When a Stormwater Drainage Easement Is Required).

(Ord. 3-2016 (part), 2017).

#### **12.10.210 When a Stormwater Plan Is Required.**

(1) General. The approval of applications for land development or redevelopment projects (projects) that are submitted pursuant to Yakima County Codes 12, 13, 19, ~~16A~~, 16C, and 16D that meet the following criteria shall be subject to the approval of a stormwater plan by the Public Services Director:

- (a) Projects that disturb a land area greater than one acre.
- (b) Projects that disturb a land area less than one acre when the project is part of a larger common or combined plan of development where the combined projects disturb a land area greater than one acre. When recurring developments which have been under an acre, but become cumulative exceeding one acre, they are considered part of a common plan.
- (c) Projects where the division of land creates more than 4 lots.
- (d) Projects where SEPA review is required and it has been determined that the project has potential adverse impacts related to stormwater.
- (e) Projects where the Public Services Director, Building Official, or designee has determined that erosion and drainage control is required.
- (f) Projects where the Public Services Director, or designee, has determined that a potential adverse impact to adjacent or nearby property or water quality may result from stormwater.



427.5.1 Controlled atmosphere storage buildings need not comply with the requirements of Section 905.

(Ord. 10-2016 § 2 (part), 2016).

**13.05.080 Amendment to Chapter 16, Section 1608, Snow Loads.**

Section 1608.2 of the International Building Code, 2015 Edition, is amended as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 or Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated "CS" in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved by the building official. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). The Structural Engineers Association of Washington has conducted and published a case study (CS) for Washington State. This case study, titled "Snow Load Analysis for Washington", may be used to establish the ground snow load in all areas of Yakima County in lieu of a site specific case study. Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(Ord. 10-2016 § 2 (part), 2016).

**13.05.090 Amendment to Chapter 16, Section 1612, Flood Loads.**

Section 1612 of the International Building Code, 2015 Edition, is amended as follows:

SECTION 1612

FLOOD LOADS

1612.1 General. Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads and shall be anchored to prevent floatation, collapse, or lateral movement of the structure. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

All new construction and any improvements or additions to an existing floodproofed structure that would extend beyond the existing floodproofing located within 100 feet of a floodway or ordinary high water mark, if no floodway has been established, shall also meet the requirements of Yakima County Code 16A.05.28.010 and 020, Yakima County Code 16C.05.28.010 and 020, and YCC 16D.05.28.010 and 020.

1612.2 Definitions. The following terms are defined in Chapter 2:

BASE FLOOD.

BASE FLOOD ELEVATION, BASEMENT.

DESIGN FLOOD.

DESIGN FLOOD ELEVATION.

DRY FLOODPROOFING.

EXISTING CONSTRUCTION.

(Ord. 10-2016 § 2 (part), 2016).

**13.06.080 Amendments to Chapter 3, Subsection R322.1.7, Protection of Water Supply and Sanitary Sewage Systems.**

Subsection R322.1.7 of the International Residential Code, 2015 Edition, is amended as follows:

**R322.1.7 Protection of water supply and sanitary sewage systems.**

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code as amended by Chapter 51-51 WAC. New and replacement sanitary sewage systems shall be designed in accordance with the provisions of Chapter 8, ASCE 24 to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

(Ord. 10-2016 § 2 (part), 2016).

**13.06.085 Amendment to Chapter 3, Subsection R322.2.2.1, Installation of Openings.**

Subsection R322.2.2.1 of the International Residential Code, 2015 Edition, is amended as follows:

**R322.2.2.1.2 Enclosed area below design flood elevation and below grade on all sides.**

The building official is authorized to approve the construction of enclosed areas, including crawl spaces for new construction and substantial improvements, that are below the design flood elevation, and that are below grade on all sides when it has been demonstrated to the building official's satisfaction that the following criteria will be met:

1. The velocity of floodwaters at the site do not exceed 5 feet per second during the 100 year flood event.
2. The interior grade of the enclosed space below the design flood elevation is not more than 2 feet below the lowest adjacent exterior grade.
3. The height of the below grade enclosed space, measured from the lowest interior grade of the enclosed space to the highest point of the top of the foundation wall is not more than 4 feet.
4. There are provisions for a drainage system that will remove floodwaters from the interior of the enclosed space within a reasonable time after a flood event. Such provisions may be accomplished by natural drainage through porous, well drained soils, gravity flow drainage systems, mechanical drainage systems, or other system approved by the building official. Soils reports, design calculations, or other information adequate to substantiate the adequacy of the proposed drainage system shall be submitted to the building official for his review.
5. The enclosed space meets all of the requirements of R322.2.2.
6. The enclosed space meets the requirements of FEMA/FIA TB 11-1.

(Ord. 10-2016 § 2 (part), 2016).

