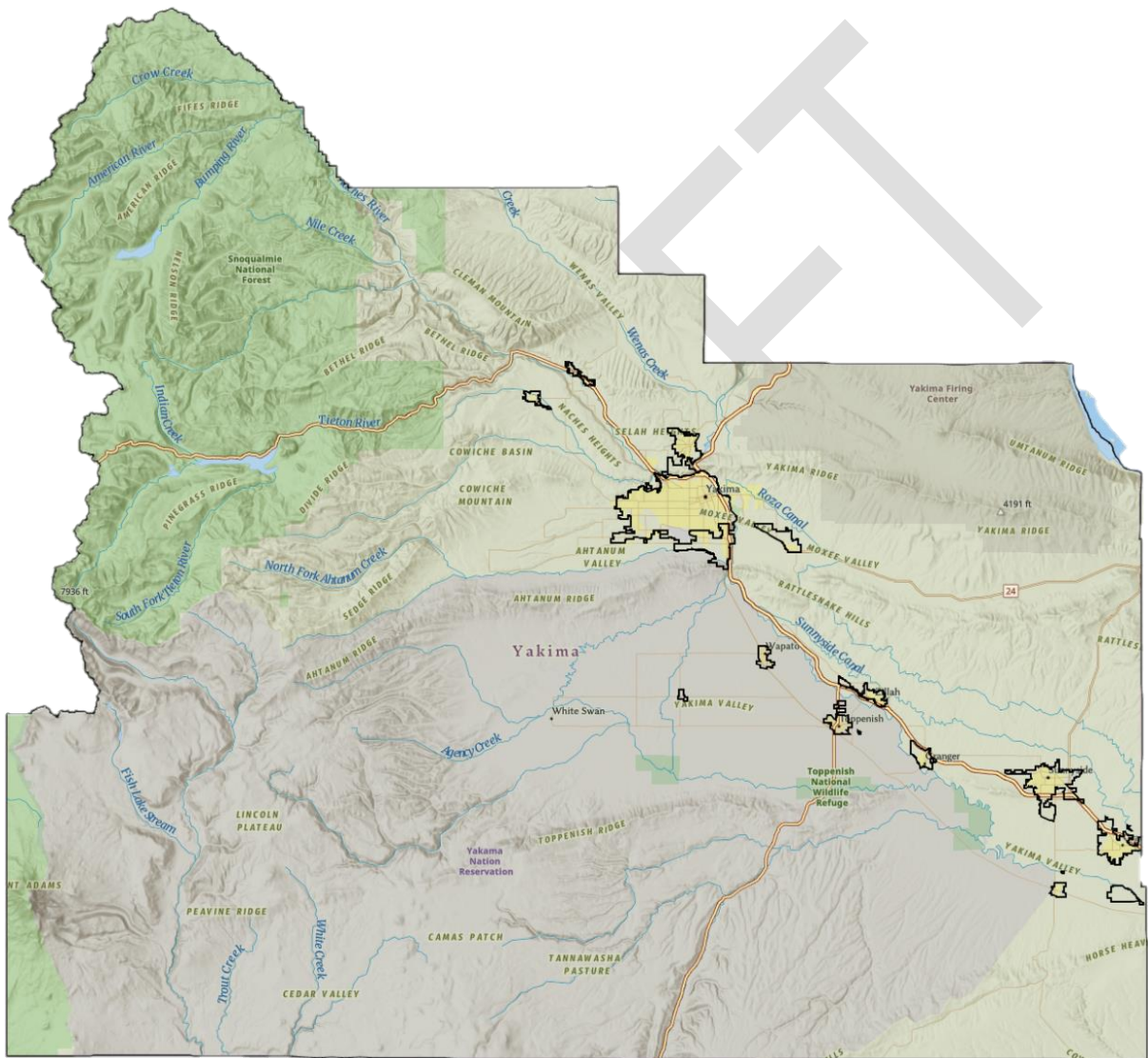


YAKIMA COUNTY

Shoreline Master Program



Effective Date: Month Day, Year



SHORELINE MANAGEMENT ACT

The Shoreline Management Act (SMA) was passed by the Washington Legislature in 1971 and approved by voters in 1972. The three basic SMA policy areas are shoreline use, environmental protection, and public access. The overarching goal of the Act is “to prevent inherent harm in an uncoordinated and piecemeal development of the state’s shorelines” (Washington State Department of Ecology).

In Yakima County, the SMA applies to the following Shorelines of the State and Shorelines of Statewide Significance.

Shorelines of the State includes streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes larger than 20 acres or larger, upland areas called shorelands that extend 200 feet landward from the edge of these waters, biological wetlands and river deltas connected to these water bodies, and some or all of the 100-year floodplain, including all wetlands.

Shorelines of Statewide Significance (east of the Cascade Mountains) are large rivers that have a mean annual flow of 200 cubic feet per second or more; and river segments located downstream from the first 300 square miles of the drainage area. Shorelines under this category also includes lakes that are 1,000 acres in size or more, and all associated shorelands. Finally, wetlands associated with all of the above.

The SMA “establishes a cooperative program of shoreline management between local government and the state” (RCW 90.58.050). The Washington State Department of Ecology provides guidance, technical assistance in developing Shoreline Master Programs (SMPs), reviews and approves local master programs and certain local permit decisions.

SMPs are periodically reviewed and updated per RCW 90.58.080 to reflect changes in state laws, new legal descriptions, new scientific knowledge, and improvements to shoreline planning outcomes.

Yakima County’s SMP has been prepared to meet the requirements of the Shoreline Management Act (RCW 90.58), the implementing State rules codified as Chapter 173-26 “State Master Program Approval/Amendment Procedures and Master Program Guidelines” and Chapter 173-27 “Shoreline Management Permit and Enforcement Procedures” of the Washington Administrative Code (WAC), and other applicable local, state, and federal laws.

TABLE OF CONTENTS

SHORELINE MANAGEMENT ACT	2
GOALS AND POLICIES	7
Shorelines	7
Shoreline Environments	8
General Shoreline Policies	12
Shoreline Use Policies	16
Shoreline Modification Policies	21
CHAPTER 16D.01 GENERAL PROVISION	34
16D.01.01 Authority.	34
16D.01.02 Language Interpretation.	35
16D.01.03 Applicability	35
16D.01.04 Science and Protection of Anadromous Fish.	37
16D.01.05 Administrative Authority	38
16D.01.06 Severability.	39
16D.01.07 Liberal Construction	39
16D.01.08 Effective Date.	39
CHAPTER 16D.02 DEFINITIONS	40
CHAPTER 16D.03[SMP Scrub] SHORELINES	74
16D.03.01[SMP Scrub] Purpose and Intent	74
16D.03.02[SMP Scrub] Restriction as Affecting Fair Market Value of Property.	75
16D.03.03[SMP Scrub] Shoreline Jurisdiction.	75
16D.03.04[SMP Scrub] Shoreline Environments.	76
16D.03.05[SMP Scrub] Shoreline Land Use Table	82
CHAPTER 16D.04 GENERAL REGULATIONS [SMP Scrub - Whole Section]	94
16D.04.01 Archaeological and Historic Resource Regulations	94
16D.04.02 Ecological Protection and Critical Area Regulations.	95
16D.04.03 Public Access Regulations.	99
16D.04.04 Shoreline Vegetation Conservation	100
16D.04.05 Water Quality, Stormwater and Nonpoint Pollution Regulations.	102
CHAPTER 16D.05 SHORELINE USES AND MODIFICATIONS [SMP Scrub]	104