**13.06.090 (Reserved).**

(Ord. 10-2016 § 2 (part), 2016).

**13.06.100 Amendments to Chapter 3, Subsection R322.2.3, Foundation Design and Construction.**

Subsection R322.2.3 of the International Residential Code, 2015 Edition, is amended by the addition of Subsection R322.2.3.1 as follows:

R322.2.3.1 Residential construction within 100 feet of a floodway or ordinary high water mark.

Residential construction within 100 feet of a floodway or ordinary high water mark, if no floodway has been established, shall also meet the requirements of Yakima County Code ~~16A.05.28.010 and 020, 16C.05.28.010 and 020~~ as applicable, or 16D.05.28.010 and 020 as applicable.

(Ord. 10-2016 § 2 (part), 2016).

**13.06.110 Amendments to Chapter 4, Subsection R408.7, Flood Resistance.**

Subsection R408.7 of the International Residential Code, 2015 Edition, is amended as follows:

R408.7 Flood resistance.

For buildings located in flood hazard areas as established in Table R301.2(1):

1. Walls enclosing the under-floor space shall be provided with flood openings in accordance with Section R322.2.2.
2. The finished ground level of the under-floor space shall be equal to or higher than the outside finished ground level on at least one side.

Exception: Under-floor spaces that meet the requirements of FEMA/FIA TB 11-1 and R322.2.2.1 as amended in YCC13.06.085.

(Ord. 10-2016 § 2 (part), 2016).

**Title 16**  
**ENVIRONMENT**

**Chapters:**

**DIVISION I – SEPA AND RECLAMATION PROGRAM**

- 16.04 State Environmental Policy Act**
- 16.16 Reclamation Program**

**DIVISION II – FLOOD HAZARD\***

\* Editor's Note: As of October 1, 1995, the effective date of Ordinance 8-1995, the provisions formerly in Division II of Title 16 were repealed. Current regulations concerning flood hazard control are included in Chapters 16C.05.20 through 16C.05.72 of Title 16C, of this code, the Critical Areas Ordinance; except, that agricultural activities on designated agricultural and rural lands are regulated by flood hazard controls included in Chapters 16A.05.20 through 16A.05.72 of Title 16A, of this code.

(Ord. 4-2012 § 2 (Exh. A) (part), 2012; Ord. 13-1998 § 1 Exh. 1 (part), 1998; Ord. 6-1984 Part 5 § 3, 1984).

#### **Article V. Using Existing Environmental Documents**

##### **16.04.200 Reserved.**

(Ord. 4-2012 § 2 (Exh. A) (part), 2012; Ord. 13-1998 § 1 Exh. 1 (part), 1998; Ord. 6-1984 Part 6 § 1, 1984).

##### **16.04.210 SEPA Public Information.**

(1) Information and documents relating to SEPA activities for Yakima County shall be retained at the following location:

Yakima County Planning Division

128 N. 2nd Street Fourth Floor, County Courthouse

Yakima, WA 98901

Telephone: (509) 574-2300

(2) The County shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.17.

(Ord. 4-2012 § 2 (Exh. A) (part), 2012; Ord. 13-1998 § 1 Exh. 1 (part), 1998; Ord. 6-1984 Part 6 § 2, 1984).

#### **Article VI. SEPA and Agency Decisions**

##### **16.04.220 Reserved.**

(Ord. 4-2012 § 2 (Exh. A) (part), 2012; Ord. 13-1998 § 1 Exh. 1 (part), 1998; Ord. 6-1984 Part 7 § 1, 1984).

##### **16.04.230 Substantive Authority.**

(1) The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of Yakima County and as provided in RCW 43.21C.060.

(2) The County may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this Chapter; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The County has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in Subsections 4 and 5 of this Section and cited in the license or other decision document.

(3) The County may deny a permit or proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environment impacts that are identified in a FEIS or final SEIS prepared pursuant to this Chapter; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in Subsections 4 and 5 of this Section and identified in writing in the decision document.

(4) The County designates and adopts by reference the following policies as the basis for the County's exercise of authority pursuant to this Section.

(a) The County adopts by reference the general policies of the State Environmental Policy Act as set forth in RCW 43.21C.010 and RCW 43.21C.020 in order to achieve the environmental goals of the community.