TABLE OF CONTENTS

16D.05.01[SMP Scrub] Water Dependency Development Standards and Buffer Requirements.	105
16D.05.02 [SMP Scrub] Agriculture.....	107
16D.05.03 [SMP Scrub] Aquaculture.....	108
16D.05.04[SMP Scrub] Commercial and Community Services.....	109
16D.05.05[SMP Scrub] Dredging and Excavation.....	110
16D.05.06[SMP Scrub] Filling.....	111
16D.05.07[SMP Scrub] Forest Practices.....	113
16D.05.08[SMP Scrub] Mining[SMP Scrub].....	114
16D.05.09[SMP Scrub] Industrial Activities.....	115
16D.05.10[SMP Scrub] Piers and Docks.....	116
16D.05.11[SMP Scrub] Recreation.....	117
16D.05.12[SMP Scrub] Residential.....	118
16D.05.13[SMP Scrub] Transportation[SMP Scrub] and Parking.....	118
16D.05.14[SMP Scrub] Shore Stabilization.....	120
16D.05.15[SMP Scrub] Utility Transmission Lines and Facilities.....	123
CHAPTER 16D.06[SMP Scrub] NONCONFORMING USES, STRUCTURES AND LOTS [SMP2021]	127
16D.06.01 [SMP Scrub] Nonconforming Uses.....	127
16D.06.02 [SMP Scrub] Nonconforming Structures.....	129
16D.06.03 Nonconforming Lots.....	131
16D.06.04 Decision Criteria.....	131
CHAPTER 16D.07 SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION [SMP Scrub]	132
[SMP Scrub]	133
16D.07.01 Roles and Responsibilities. [SMP Scrub]	133
16D.07.02 Interpretation. [SMP Scrub]	135
[SMP Scrub] ABBREVIATED REVIEW ALTERNATIVES	136
16D.07.03 Developments Not Required to Obtain Shoreline Permits or Local Reviews.	136
16D.07.04[SMP Scrub] Minor Activities Allowed without a Permit or Exemption.	136
16D.07.05 [SMP Scrub] Exemption – Procedural Requirements.....	138

TABLE OF CONTENTS

16D.07.06[SMP Scrub] Exemptions from Shoreline Substantial Development Permits[SMP Scrub].	139
16D.07.07 Statutory Noticing Requirements.[SMP Scrub]	150
[SMP Scrub] INQUIRY AND EARLY ASSISTANCE.....	151
16D.07.08[SMP Scrub] Pre-application Site Visit Request.	151
16D.07.09[SMP Scrub] Critical Areas Review Requirements.....	152
16D.07.10[SMP Scrub] Authorization Decisions – Basis for Action.	154
16D.07.11[SMP Scrub] Conditional Approval of Development Authorization.	155
[SMP Scrub] PERMIT PROCESS.....	155
16D.07.12 Application Requirements.[SMP Scrub]	155
[SMP Scrub]	159
16D.07.13 Shoreline[SMP Scrub] Substantial Development Permit.....	159
16D.07.14 Shoreline Conditional Uses.....	160
16D.07.15[SMP Scrub] Shoreline Variance Permits.....	162
16D.07.16 Duration of Permits.[SMP Scrub]	164
16D.07.17 Initiation of Development.[SMP Scrub]	166
16D.07.18 Review Process.[SMP Scrub]	166
16D.07.19 Appeals. [SMP Scrub]	167
16D.07.20[SMP Scrub] Amendments to Permits.....	169
16D.07.21[SMP Scrub] Enforcement Responsibilities Generally.	171
16D.07.22[SMP Scrub] Penalties.	172
16D.07.23 SMP Amendments.	174
CHAPTER 16D.08 CRITICAL AREAS IN SHORELINE JURISDICTION[SMP Scrub]....	176
16D.08.01 General Provisions.....	178
16D.08.02 [SMP Scrub]Fish and Wildlife Habitat and the Stream Corridor System.	202
16D.08.03[SMP Scrub] Wetlands.	217
16D.08.04[SMP Scrub] Geologically Hazardous Areas.	240
16D.08.05[SMP Scrub] Critical Aquifer Recharge Areas (CARA).	247
16D.08.06 [SMP Scrub] Upland Wildlife Habitat Conservation Areas.	251
APPENDIX A: YAKIMA COUNTY SHORELINE LAKES AND PONDS AND THEIR ENVIRONMENTAL DESIGNATIONS.	258

TABLE OF CONTENTS

APPENDIX B: YAKIMA COUNTY SHORELINE STREAMS AND THEIR ENVIRONMENTAL
DESIGNATIONS..... 261

APPENDIX C: YAKIMA COUNTY SHORELINE MAPS. 293

DRAFT

GOALS AND POLICIES

[Per WAC 173-26-186\(3\), all relevant policy goals must be addressed in the planning policies of master programs.](#)

CHAPTER GOALS AND POLICIES CONTENTS:

Shorelines.....	7
Shoreline Environments	8
General Shoreline Policies	12
Shoreline Use Policies.....	16
Shoreline Modification Policies.....	21

Shorelines

PURPOSE STATEMENT NS 7

The goals and policies of the Shoreline Master Program are directed towards land and water uses and their impact on the environment. As the population continues to increase, the pressures upon our shorelines will also increase. The goal of the Shoreline Master Program is to protect the shorelines of the state.

GOAL NS 7.1: Implement the general policy goals of the Shoreline Management Act as listed below (WAC 173-26-176(3)):

- Utilize Shorelines for economically productive uses that are particularly dependent on Shoreline location or use.
- Utilize Shorelines and the waters they encompass for public access and recreation.
- Protect and restore the ecological functions of shoreline natural resources.
- Protect the public right of navigation and corollary uses of waters of the state.
- Protect and restore buildings and sites having historic, cultural, and educational value.
- Plan for public facilities and uses correlated with other shoreline uses.
- Prevent and minimize flood damages.

- h. Recognize and protect private property rights.
- i. Preferentially accommodate single-family uses.
- j. Coordinate shoreline management with other relevant local, state, and federal programs.

GOAL NS 7.2: Protection measures for local Shorelines should use the following Shoreline Management Act principles in order of preference as listed below (RCW 90.58.020):

1. Recognize and protect the state-wide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resource and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

GOAL NS 7.3: Maintain, restore and where necessary improve the shoreline terrestrial and aquatic ecosystems so that they maintain viable, reproducing populations of plants and animals while providing the maximum public benefit of limited amounts of shoreline areas. Accomplish this through the policies in the required shoreline elements listed below.

Shoreline Environments

GOAL NS 7.4: Shorelines areas should be classified into specific environmental designations. The designation system should be based on the existing and future land use pattern as well as the biological and physical character of the shoreline. These environments should include the Urban, Rural, Conservancy, Natural Floodway / Channel Migration Zone (CMZ), and Urban Conservancy environments. Land uses and activities should be limited to those that are consistent with the character of the environment designation.

Urban Environment Policies

NS 7.5: The Urban Environment is to be used for the most intensely developed areas or areas where intensive development is desirable or tolerable. The basic principle in an Urban Environment is oriented toward quality of development in harmony with the shoreline. The Urban Environment should ~~insure~~ensure optimum utilization of shorelines occurring within urbanized areas by providing for public

access and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.

NS 7.6: The following criteria should be used for the designation of Urban Environments:

1. Areas presently supporting high intensity land use including residential, commercial, industrial and recreational uses.
2. Areas which are planned to accommodate urban expansion of residential, commercial, industrial and recreational uses.
3. High land values.
4. Major public or private capital investments.
5. Close proximity to services and utilities.
6. Few biophysical limitations to development.
7. Potentially low flood hazard.

NS 7.7: Water-oriented commercial, industrial, and recreation uses should be given high priority in the Urban Environment and may be accompanied by non-water oriented uses in mixed-use developments. Residential uses should be discouraged. Recreational uses are preferred uses within the urban environments.

Rural Environment Policies

NS 7.8: The Rural Environment should restrict intensive development along undeveloped shoreline areas that might interfere with the normal operations or economic viability of an agricultural activity located on adjacent associated shoreline areas. The Rural Environment maintains open spaces and provides opportunities for recreational uses compatible with agricultural activities.

NS 7.9: The following criteria should be used for the designation of Rural Environments:

1. Intensive agricultural or recreational uses.
2. Those areas with potential for agricultural use.
3. Those undeveloped natural areas that lie between agricultural areas.
4. Low-density residential development.
5. Moderate land values.
6. Potential low demand for services.

NS 7.10: Generally, allowed uses in the Rural Environment should focus on resource and recreation uses. Commercial and industrial uses should be carefully limited. Residential uses should sustain shoreline functions.

Conservancy Environment Policies

NS 7.11: The Conservancy Environment classification ~~is~~ should be used for areas where maintenance of the existing character of the area is desirable. This does not necessarily mean preservation, but rather a use of natural resources on a sustained yield basis. Thus, the harvesting of timber as well as recreational activities are to be the primary uses permitted. Areas that are isolated from services, have poor drainage, high flood danger, poor ground for septic tanks, unstable earth, or steep slopes should also be designated Conservancy.

NS 7.12: The following criteria should be used for the designation of Conservancy Environments:

1. Very low intensity land uses; primarily sustained-yield activities or pasture-range land.
2. Larger acreages.
3. Relatively low land values.
4. Relatively minor public or private capital investment.
5. Considerable biophysical limitations, making commercial, industrial, or medium to high-density residential development unsuitable.

NS 7.13: Generally, commercial and industrial uses should not be allowed in the Conservancy Environment, except when they are water oriented. Resource uses should be of low enough intensity to sustain shoreline functions with preference for non-permanent structures. Low-density residential development should sustain the character of the shoreline. Diffuse recreational uses are preferred use. Uses should avoid hazardous areas.

Natural Environment Policies

NS 7.14: The Natural Environment should protect those shoreline areas which are considered unique by virtue of their existence and valuable only to the extent that the natural integrity is preserved for the benefit of future, as well as, present generations. Prime targets for classification into the Natural Environment will be certain shorelands owned or controlled by the various Federal and Tribal wildlife management agencies with limited access and certain private lands which are seen to be proper for Natural classification.

NS 7.15: The following criteria should be used for the designation of Natural Environments:

1. The presence of a natural, historical, cultural, scientific, or educational feature considered valuable by virtue of its existence in a natural or

original state and thereby warranting preservation for the benefit of present and future generations.

2. Those areas generally intolerant of intensive human use.
3. Areas with severe biophysical limitations.
4. Natural areas with strong limits on access.

NS 7.16: Generally, commercial, industrial, mining, non-~~water-oriented~~water-oriented recreation, roads, utilities, and parking areas should not be located in Natural Environment. Other uses, including residential, should be carefully limited in the Natural environment. Restrict activities that may degrade the actual or potential value of this environment, and severely restrict development in hazardous areas.

Floodway/Channel Migration Zone (CMZ) Environment Policies

NS 7.17: The Floodway/Channel Migration Zone environment should protect the water areas, associated vegetation; islands, associated overflow channels, and channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the county's shorelines that are constrained by severe biophysical limitations.

NS 7.18: A Floodway/Channel Migration Zone designation should be assigned to shoreline areas that are within mapped Channel Migration Zones and/or within a designated FEMA Floodway. The extent of the Floodway/Channel Migration Zone should never extend beyond the 100-year flood plain.

NS 7.19: Generally, commercial, industrial, mining, non-water oriented recreation, roads, utilities, parking areas, and residences should not be located in the Floodway/Channel Migration Zone Environment. Other uses (recreation, resource uses, etc.) should be carefully limited to protect shoreline functions. Restrict activities that may degrade the actual or potential value of this environment, and severely restrict development in hazardous areas. Modifications that harden or fix stream banks and channels should be discouraged.

Urban Conservancy Environment Policies

NS 7.20: The Urban Conservancy environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

NS 7.21: The following criteria should be used for the designation of Urban Conservancy Environments;

1. areas that lie in incorporated municipalities and urban growth areas;
2. areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area;
3. areas that are suitable for water-enjoyment uses;
4. areas that are open space or floodplain, or that retain important ecological functions that should not be more intensively developed;

NS 7.22: Generally, allowed uses should focus on recreational uses. Commercial, industrial and residential uses should be carefully limited, and when allowed should result in restoration of ecological functions. Uses that preserve the natural character of the area or promote the preservation of open space, floodplain or sensitive lands (either directly or over the long term) should be the primary allowed uses. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

General Shoreline Policies

Critical Areas, Restoration, and Vegetation Conservation Policies

NS 7.23: New development or new uses, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

NS 7.24: Only allow new structural flood hazard reduction measures in shoreline jurisdiction when it can be demonstrated that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken.

NS 7.25: Protect all shorelines of the state so that there is no net loss of ecological functions from both individual permitted development and individual exempt development. Encourage protections that incorporate substantive fish habitat elements or follow Stream Bank Protection Guidelines.

NS 7.26: In development of the Shoreline Master Program, evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions to ensure no net loss of

ecological function. Develop a means to allocate the burden of addressing cumulative effects.

NS 7.27: Provide, where feasible and desirable, restoration of degraded areas along the shorelines of Yakima County.

NS 7.28: Critical areas within shoreline jurisdiction should be protected with the critical area policies and standards protecting all of the County's critical areas, including those for CMZ's and Flood Control.

NS 7.29: Protect shoreline streams, lakes, ponds, and wetlands with a vegetative buffer as described in the Shoreline Master Program.

NS 7.30: For existing agriculture encourage through a variety of voluntary means the maintenance of a permanent vegetative buffer between tilled areas and associated water bodies to reduce bank erosion, retard surface runoff, reduce siltation, improve water quality and provide habitat for fish and wildlife. For new agriculture, buffer requirements should be applied.

NS 7.31: Natural vegetation within shoreline jurisdiction should be retained to the greatest extent feasible. This should be accomplished by applying the stream corridor and wetland buffer requirements. Activities covered by the State Forest Practices Act should not be subject to vegetation conservation standards, but should be subject to buffer requirements when under County jurisdiction. Require developers to indicate how they plan to preserve shore vegetation and control erosion in a long term management plan.