(b) The County adopts by reference the goals, policies and objectives in the following County plans, codes, ordinances, and resolutions as they now exist or are hereafter amended or supplemented, as authorized by RCW 43.21C.060:

(i) The Yakima County Comprehensive Plan, with amendments and Supplements thereto;

(ii) Yakima County-wide Planning Policy (Reso. 553-2003), with related Interlocal Agreements for Growth Management Act Implementation in Yakima County;

(iii) Yakima Urban Area Comprehensive Plan, with amendments and supplements thereto:

1. West Valley Neighborhood Plan;
2. Terrace Heights Neighborhood Plan;

(iv) Yakima County Regional Shoreline Master Program:

1. YCC Title 16D;
2. WAC 173 Chapters 18-27 (Shoreline Management);

(v) YCC Title 2 Administration and Personnel:

1. Chapter 2.16, Planning Commission and Department;
2. Chapter 2.23, Hearing Examiner;

(vi) YCC Title 5 Business Licenses and Regulations;

(vii) YCC Title 6 Health, Welfare and Sanitation;

(viii) YCC Title 8 Public Peace, Safety and Morals;

(ix) YCC Title 9 Vehicles and Traffic;

(x) YCC Title 10 Roads, Highways and Bridges;

(xi) YCC Title 11 Parks;

(xii) YCC Title 12 Water and Sewer;

(xiii) YCC Title 13 Building and Construction;

(xiv) Zoning with amendments and Supplements thereto:

1. YCC Title 19 - Unified Land Development Code;

(xv) YCC Title 16 Environment:

1. Chapter 16.04 State Environmental Policy Act;
2. Chapter 16.16 Reclamation Program;

- (xvi) Critical Areas and Flood Hazard Regulations:
    - 1. YCC Title 16A;
    - 21. YCC Title 16C;
  - (xvii) YCC Title 16B Project Permit Administration;
  - (xviii) YCC Title 17 Urban Area Growth Policy;
  - (xix) YCC Title 20 Yakima County Fee Schedule;
  - (xx) Agreement for Wastewater Treatment and Disposal Service, as amended;
  - (xxi) Greenway Master Plan;
  - (xxii) Comprehensive Flood Hazard Master Plans (CFHMP), with amendments and Supplements thereto:
    - 1. Upper Yakima CFHMP;
    - 2. Naches River CFHMP;
    - 3. Ahtanum – Wide Hollow CFHMP;
  - (xxiii) Yakima County Solid Waste Master Plan, with amendments and supplements thereto;
  - (xxiv) Yakima County Capital Facilities Plan, with amendments and supplements thereto;
  - (xxv) Yakima Air Terminal Airport Master Plan, with amendments and supplements thereto.
- (5) The County adopts the following policies to support its substantive authority under SEPA:
- (a) A single development or land use though otherwise consistent with zoning and other County policies may create adverse impacts upon facilities and services, natural systems or the surrounding area when aggregated with the impacts of prior or other proposed development. It is the policy of the County to analyze such cumulative environmental impacts and condition or deny proposals to minimize or prevent adverse impacts in accordance with other provisions of this Chapter;
  - (b) In assessing the environmental impacts of a proposal and in determining the need for conditioning or denying a proposal in accordance with other provisions of this Chapter, the Responsible Official shall utilize SEPA, all policies, guidelines and regulations adopted pursuant to SEPA, federal, state and regional environmental quality standards, and the legislative enactments of the County, both specific and general, now in effect or enacted in the future;
  - (c) The County reserves the right to impose specific conditions upon any action or to deny action in conformance with the policies stated in this Chapter, so as to mitigate or prevent adverse environmental impacts.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 4-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 13-1998 § 1 Exh. 1 (part), 1998; Ord. 6-1984, Mod 1 § 2, 1986; Ord. 6-1984 Part 7 § 2, 1984).

#### **16.04.240 SEPA Appeals.**

Administrative SEPA appeals shall be heard by the Hearing Examiner at an open record public hearing as specified by YCC Section 16B.06.070, Project Permit Administration – Appeals of SEPA Determinations.

(Ord. 4-2012 § 2 (Exh. A) (part), 2012; Ord. 13-1998 § 1 Exh. 1 (part), 1998; Ord. 5-1996 § 6, 1996; Ord. 1-1990 § 13, 1990; Ord. 6-1984 Part 7 § 3, 1984).

**-TITLE 16A**

**CRITICAL AREAS\***

**Chapters:**

- 16A.01 — General Provisions**
- 16A.02 — Definitions**
- 16A.03 — Application and Review Procedures**
- 16A.04 — Stream Corridor System and Other Hydrologically Related Critical Areas**
- 16A.05.20 — Flood Hazard Areas — General Provisions**
- 16A.05.28 — Flood Hazard Protection Standards**
- 16A.05.32 — Floodway Fringe Uses**
- 16A.05.36 — Floodway Uses**
- 16A.05.40 — Nonconforming Uses and Structures**
- 16A.05.44 — Flood Hazard Protection Administration**
- 16A.05.48 — Elevation and Floodproofing Certification**
- 16A.05.52 — Variances**
- 16A.05.72 — Map Correction Procedures**
- 16A.06 — Enforcement and Penalties**
- Appx. A — Wetland Rating System**
- Appx. B — Designated Shoreline Lakes, Ponds and Type 1 Streams**
- Appx. C — Designated Type 2 Stream Corridors**