NS 7.32: Selective pruning of trees for safety and view protection, and the removal of noxious weeds should be allowed.

NS 7.33: Upon completion of construction/maintenance projects on shorelines, disturbed areas should at a minimum be restored to pre-project configuration wherever possible, replanted with native species and provided maintenance care until the newly planted vegetation is established.

Public Access – Physical and Visual Policies

NS 7.34: Protect navigation of waters of the state, the space needed for water-dependent uses, and views of the water through development standards.

NS 7.35: Transportation and parking plans within Shoreline jurisdiction shall include systems for public access, including pedestrian, bicycle, and public transportation where appropriate.

NS 7.36: To provide public access planning in conformance with WAC 173-26-221(4), Yakima County uses the following approach to provide public access to Shoreline areas:

1. Yakima County has a very high proportion of federal, state and other publicly owned or conservancy owned lands in Shoreline areas. These publicly owned Shoreline areas constitute a large portion of the county's total shoreline area. Yakima County emphasizes the use of those public lands to provide public access.
2. Many of the above lands have improved sites and locations to promote physical access to shorelines. Yakima County relies on these agencies to develop new public access facilities as they deem appropriate.
3. Many of the above lands are open to unimproved public access, as well.
4. Many Shoreline areas are also along transportation corridors which provide visual access to much of the County's shoreline areas.
5. Due to the nature of Yakima County's shorelines, commercial water-oriented uses, existing and new, tend to be highly related to water enjoyment uses and recreation.
6. Due to the nature of Yakima County's shorelines, recreational uses, existing and new, tend to be highly oriented toward the water, thereby providing access to shoreline areas.
7. Yakima County relies on the development of commercial water oriented uses and recreational uses to provide additional public access opportunities.
8. Development standards for dedicated and improved public access to the shoreline and visual quality should be required for public developments, with few exceptions. All projects should provide public access, except where it is demonstrated to be infeasible due to reasons of safety, security, impact to the shoreline environment, or constitutional or legal limitations.

NS 7.37: Promote and enhance diversified types of public access to shorelines in Yakima County which may accommodate intensified use without significantly impacting fragile natural areas intolerant of human use and without infringing on rights of private ownership.

NS 7.38: Access to recreational areas should emphasize both areal and linear access (parking areas and trails or bicycle paths, for example) to prevent concentrations of use at a few points. Linkage of shoreline parks and public access points by means of linear access should be encouraged.

NS 7.39: Development standards should be established to assure preservation of unique, fragile, and scenic elements and to protect existing views from public

property or large numbers of residences. Where aesthetic impacts are not avoidable, provide mitigation.

NS 7.40: Where there exists a conflict between public access or a water-dependent use, and the maintenance of an existing view from adjacent properties, the physical public access or water dependent use should have priority unless there is a compelling reason to the contrary.

NS 7.41: Proper design, location, and construction of road and railroad facilities should be exercised to provide to the degree practical, scenic corridors, rest areas, view points, and other public oriented facilities in public shoreline areas.

NS 7.42: Wherever feasible, utility facilities should be placed underground.

Signs and Billboards

NS 7.43: Outdoor sign size, spacing and lighting should conform to the Scenic Vistas Act (RCW 47.42) and standards in the Zoning Ordinance.

Archaeological and Historic Resources Policies

NS 7.44: Encourage the protection and restoration of areas and sites in Yakima County having historic, archaeological, cultural, educational or scientific value. Wherever possible, sites should be permanently preserved for scientific study and public observation.

NS 7.45: Development along shorelines should include consultation with professional archaeologists, historians, and biologists to identify areas containing potentially valuable data, and to establish procedures for salvaging the data or maintaining the area in an undisturbed condition.

NS 7.46: Shoreline permits should contain special provisions which require developers to immediately stop work and notify local governments, the Office of Archeological and Historic Preservation, and affected tribes, if any possible archaeological or historic resources are uncovered during excavations.

NS 7.47: Development which could destroy archaeological or historical sites or data may be delayed to allow the appropriate agency or organization to purchase the site or to recover the data.

Water Quality, Stormwater, and Pollution Policies

NS 7.48: Shoreline water quality should be protected as follows:

1. Rely on a County stormwater program meeting state and federal stormwater control requirements where possible;
2. Use Critical Aquifer Recharge Area protection measures in the Critical Areas Ordinance;
3. Control drainage and surface runoff from all non-agricultural facilities requiring large quantities of fertilizers and pesticides (such as golf courses and play fields) to prevent contamination of water areas;
4. All developments shall comply with County Health regulations, when applicable;
5. Handle and dispose of pesticides in accordance with provisions of the Washington Pesticide Application Act (RCW 17.21);
6. Proper design, location, and construction of all facilities should be exercised to prevent the entry of pollutants or waste materials into the water body.
7. When earthen materials are moved within shoreline areas, measures to adequately protect water quality should be provided.
8. Water quality protection measures should be balanced with recreation opportunities.

NS 7.49: Agricultural erosion control measures should conform to rules and standards established by the Conservation Districts of Yakima County.

NS 7.50: In planning for marina location and design, special water quality considerations should be given to:

1. Fuel handling and storage facilities to minimize accidental spillage;
2. Proper water depth and flushing action for any area considered for overnight or long-term moorage facilities;
3. Adequate facilities to properly handle wastes from holding tanks.

NS 7.51: Prohibit sanitary landfills along shoreline areas. Otherwise the disposal of all solid wastes should proceed in accordance with the Yakima County Solid Waste Management Plan.

Shoreline Use Policies

General Use Policies

NS 7.52: Establish a system of shoreline uses that:

1. Gives preference to uses with minimal impacts and that are dependent on the proximity to the water;
2. Protects the public's health, safety, and welfare; ecological functions; and property rights;

3. Establishes conditional uses to provide extra protection for the shoreline.

NS 7.53: Assure that new shoreline development in Yakima County is consistent with a viable pattern of use suitable to the character and physical limitations of the land and water.

NS 7.54: Encourage sound management of renewable and nonrenewable natural resources.

Recreation Policies

NS7.55: Assure the preservation and expansion of diverse, convenient recreational opportunities along the public shorelines of Yakima County for public use, consistent with the capacity of the land to accommodate such activity. Accomplish this by ensuring that shoreline recreational development is given priority and is primarily related to access, enjoyment and use of the water and Shorelines of the State.

NS 7.56: Where the uses designated for a specific recreational area are planned to satisfy a diversity of demands, these uses must be compatible with each other and the environment of the area.

NS 7.57: Where feasible and desirable, encourage the use of public lands for recreational facilities as a more economical alternative to new acquisitions by local agencies.

NS 7.58: Locate, design, construct and operate recreational facilities to prevent undue adverse impacts on natural resources of an area and on adjacent or nearby private properties.

Transportation and Parking Policies

NS 7.59: Encourage a transportation network in Yakima County capable of delivering people, goods, and services, and resulting in minimal disruption of the shorelines' natural system.

NS 7.60: When it is necessary to locate major highways, freeways and railways along stream drainages or lake shores, such facilities should be sufficiently set back so that a useable shoreline area remains. Care should also be taken to ~~insure~~ensure that a minimum land area is consumed.

NS 7.61: To avoid wasteful use of the limited supply of shore land, locate access roads and parking areas upland, away from the shoreline whenever such options are available. Access to the water should be provided by pathways or other

methods. Parking facilities in shorelines are not a preferred use and should be allowed only as necessary to support an authorized use.