\* Editor's Note: Ord. 13-2007 adopts Title 16C, Critical Areas, which applies to all unincorporated lands under Yakima County's land use jurisdiction, except for lands under jurisdiction of the Shoreline Management Act and lands subject to the requirements of Substitute Senate Bill 5248 for agricultural activities conducted on agricultural and rural lands. The provisions of this title, Title 16A, are retained for the regulation of agricultural activities on designated agricultural and rural lands. Ord. 14-2007, codified as Title 16D of this code, adopts the Shoreline Master Program, which shall regulate critical areas within shoreline jurisdiction.



~~Chapter 16A.01~~  
**GENERAL PROVISIONS**

Sections:

- ~~16A.01.01 — Title and Authority.~~
- ~~16A.01.02 — Language Interpretation.~~
- ~~16A.01.03 — Purpose of Provisions.~~
- ~~16A.01.04 — Intent.~~
- ~~16A.01.05 — Applicability.~~
- ~~16A.01.06 — Exemptions From Critical Area Development Authorizations.~~
- ~~16A.01.07 — Exemptions — RCW Chapter 90.58 — Procedural Requirements.~~
- ~~16A.01.08 — Exemptions — Construed Narrowly.~~
- ~~16A.01.09 — Formal Letter of Exemption.~~
- ~~16A.01.10 — Emergency Actions.~~
- ~~16A.01.11 — Administrative Authority.~~
- ~~16A.01.12 — Severability.~~

**16A.01.01 — Title and Authority.**

Title 16A is established pursuant to ~~RCW 36.70A.060 (Growth Management Act), RCW Chapter 90.58 (Shoreline Management Act), 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.”

(Ord. 8-1995 §1 (1.01), 1995).

**16A.01.02 — Language Interpretation.**

~~Unless specifically defined in Chapter 16A.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.~~

(Ord. 8-1995 §1 (1.02), 1995).

**16A.01.03 — Purpose of Provisions.**

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

(Ord. 8-1995 §1 (1.03), 1995).

**16A.01.04 — Intent.**

~~Title 16A establishes policies, standards, and other provisions pertaining to development of designated critical areas. Stream corridors, flood hazard areas, water resource and wetland areas, and wildlife habitat areas constitute part of 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 which comprise an important part of the county’s natural resource base. The policies, standards and procedures of this title are intended to:~~

- ~~(1) — 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;~~
- ~~(2) — Preclude uses and development which are incompatible with critical areas;~~
- ~~(3) — Prevent further degradation of critical areas;~~

- (4) — ~~Conserve, protect and, where feasible, restore essential or important natural resources.~~
  - (5) — ~~Protect the public health, safety and general welfare;~~
  - (6) — ~~Further the goals and objectives of the Yakima County Comprehensive Plan and all of its elements;~~
  - (7) — ~~Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A), the Shoreline Management Act (RCW Chapter 90.58), and the National Flood Insurance Program.~~
- (Ord. 8-1995 §1 (1.04), 1995).

**16A.01.05 — Applicability.**

(1) — ~~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 by the board of county commissioners and upon any shoreline of the state as specified in Chapter 173-18 WAC, and upon any land mapped as a flood hazard area under the National Flood Insurance Program.~~

(2) — ~~The Yakima County Unified Development Code (YCC Title 19) shall remain in full force and effect as it applies to a designated critical area. Wherever the requirements of Title 16A are at variance with the requirements of Title 19 or any other lawfully adopted rules or regulations, the most restrictive standards shall govern.~~

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (1.05), 1995).

**16A.01.06 — Exemptions from Critical Area Development Authorization.**

The following development activities shall not require a critical area development authorization under Chapters 16A.03 and 16A.04; however, development is subject to the provisions of Chapters 16A.05.20 through 16A.05.72 if located within an area of special flood hazard.

(1) — ~~Development and construction for which the total cost or fair market value is two thousand five hundred dollars or less, provided such development and construction does not involve excavation, fill, or other work which is not consistent with the functional properties of stream corridors and other hydrologically related critical areas as set forth in Section 16A.04.02 of this title, and provided such development and construction does not materially interfere with the public use of the water or the shorelines of the state.~~

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

(3) — ~~Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment;~~

(4) — ~~Emergency construction necessary to protect property from damage by the elements, in accordance with Section 16A.01.10 of this chapter;~~

(5) — ~~Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser of a single family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars;~~

(6) — ~~The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with the normal public use of the surface of the water; site-investigative work such as surveys, soil logs, percolation tests and other related activities;~~

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

(8) — ~~Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 Amendatory Act of the Shoreline Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage and diking system;~~

(9) — ~~Construction or modification of navigational aids such as channel markers and anchor buoys;~~

(10) — ~~Maintenance of aboveground utility transmission lines and poles;~~

(11) — ~~Those activities under the regulation of the Forest Practices Act on which the county cannot condition a Forest Practices Application;~~

(12) — ~~Any streamside management project associated with a single family residence or agricultural activity, including residential landscaping, designed to achieve, through the use of natural vegetation and/or bioengineering alternatives, the functional properties outlined in Section 16A.04.02 and carried out in conformance with a conservation plan or design developed through a Yakima County Conservation District, or by a qualified professional certified to develop such plans or designs according to best management practices.~~

(Ord. 8-1995 §1 (1.06), 1995).

**16A.01.07 — Exemptions — RCW Chapter 90.58 — Procedural requirements.**

The following development activities are not subject to the procedural requirements of RCW 90.58.140 (Shoreline Substantial Development Permit) and Section 16A.03.09(5) of this title but are subject to all other provisions of this title.

(1) — ~~Construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this title;~~

(2) — ~~Construction of the normal protective bulkhead common to single family residences.~~

(Ord. 8-1995 §1 (1.07), 1995).

**16A.01.08 — Exemptions — Construed Narrowly.**

Exemptions shall be construed narrowly and any exempted development shall be consistent with the policies and provisions of the State Shoreline Management Act and this title.

(Ord. 8-1995 §1 (1.08), 1995).

**16A.01.09 — Formal Letter of Exemption.**

A formal letter of exemption shall be provided where an activity is exempt under the Shoreline Management Act but is subject to a U.S. Corps of Engineers Section 10 permit or a Section 404 permit. The letter of exemption shall be provided to the applicant, the Corps of Engineers, and the State Department of Ecology.

(Ord. 8-1995 §1 (1.09), 1995).

**16A.01.10 — Emergency Actions.**

(1) — An "emergency" is an unanticipated and imminent threat to the public health and safety, to private or public property, or to the environment which requires immediate action or response within a time period too brief to allow full compliance with this title. The following criteria must exist to qualify any action under an emergency provision:

(a) ~~There must be an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from a natural condition or technical incident.~~

(b) ~~The emergency response must be confined to the action necessary to protect life or property from damage.~~

(c) ~~The scope of the emergency response must be limited to the work necessary to relieve the immediate threat.~~

(d) ~~The emergency response applies only to the period of time in which the actual emergency exists.~~

(2) ~~As soon as the emergency is deemed abated by appropriate authorities, compliance with the requirements of this title is required.~~

(Ord. 8-1995 §1 (1.10), 1995).

**16A.01.11 — Administrative Authority.**

~~The planning division of the Yakima County public services department shall be responsible for the general administration of this title. The planning official or designee shall serve as administrative official of this title, except as noted in Chapters 16A.05.20 through 16A.05.72. The planning official shall establish procedures for implementation of this title.~~

(Ord. 1-2005 § IV, 2005; Ord. 8-1995 §1 (1.11), 1995).

**16A.01.12 — Severability.**

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

(Ord. 8-1995 §1 (1.12), 1995).

~~Chapter 16A.02~~

**DEFINITIONS**

Sections:

- ~~16A.02.001 — Definitions Generally.~~
- ~~16A.02.005 — Abutting.~~
- ~~16A.02.010 — Adjacent.~~
- ~~16A.02.012 — Administrative Official.~~
- ~~16A.02.015 — Agricultural Activity.~~
- ~~16A.02.020 — Agricultural Land.~~
- ~~16A.02.030 — Applicant.~~
- ~~16A.02.035 — Aquifer.~~
- ~~16A.02.040 — Aquifer Recharge Area.~~
- ~~16A.02.042 — Base Flood.~~
- ~~16A.02.045 — Base Flood Elevation.~~
- ~~16A.02.047 — Basement.~~
- ~~16A.02.050 — Beach.~~
- ~~16A.02.055 — Bed.~~
- ~~16A.02.060 — Bedrock.~~
- ~~16A.02.065 — Berm.~~
- ~~16A.02.067 — Best Management Practices.~~
- ~~16A.02.070 — Borrow.~~
- ~~16A.02.075 — Breakwater.~~
- ~~16A.02.080 — Bulkhead.~~
- ~~16A.02.085 — Channel.~~
- ~~16A.02.090 — Channel Bank.~~
- ~~16A.02.092 — Chief Building Official.~~
- ~~16A.02.095 — Classification.~~
- ~~16A.02.100 — Clearing.~~
- ~~16A.02.110 — Compaction.~~
- ~~16A.02.115 — Confinement Feeding Operation.~~
- ~~16A.02.120 — Construction.~~
- ~~16A.02.125 — Designated.~~
- ~~16A.02.130 — Department.~~
- ~~16A.02.135 — Development.~~
- ~~16A.02.140 — Dike.~~
- ~~16A.02.145 — Dock.~~
- ~~16A.02.150 — Dredging.~~
- ~~16A.02.160 — Earth Material.~~
- ~~16A.02.170 — Enhance.~~
- ~~16A.02.180 — Erosion.~~
- ~~16A.02.190 — Excavation.~~
- ~~16A.02.200 — Fill.~~
- ~~16A.02.205 — Flood.~~
- ~~16A.02.206 — Flood Hazard Permit.~~
- ~~16A.02.207 — Flood Insurance Rate Map (FIRM).~~
- ~~16A.02.208 — Flood Insurance Study.~~
- ~~16A.02.210 — Floodplain.~~
- ~~16A.02.215 — Flood-prone.~~
- ~~16A.02.216 — Floodproofing.~~
- ~~16A.02.220 — Floodway.~~
- ~~16A.02.225 — Floodway Fringe.~~
- ~~16A.02.230 — Forest Land.~~
- ~~16A.02.240 — Forest Management.~~