NS 7.62: Proper design, location, and construction of road and railroad facilities should be exercised to:

1. Minimize erosion and permit the natural movement of water;
2. Use existing topography to maximum advantage and preserve natural conditions to the greatest practical extent.

NS 7.63: Extensive loops or spurs of old highways with high aesthetic quality or bicycle route potential should be kept in service.

Agriculture Policies

NS 7.64: Allow lawfully established agricultural activities occurring on agricultural lands to continue as they historically have. New agricultural activities on land not currently used for agriculture, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities (including any agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)) should meet shoreline requirements.

NS 7.65: Encourage animal feedlot operations to locate away from shorelines.

Aquaculture Policies

NS 7.66: Consider aquaculture a preferred shoreline use when consistent with the control of pollution and prevention of damage to the environment.

NS 7.67: Ensure that aquacultural uses do not conflict with other water-dependent uses or navigation, spread disease, establish non-native species that cause significant ecological impact, or significantly impact the aesthetic qualities of the shoreline. Protect spawning areas designated by the Department of Fish and Wildlife from conflicting uses.

Boating Facilities and Marinas Policies

NS 7.68: Ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses. All marinas should be developed and operated in accordance with all state and local requirements.

NS 7.69: In planning for marina location and design, special consideration should be given to necessary facilities such as adequate access, parking, and restroom facilities for the public. Such facilities should be located away from the immediate water's edge.

Forest Practices Policies

NS 7.70: Shoreline areas having well-known scenic qualities (such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas) should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints along shorelines of statewide significance in the region are not degraded.

NS 7.71: Forest management shall proceed in accordance with regulations established by the Washington State Forest Practices Act, including coordination with Yakima County on forest practice conversions and other Class IV-forest practices where there is a likelihood of conversion to non-forest uses.

NS 7.72: Ensure that timber harvesting on shorelines of statewide significance does not exceed the limitations established in RCW 90.058.150 (regarding selective harvest requirements), except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.

Mining Policies

NS 7.73: Remove sand, gravel, and minerals from only the least sensitive shoreline areas. Due to the risk of avulsion and mine pit capture by the river, mining within the stream channel and channel migration zone should not be allowed. In special cases where it is allowed, it should be a conditional use. Restoration or enhancement of ecological function is encouraged.

NS 7.74: Require land reclamation plans of any mining venture proposed within a shoreline. Mining reclamation shall be done in conformance with the Washington State Surface Mining Act (RCW 78.44).

NS 7.75: Ensure that mining and associated activities are designed and conducted consistent with the applicable environment designation and the applicable critical areas ordinance.

NS 7.76: Ensure that proposed subsequent use of mined property and the reclamation of disturbed shoreline areas is consistent with the applicable

environment designation and that appropriate ecological functions are provided consistent with the setting.

Residential Development Policies

NS 7.77: Design subdivisions at a density, level of site coverage, and occupancy compatible with the physical capabilities of the shoreline and water, and locate them to prevent the need for new shore stabilization or flood hazard reduction measures.

NS 7.78: Restrict subdivisions in areas subject to flooding.

NS 7.79: Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximize both on-site and off-site aesthetic appeal, and minimize disruption of the natural shorelines.

Commercial Development Policy

NS 7.80: Limit commercial development to those activities that are particularly dependent upon a shoreline location. Other commercial uses should be encouraged to locate upland. Give first preference to water-dependent commercial uses over non-water-dependent commercial uses; and give second preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses. Allow non-water-oriented commercial uses in limited situations.

Utilities Policies

NS 7.81: New utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water-oriented should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. Expansion, updating, and maintenance of existing facilities is allowed but should be designed to minimize the impacts as much as possible.

NS 7.82: Wherever possible, transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, should be located outside of the shoreline area. If location within the shoreline cannot be prevented, confine utilities in a single corridor or within an existing right-of-way.

NS 7.83: Locate new sewage treatment, water reclamation, and power plants where they do not interfere with and are compatible with recreational, residential or other public uses of water and shore lands. New waste treatment ponds for industrial waste should be located upland when feasible.

Industry Policies

NS 7.84: Allocate sufficient quantities of suitable land for water related industry. Give preference to water-dependent industrial uses over non-water-dependent industrial uses; and second, give preference to water-related industrial uses over non-water-oriented industrial uses. Allow non-water-oriented industrial development in limited situations.

NS 7.85: Discourage industries which have proven to be environmentally hazardous from locating along the shorelines.

In-Stream Structural Uses Policies

NS 7.86: The location and planning of in-stream structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

NS 7.87: All in-stream structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydro-geological processes, and natural scenic vistas.

Shoreline Modification Policies

General Shoreline Modification Policies

NS 7.88: Allow shoreline modifications only where they are shown to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or they are necessary for mitigation or enhancement work.

NS 7.89: Limit shoreline modifications to the minimum necessary to accomplish the objective, while still protecting ecological functions. Give preference to shoreline modifications that have a lesser impact on ecological functions.

Shore Stabilization Policies

NS 7.90: New structural stabilization measures should only be allowed for the following instances, and then only when meeting specific criteria:

1. When necessary to protect an existing primary structures; [\[SMP Scrub\]](#)
2. In support of existing development;
3. To protect projects for the restoration of ecological functions or hazardous substance remediation projects.

NS 7.91: Avoid flood protection and stabilization measures which result in or tend toward channelization of streams such as, hardening of stream banks, or fixing channel locations.

NS 7.92: All shore stabilization activities must be designed and constructed to accepted engineering standards.

Landfill Fill Policies

NS 7.93: Allow normal and reasonable land grading and filling where necessary to develop a land area for a permitted use. There should be no substantial changes made in the natural drainage patterns and no reduction of flood water storage capacity that might endanger other areas. Allow fill within the ordinary high water mark only when necessary to support water dependent uses, public access, transportation facilities, mitigation, restoration, enhancement, and certain special situations listed in WAC 173-26-231(3)(c).

NS 7.94: In evaluating fill projects, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat should be examined.

NS 7.95: Locate and design shoreline fills or cuts to avoid creating a hazard to adjacent life, property, and natural resources systems, and to provide all perimeters of fills with vegetation, retaining walls, or other mechanisms for erosion prevention.

Dredging Policies

NS 7.96: Dredging should only be permitted for maintaining existing navigation uses, not for obtaining fill material or mining.

NS 7.97: Permit deposit of spoils in water areas only to improve habitat or when the alternative is more detrimental than depositing in water areas.

Piers and Docks Policies

NS 7.98: Piers and docks should only be allowed for water dependent uses and public access, except that water enjoyment and water related uses may sometimes be included as part of a mixed use development. New piers and docks must have a specific need and must be the minimum size necessary. Such structures in stream are not reasonable to site at all locations and the effects of winter ice on a structure must be considered in design and deployment. Encourage the cooperative use of shared docks.