- 16A.02.245 — Hydrologically Related Critical Areas (HRCA).
- 16A.02.250 — Grade.
- 16A.02.255 — Grading.
- 16A.02.260 — Groundwater.
- 16A.02.270 — Intermittent Stream.
- 16A.02.280 — Long-term Commercial Significance.
- 16A.02.281 — Lowest Floor.
- 16A.02.282 — Manufactured Home.
- 16A.02.283 — Manufactured Home Park or Subdivision.
- 16A.02.284 — Manufactured Home Park or Subdivision, Existing.
- 16A.02.285 — Minerals.
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- 16A.02.295 — Native.
- 16A.02.300 — Natural Conditions.
- 16A.02.302 — New Construction.
- 16A.02.303 — Nonconforming Structure.
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- 16A.02.320 — Project Site.
- 16A.02.322 — Recreation Vehicle.
- 16A.02.325 — Restore.
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- 16A.02.357 — Shoreline Environments.
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- 16A.02.365 — Slope.
- 16A.02.366 — Solid Waste.
- 16A.02.367 — Special Flood Hazard Area.
- 16A.02.368 — Start of Construction.
- 16A.02.370 — Stream.
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- 16A.02.390 — Structure.
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- 16A.02.400 — Use.
- 16A.02.410 — Vegetated Shallows.
- 16A.02.415 — Vegetative Buffer.
- 16A.02.425 — Wetland.
- 16A.02.435 — Wildlife Habitat.
- 16A.02.440 — Works.

**16A.02.001 Definitions Generally.**

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

(Ord. 1-2005 § V, 2005; Ord. 8-1995 §1 (2.001), 1995).

**16A.02.005 Abutting.**

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

(Ord. 8-1995 §1 (2.005), 1995).

**16A.02.010 Adjacent.**

“Adjacent” means to be nearby and not necessarily abutting.

(Ord. 8-1995 §1 (2.010), 1995).

**16A.02.012 Administrative Official.**

“Administrative official” means the duly appointed planning director or his designee. Synonymous with “administrator” or “director.”

(Ord. 8-1995 §1 (2.012), 1995).

**16A.02.015 Agricultural Activity.**

“Agricultural activity” means the tilling of soil, raising of crops, horticulture, viticulture, floriculture, keeping or raising of livestock, and farm-oriented storage for commercial value.

(Ord. 8-1995 §1 (2.015), 1995).

**16A.02.020 Agricultural Land.**

“Agricultural land” means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock.

(Ord. 8-1995 §1 (2.020), 1995).

**16A.02.030 Applicant.**

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

(Ord. 8-1995 §1 (2.030), 1995).

**16A.02.035 Aquifer.**

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

(Ord. 8-1995 §1 (2.035), 1995).

**16A.02.040 Aquifer Recharge Area.**

“Aquifer recharge area” means an area in which the principal movement of water is the downward seepage of surface waters into groundwater by:

- (1) The infiltration of water from the surface into the soil or other rock materials that lie directly below the surface;
- (2) The downward movement of water through the materials that comprise the zone of aeration; and
- (3) The delivery of water into the zone of saturation where it becomes groundwater.

(Ord. 8-1995 §1 (2.040), 1995).

**16A.02.042 Base Flood.**

“Base flood” means the flood having a 1 percent chance of being equaled or exceeded in any given year. (Ref. IBC-1612.2).

(Ord. 1-2005 § VI, 2005).

**16A.02.045 – Base Flood Elevation.**

“Base flood elevation” means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Ref. IBC 1612.2).

(Ord. 1 2005 § VII, 2005; Ord. 8 1995 §1 (2.045), 1995).