~~CRITICAL AREAS GOALS AND POLICIES IN SUPPORT OF THE SHORELINE MASTER PROGRAM - YAKIMA COUNTY COMPREHENSIVE PLAN 2015 – Natural~~

~~Settings Element~~

~~Below are the Goals and Policies for Critical Areas which are retained in support of the SMP consistent with Policy NS 7.28. These Goals and Policies also legally reside within Yakima County's Comprehensive Plan 2015. These Goals and Policies were updated in 2007 to be consistent with the GMA (WAC 365-190, 365-195) and the SMP Guidelines (WAC 173-26), which were adopted by the Yakima Board of County Commissioners by Ordinance 13-2007.~~

~~CRITICAL AREAS~~

~~PURPOSE STATEMENT 8~~

~~Critical Areas are an important part of the natural setting in Yakima County. Their protection is required by the Growth Management Act and important to the quality of life of the residents of this county. Critical Areas include groundwater, fish and wildlife habitat (which includes surface waters), wetlands, frequently flooded areas, and geologic hazards. The protection of critical areas must include certain general approaches, which are provided for in the goals and policies below.~~

~~**Goal NS-8:** Establish critical areas protection measures to protect environmentally sensitive areas, and protect people and property from hazards.~~

GENERAL POLICIES

~~NS 8.1 Use the best available science in a reasonable manner to develop regulations to protect the functions and values of critical areas.~~

~~NS 8.2 Ensure proposed subdivisions, other development, and associated infrastructure are designed at a density, level of site coverage, and occupancy to preserve the structure, values and functions of the natural environment or to safeguard the public from hazards to health and safety.~~

~~NS 8.3 Use a preference-based system of mitigation sequencing for the County's stream, lake, pond, wetland, floodplain, and fish and wildlife habitat critical areas that reduces impacts using approaches ranging from avoidance to replacement.~~

~~NS 8.4 In order to encourage Critical Area protection and restoration, the density and lot size limits stipulated in other policies may be adjusted or exceeded to accomplish clustering and bonus provisions adopted under the CAO. The use of incentive based programs is encouraged.~~

WATER QUALITY AND QUANTITY

Groundwater and Critical Aquifer Recharge Areas (CARAs)

PURPOSE STATEMENT NS 9

~~Groundwater is the primary source of drinking water for most rural County residents. The City of Yakima is the only city within Yakima County that uses surface water as a primary source (Naches River). All other jurisdictions currently use groundwater (wells) as their primary source of water. Once groundwater is contaminated it is difficult, costly, and often impossible to clean up. Some contaminants like microbial organisms can cause sickness and discomfort while others like organic chemicals, inorganic metals, and radio-nuclides can cause neurological disorders, cancer, mutations and death.~~

~~Wells provide a potential source of contamination of both the shallow and deeper aquifers. The proliferation of individual domestic and irrigation wells increases the risk that contamination may find its way into the groundwater. Although the quality of groundwater resources used for drinking water in Yakima County is generally good, the potential for problems exists because many wells tap shallow aquifers (less than 100 feet) which are extremely susceptible to surface contamination. The following goal and policies address these concerns~~

by encouraging the identification of aquifers and taking steps to reduce potential contamination.

GOAL NS 9: Maintain and manage the quality of the groundwater resources in Yakima County as near as possible to their natural conditions and in compliance with state water quality standards.

POLICIES:

NS 9.1 Identify and map important aquifers, critical aquifer recharge areas, and surface waters.

NS 9.2 Develop performance standards and regulate uses for activities which adversely impact water quantity and quality in aquifers, wetlands, watersheds and surface waters.

NS 9.3 Evaluate the potential impact of development proposals on groundwater quality, and require alternative site designs to reduce contaminant loading where site conditions indicate that the proposed action will measurably degrade groundwater quality.

NS 9.4 Continue data collection and evaluation efforts to better understand the County's groundwater system and its vulnerability to contamination.

NS 9.5 Encourage the retention of natural open spaces in development proposals overlying areas highly susceptible for contaminating groundwater resources.

NS 9.6 Conduct and support educational efforts which inform County citizens of measures they can take to reduce contaminant loading of groundwater systems.

NS 9.7 Encourage development and expansion of community public water systems to lessen the reliance on individual wells.

NS 9.8 Ensure that abandoned wells are closed properly.

NS 9.9 Ensure sufficient water quantity exists to support land use activities.

SURFACE WATER

PURPOSE STATEMENT NS 10, 11 & 12

The Yakima River and its many tributaries are perhaps the most dynamic and used natural features in Yakima County. Throughout its 200-mile course, water from the Yakima is withdrawn to feed agricultural operations that drive our economy. Irrigation and other water uses developed both inside and outside the Yakima Irrigation Project, developed under the 1903 Reclamation Act, are relatively

unique in that all of the water for irrigation is generated, stored and distributed in the Valley. The tributaries, the Naches River and the Yakima River are used as the conduit for the water distributions system in the Valley. The Yakima River is used as the trunk of the water distributions system, is the most important component of the Yakima Project, and probably is the most important piece of infrastructure in the Valley. Agriculture, industry, recreation and the Cities within the basin are dependent on this distribution system for water supply for domestic, industrial, agricultural and residential uses. The demands of this economy are continuing to increase, while existing operations return flows of a far lesser quality. The combined historic actions of over withdrawal, pollution and vegetation removal have produced a waterway that exits Yakima County completely altered from the condition in which it begins near Snoqualmie Pass. To deal with the situation, efforts by many parties have been made to improve stream corridors within the County, especially in the areas of water quality and habitat. The following goals and policies address actions and attitudes that should guide decisions related to surface water.

GOAL NS 10: Enhance the quantity and quality of surface water.

POLICIES:

NS 10.1 Improve water conservation through education and incentives.

NS 10.2 Protect water quality from the adverse impacts associated with erosion and sedimentation.

NS 10.3 Encourage the use of drainage, erosion and sediment control practices for all construction or development activities.

GOAL NS 11: Identify future needs and promote increased water supplies through coordinated development and conservation efforts.

POLICY:

NS 11.1 Support local and regional cooperative efforts which help to accomplish this goal.

GOAL NS 12: Restore, maintain or enhance the quality of the Yakima River Basin's surface water.

POLICIES:

~~**12.1** Maintain local control over water quality planning by: 1) providing guidance to state and federal agencies regarding water quality issues, priorities and needs; and 2) demonstrating progress in accomplishing the goals and objectives of locally developed water quality plans, thereby pre-empting externally imposed solutions to water quality problems as much as possible.~~

~~**NS 12.2** Make use of local and regional data sources to assess water quality progress.~~

~~**NS 12.3** Participate in water quality improvement planning and implementation efforts by local, regional, state, federal, and tribal agencies, as well as coalitions such as local watershed planning efforts.~~

FLOOD HAZARDS AND STORMWATER

PURPOSE STATEMENT NS 13 and 14

While stormwater management may be of less concern in Yakima County than in areas that receive more precipitation, localized flooding does occur in certain areas, such as Wide Hollow Creek, Ahtanum Creek, and Cowiche Creek. If the amount of impervious area in a watershed increases, and provisions are not made for retaining stormwater on-site, up-watershed areas can contribute to the flooding hazards of their down-stream neighbors, and flooding becomes more frequent and more severe. If the natural drainage courses are obstructed with fill material, buildings, or roads that lack adequately-sized culverts, storm water can cause localized flooding, with property damage and disruption of services.

Yakima County is subject to state and federal water quality and Underground Injection Control (UIC) regulations. Some Urban Areas within Yakima County are also subject to state and federal stormwater regulations.