**16A.02.047 – Basement.**

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2).

(Ord. 1 2005 § VIII, 2005).

**16A.02.050 – Beach.**

“Beach” means a sloping zone of sedimentary material extending landward from the low water line to a point where there is a distinct break in material or form (e.g., a foredune, cliff, or bank) or to a line of permanent vegetation.

(Ord. 8 1995 §1 (2.050), 1995).

**16A.02.055 – Bed.**

“Bed” means the material extending toward the water from the ordinary high water mark and which supports streams, lakes, and vegetated shallows.

(Ord. 8 1995 §1 (2.055), 1995).

**16A.02.060 – Bedrock.**

“Bedrock” means in-place solid rock.

(Ord. 8 1995 §1 (2.060), 1995).

**16A.02.065 – Berm.**

“Berm” means a mound of earth material used as a protective barrier or to control the direction of water flow.

(Ord. 8 1995 §1 (2.065), 1995).

**16A.02.067 – Best Management Practices.**

“Best management practices” means conservation practices or systems of practices and management measures that:

(1) — Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment;

(2) — Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of hydrologically related critical areas.

(Ord. 8 1995 §1 (2.067), 1995).

**16A.02.070 – Borrow.**

“Borrow” means earth material acquired from an off-site location for use in grading on a site.

(Ord. 8 1995 §1 (2.070), 1995).

**16A.02.075 – Breakwater.**

“Breakwater” means a fixed or floating off-shore structure that protects a shoreline from wave action or currents.

(Ord. 8 1995 §1 (2.075), 1995).



**16A.02.080 Bulkhead.**

~~“Bulkhead” means a structure or partition placed on a bank or bluff to retain or prevent sliding of the land and protect the inland area from wave action or currents.~~

~~(Ord. 8-1995 §1 (2.080), 1995).~~

**16A.02.085 Channel.**

~~“Channel” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.~~

~~(Ord. 8-1995 §1 (2.085), 1995).~~

**16A.02.090 Channel Bank.**

~~“Channel bank” means the sloping land bordering a channel. The bank has a steeper slope than the bottom of the channel and is normally steeper than upland areas adjacent to the channel.~~

~~(Ord. 8-1995 §1 (2.090), 1995).~~

**16A.02.092 Chief Building Official.**

~~“Chief building official” or “building official” means the manager of the building and fire safety division of the department of public services or designee~~

~~(Ord. 1-2005 § XI, 2005; Ord. 8-1995 §1 (2.092), 1995).~~

**16A.02.095 Classification.**

~~“Classification” means the definition of value and hazard categories to which critical areas and natural resource lands will be assigned.~~

~~(Ord. 8-1995 §1 (2.095), 1995).~~

**16A.02.100 Clearing.**

~~“Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site which exposes the earth’s surface of the site.~~

~~(Ord. 8-1995 §1 (2.100), 1995).~~

**16A.02.110 Compaction.**

~~“Compaction” means compressing soil through some mechanical means to make it denser.~~

~~(Ord. 8-1995 §1 (2.110), 1995).~~

**16A.02.115 Confinement Feeding Operation.**

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

~~(Ord. 8-1995 §1 (2.115), 1995).~~

**16A.02.120 Construction.**

~~“Construction” means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a project site.~~

~~(Ord. 8-1995 §1 (2.120), 1995).~~

**16A.02.125 Designated.**

~~“Designated” means formal legislative action to identify and describe a critical area.~~

(Ord. 8-1995 §1 (2.125), 1995).

**16A.02.130 Department.**

"Department" means the Yakima County department of public services.

(Ord. 1-2005 § IX, 2005; Ord. 8-1995 §1 (2.130), 1995).

**16A.02.135 Development.**

"Development" means any use as defined under RCW 90.58.030(3)(d), or the division of land into lots or parcels in accordance with the county Subdivision Ordinance, and any excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a site up to, but not including, construction as defined in this chapter. For the purpose of Chapters 16A.05.20 through 16A.05.72, "development" also means any manmade change to improved or unimproved real estate located within the special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling and works defined in this chapter.

(Ord. 8-1995 §1 (2.135), 1995).

**16A.02.140 Dike.**

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

(Ord. 8-1995 §1 (2.140), 1995).

**16A.02.145 Dock.**

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

(Ord. 8-1995 §1 (2.145), 1995).

**16A.02.150 Dredging.**

"Dredging" means removal of earth from the bed of a stream, lake, or vegetated shallows for the purpose of increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill materials.

(Ord. 8-1995 §1 (2.150), 1995).

**16A.02.160 Earth material.**

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

(Ord. 8-1995 §1 (2.160), 1995).