GOAL NS 13: Prevent increased flooding from stormwater runoff.

POLICIES:

~~**NS 13.1** Require on-site retention of stormwater.~~

~~**NS 13.2** Preserve natural drainage courses.~~

~~**NS 13.3** Minimize adverse storm water impacts generated by the removal of vegetation and alteration of land forms.~~

GOAL NS 14: Improve water quality through improved stormwater management.

POLICIES:

~~**NS 14.1** Review the recommendations of locally adopted stormwater management plans, and develop a realistic implementation schedule.~~

~~**NS 14.2** Control stormwater in a manner that has positive or neutral impacts on the quality of both surface and groundwater, and does not sacrifice one for the other.~~

FISH AND WILDLIFE HABITAT, WETLANDS, AND FREQUENTLY FLOODED AREAS

PURPOSE STATEMENT NS 15, 16, 17 and 18

~~Yakima County contains some of the most diverse and unique fish and wildlife habitat found anywhere in the country. These environments provide places where animals can find food, water, shelter, and security, and act as gene pools to assure continued genetic diversity. The following goal and supporting policies encourage the protection of fish and wildlife habitat in order to protect the environment for multiple uses. While fish and wildlife habitat includes upland habitat, state administrative code (WAC 365-190-080(5)) focuses on habitat that is related to water. The Shoreline Management Act at RCW 90.58.020 contemplates protecting against adverse impacts to "...the land its vegetation and wildlife, and the waters of the state and their aquatic life". Thus the standard for protecting existing ecological function, expressed in fish and wildlife and their habitats, is more comprehensive than the Growth Management Act.~~

~~Stream corridors, lakes, ponds, wetlands, flood plains and other areas subject to flooding perform important hydrologic functions including storing and slowly releasing flood waters, reducing floodwater velocities, settling and filtering of sediment and nutrients, shading surface waters, and other functions. These areas also provide natural areas for wildlife and fisheries habitat, recreation areas and rich agricultural lands. Development in these areas diminishes their functions and values and can present a risk to persons and property on the development site and/or downstream from the development. Building in frequently flooded areas also results in high costs for installing flood protection measures to protect life and property and to repair flood damages.~~

~~Wetlands are an economically, biologically, and physically valuable resource. They are the most biologically productive ecosystems in nature, even though they constitute only a small percentage of the total landscape. They provide important nursery and spawning areas, which in turn support a strong commercial~~

and recreational industry. Wetlands also play an important function in local and regional hydrologic cycles.

s and policies work toward preserving, protecting and managing fish and wildlife habitat and wetlands by adopting, boundaries, and a data system to track them, and establishing development regulations for their protection. These goals and policies also seek to reduce the hazards and impacts of development through comprehensive flood control planning, directing facility development away from these areas, and developing site development standards.

FISH AND WILDLIFE HABITAT

GOAL NS 15: Provide for the maintenance and protection of habitat areas for fish and wildlife.

POLICIES:

NS 15.1 Encourage the protection of aquatic, riparian, upland and wetland fish and wildlife habitat. This can be approached from both a region-wide and site specific perspective to ensure that the best representation and distribution of habitats remains to protect the natural values and functions of those habitats. Fish and wildlife habitat protection considerations should include:

1. The physical and hydrological connections between different habitat types to prevent isolation of those habitats;
2. Diversity of habitat types both on a local and regional scale;
3. Large tracts of fish and wildlife habitat;
4. Areas of high species diversity;
5. Locally or regionally unique and rare habitats; and
6. Winter range and migratory bird habitat of seasonal importance.

NS 15.2 Direct development away from areas containing significant fish and wildlife habitat areas, especially areas which are currently undeveloped or are primarily dominated by low intensity types of land uses such as forestry.

NS 15.3 Encourage the retention of sustainable natural resource based industries such as forestry and agriculture in order to protect important fish and wildlife habitat.

NS 15.4 Coordinate fish and wildlife protection efforts with state and federal agencies and the Yakama Nation to:

1. Avoid duplication of effort;

- ~~2. Ensure consistency in protecting fish and wildlife habitat which crosses political boundaries;~~
- ~~3. Facilitate information exchanges concerning development proposals which may impact fish and wildlife habitat; and~~
- ~~4. Take advantage of any available financial, technical, and project review assistance.~~

~~**NS 15.5** Protect fish and wildlife habitat for all native species in Yakima County, so as to maintain current populations over time. Protect the habitat of Washington State Listed Species of Concern and Priority Habitats and Species in order to maintain their populations within Yakima County.~~

~~**NS 15.6** Work with the resource agencies to prioritize habitats and provide appropriate measures to protect them according to their relative values.~~

~~**GOAL NS 16: Conserve, protect and enhance the functions and values of stream corridors to provide for natural functions and protect hydrologic connections between features.**~~

~~**POLICIES:**~~

~~**NS 16.1** Development projects should not be authorized if they obstruct fish passage or result in the unmitigated loss or damage of fish and wildlife resources.~~

~~**NS 16.2** Encourage and support the retention of natural open spaces or land uses which maintain hydrologic functions and are at low risk to property damage from floodwaters within frequently flooded areas.~~

~~**NS 16.3** Protect public and private properties by limiting development within hazardous areas of the stream corridor.~~

~~**NS 16.4** Give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.~~

~~**NS 16.5** Establish a system of vegetative buffers landward from the ordinary high water mark of streams, lakes and ponds and the edge of wetlands.~~

~~**FREQUENTLY FLOODED AREAS**~~

~~**GOAL NS 17: Prevent the loss of life or property and minimize public and private costs associated with repairing or preventing flood damages from development in frequently flooded areas.**~~

POLICIES:

~~**NS 17.1** Support comprehensive flood control planning.~~

~~**NS 17.2** Yakima County should conduct additional analysis and mapping of frequently flooded areas in cases where the 100-year floodplain maps prepared by the Federal Emergency Management Agency do not adequately reflect the levels of risk or the geographic extent of flooding.~~

~~**NS 17.3** Direct new critical facility development away from areas subject to catastrophic, life-threatening flood hazards where the hazards cannot be mitigated.~~

~~**NS 17.4** Where the effects of flood hazards can be mitigated require appropriate standards for subdivisions, parcel reconfigurations, site developments and for the design of structures. {Amended 12/98}~~

~~**NS 17.5** Plan for and facilitate returning Shoreline rivers to more natural hydrological conditions, and recognize that seasonal flooding is an essential natural process.~~

~~**NS 17.6** When evaluating alternate flood control measures on Shoreline rivers:~~

- ~~1) consider the removal or relocation of structures in the FEMA 100-year floodplain;~~
- ~~2) where feasible, give preference to nonstructural flood hazard reduction measures over structural measures;~~
- ~~3) structural flood hazard reductions measures should be consistent with the County's comprehensive flood hazard management plan.~~

WETLANDS

~~**GOAL NS 18: Provide for long-term protection and no net loss of wetland functions and values.**~~

POLICIES:

~~**NS 18.1** Preserve, protect, manage, and regulate wetlands for purposes of promoting public health, safety and general welfare by:~~

- ~~1. Conserving fish, wildlife, and other natural resources of Yakima County;~~
- ~~2. Regulating property use and development to maintain the natural and economic benefits provided by wetlands, consistent with the general welfare of the County;~~
- ~~3. Protecting private property rights consistent with the public interest; and~~

- ~~4. Require wetland buffers and building setbacks around regulated wetlands to preserve vital wetland functions and values.~~

~~**NS 18.2** Adopt a clear definition of a regulated wetland and a method for delineating regulatory wetland boundaries.~~

~~**NS 18.3** Classify regulated wetland areas to reflect their relative function, value and uniqueness.~~

~~**NS 18.4** Develop a wetlands database.~~

~~**NS 18.5** Manage and mitigate human activities or actions which would have probable adverse impacts on the existing conditions of regulated wetlands or their buffers.~~

~~**NS 18.6** Require mitigation for any regulated activity which alters regulated wetlands and their buffers. Develop ratios, performance standards, monitoring, and long-term protection.~~

GEOLOGIC HAZARDS

PURPOSE STATEMENT NS 19

Geologic hazards pose a threat to the health and safety of County citizens when incompatible commercial, residential, or industrial development and associated infrastructure is sited in areas of significant hazard. The following goal and policies address the risk associated with these areas by encouraging engineering designs or modified construction practices that will mitigate problems, and prohibiting building where problems cannot be mitigated.

~~**GOAL NS 19: Protect the public from personal injury, loss of life or property damage from geologic hazards.**~~

POLICIES:

~~**NS 19.1:** Ensure that land use practices in geologically hazardous areas do not cause or exacerbate natural processes which endanger lives, property, or resources.~~

~~**NS 19.2** Locate development within the most environmentally suitable and naturally stable portions of the site.~~

~~**NS 19.3** Classify and designate areas on which development should be prohibited, conditioned, or otherwise controlled because of danger from geological hazards.~~

NS 19.4 ~~Prevent the subdividing of known or suspected landslide hazard areas, side slopes of stream ravines, or slopes 40 percent or greater for development purposes.~~ [\[SMP Scrub\]](#)

DRAFT

CHAPTER 16D.01 GENERAL PROVISION

CHAPTER 16D.01 CONTENTS:

16D.01.01	Authority.	34
16D.01.02	Language Interpretation.	35
16D.01.03	Applicability.....	35
16D.01.04	Science and Protection of Anadromous Fish.	37
16D.01.05	Administrative Authority.	38
16D.01.06	Severability.	39
16D.01.07	Liberal Construction.....	39
16D.01.08	Effective Date.	39

16D.01.01 ~~Title and~~ Authority.

- ~~(1) Yakima County Code (YCC) Title 16D is established pursuant to RCW 36.70A.060 (Growth Management Act, Natural resource lands and critical areas — Development regulations), RCW Chapter 90.58 (Shoreline Management Act), RCW Chapter 43.21C (State Environmental Policy Act), RCW 86.16 [CAO], and federal requirements for eligibility in the National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR) 44 CFR, Parts 59 and 60 [CAO]. This title shall be known as the “Shoreline Master Program of Yakima County, Washington.”~~
- ~~(2) The Shoreline Master Program of Yakima County shall, for the purposes of RCW 36.70A.480 (GMA, Shorelines of the State) be considered a supplement to the Comprehensive Plan of Yakima County. The Shoreline Master Program Regulations shall, for the purposes of 36.70A.480 (GMA, Shorelines of the State) be considered a set of use regulations applying only to shoreline areas as specified in RCW 90.58 (SMA) and WAC 173-26 (SMP Guidelines). These regulations are intended to be substantive legal rules and procedures used to implement the goals and policies of the Master Program. These regulations shall be applied and interpreted in a manner consistent with the remainder of the Master Program or the Act.~~

This SMP is enacted and administered according to the following state law and rules:

- (1) The Shoreline Management Act of 1971, Chapter 90.58 RCW;
- (2) State master program approval/amendment procedures and master program guidelines, WAC 173-26; and
- (3) Shoreline management permit and enforcement procedures, Chapter 173-27 WAC.[SMP Scrub]

16D.01.02 Language Interpretation.

Unless specifically defined in Chapter 16D.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.

16D.01.03 Applicability.

All proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of the laws and rules cited in Section 16D.01.01 and this SMP whether or not a permit or other form of authorization is required.

All policies, within this SMP or the appendices, are to guide the interpretation and enforcement of the SMP regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

- (1) This SMP applies to all development, the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, minerals or vegetation; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. **Development does not include the following activities:**
- (a) Interior building improvements;

- (b) Exterior structure maintenance activities, including painting and roofing, as long as it does not expand the existing footprint of the structure;
 - (c) Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding;
 - (d) Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections; and
 - (e) Dismantling or removing structures if there is no other associated development or redevelopment.
- (2) Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of Chapter 90.58 RCW.
- (3) This SMP shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.
- (4) As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.
- (5) The County may grant relief from SMP provisions for shoreline restoration projects in Urban Growth Areas (UGA) pursuant to RCW 90.58.580.
- (6) When other State or Federal agencies standards would be more restrictive and more protective of the ecological function, those standards should apply.
- (7) No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of the SMP.
- (8) ~~(a)~~ Within ^[TV1] ~~critical areas and~~ shorelines 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 title. It is the intent of this title to permit these pre-existing legal nonconformities to continue without requirement to change said nonconformity 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) Shoreline Master Program adopted September 5, 1974;
- (ii) Shoreline Master Program amended March 26, 1981;
- (iii) Shoreline Master Program amended November 1, 1981;

(iv) Yakima County Shoreline Master Program adopted December 18, 2007.[SMP Code Scrub]

16D.01.06-04 Science and Protection of Anadromous Fish.

This title has been updated consistent with the requirements for:

- (1) Using the best available science as required by RCW 36.70A.172 (Critical areas – Designation and protection – Best available science to be used) and WAC 365-195-900 through WAC 365-195-920 (BAS Background and purpose);
- (2) An integrated use of the natural and social sciences, and the environmental design arts, and utilization of all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data, as required by RCW 90.58.100 (Programs as constituting use regulations);
- (3) Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat (salmon, steelhead, etc.) as required by RCW 36.70A.172 (Best available science to be used) and WAC 365-195-925 (Criteria for demonstrating “special consideration” has been given to anadromous fisheries).

~~16D.01.07 Applicability of Permit System to Federal Agencies.~~

~~Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of Chapter 90.58 RCW.~~

~~(1) Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government, or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the~~

~~specified purpose, unless under either circumstance the federal government grants or reserves to the state or Yakima County substantial jurisdiction over activities on these lands;~~

~~(2) This SMP permit system shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership [SMP2021];~~

~~(3) The permit system shall apply to developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government;~~

~~(4) The above paragraphs shall be controlling for the purposes of shoreline permits for federal land or federal projects; however the following attempts to clarify these limits for practical use:~~

~~(a) Federal development on federally owned land is not required to obtain a permit;~~

~~(b) Federal development on a federally owned lease is not required to obtain a permit, as long as the development is consistent with the purpose of the lease;~~

~~(c) Development on federally owned land under a nonfederal lease or easement must obtain a shoreline permit;~~

~~(d) Nonfederal development or use on federally owned land must obtain a shoreline permit;~~

~~(e) Development on nonfederal land must obtain a shoreline permit, even if it is leased, rented, etc., to the federal government, or it is within the boundaries of federal ownership.~~

16D.01.0805 Administrative Authority.

~~(1) The Yakima County Public