**16A.02.170 Enhance.**

"Enhance" means to strengthen any of the basic stream corridor functional properties listed in Section 16A.04.02 that exist but do not perform at optimum efficiency. "Optimum" refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.

(Ord. 8-1995 §1 (2.170), 1995).

**16A.02.180 Erosion.**

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

(Ord. 8-1995 §1 (2.180), 1995).

**16A.02.190 Excavation.**

"Excavation" means the mechanical removal of earth material.

(Ord. 8-1995 §1 (2.190), 1995).

**16A.02.200 – Fill.**

“Fill” means any material, such as (by way of illustration) earth, clay, sand, concrete, rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

(Ord. 8-1995 §1 (2.200), 1995).

**16A.02.205 – Flood.**

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

(Ord. 8-1995 §1 (2.205), 1995).

**16A.02.206 – Flood Hazard Permit.**

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

(Ord. 8-1995 §1 (2.206), 1995).

**16A.02.207 – Flood Insurance Rate Map.**

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

(Ord. 8-1995 §1 (2.207), 1995).

**16A.02.208 – Flood Insurance Study.**

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

(Ord. 8-1995 §1 (2.208), 1995).

**16A.02.210 – Floodplain.**

“Floodplain” means a land area adjoining a river, stream, watercourse or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered.

(Ord. 8-1995 §1 (2.210), 1995).

**16A.02.215 – Flood prone.**

“Flood prone” means a land area adjoining a river, stream, watercourse or lake for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by soils, geological evidence, or other data.

(Ord. 8-1995 §1 (2.215), 1995).

**16A.02.216 – Floodproofing.**

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.

(Ord. 8-1995 §1 (2.216), 1995).

**16A.02.220 – Floodway.**

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

(Ord. 8-1995 §1 (2.220), 1995).

**16A.02.225 Floodway Fringe.**

"Floodway fringe" means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.

(Ord. 8-1995 §1 (2.225), 1995).

**16A.02.230 Forest Land.**

"Forest land" means land primarily devoted to forest management activities.

(Ord. 8-1995 §1 (2.230), 1995).

**16A.02.240 Forest Management.**

"Forest management" means activities conducted on or directly pertaining to forest land relating to the growing, managing, harvesting, and interim storage of merchantable timber for commercial value.

(Ord. 8-1995 §1 (2.240), 1995).

**16A.02.245 Hydrologically Related Critical Areas (HRCA).**

"Hydrologically related critical areas" or "HRCA" include all those areas within Yakima County which are important and deserving of protection by nature of their value for the functional properties found in Section 16A.04.02. HRCAs within Yakima County include all shorelines of the state as found in RCW Chapter 90.58, all wetlands as defined by this title, all areas within the one hundred year floodplain and all other stream corridor segments as designated by the Stream Typing System found in Chapter 16A.04.

(Ord. 8-1995 §1 (2.245), 1995).

**16A.02.250 Grade.**

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

(Ord. 8-1995 §1 (2.250), 1995).

**16A.02.255 Grading.**

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

(Ord. 8-1995 §1 (2.255), 1995).

**16A.02.260 Groundwater.**

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

(Ord. 8-1995 §1 (2.260), 1995).

**16A.02.270 Intermittent stream.**

"Intermittent stream" means channels which naturally carry water part of the year and are dry the other part. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.

(Ord. 8-1995 §1 (2.270), 1995).

**16A.02.280 Long-term Commercial Significance.**

"Long-term commercial significance" means the growing capacity, productivity, and soil composition of land which makes it suitable for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land.

(Ord. 8-1995 §1 (2.280), 1995).

**16A.02.281 – Lowest Floor.**

~~“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.~~

~~(Ord. 8-1995 §1 (2.281), 1995).~~

**16A.02.282 – Manufactured Home.**

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

~~(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (2.282), 1995).~~

**16A.02.283 – Manufactured Home Park or Subdivision.**

~~“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale in accordance with Title 19 of this Code.~~

~~(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (2.283), 1995).~~

**16A.02.284 – Manufactured Home Park or Subdivision, Existing.**

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

~~(Ord. 8-1995 §1 (2.284), 1995).~~

**16A.02.285 – Minerals.**

~~“Minerals” means gravel, sand and metallic and nonmetallic substances of commercial value.~~

~~(Ord. 8-1995 §1 (2.285), 1995).~~

**16A.02.290 – Mining.**

~~“Mining” means the removal of naturally occurring minerals and materials from the earth for commercial value.~~

~~(Ord. 8-1995 §1 (2.290), 1995).~~

**16A.02.292 – Mitigation.**

~~“Mitigation” means:~~

- ~~(1) — Avoiding the impact altogether by not taking a certain action or parts of an action;~~
- ~~(2) — Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;~~
- ~~(3) — Rectifying the impact by repairing, rehabilitating or restoring the affected environment;~~

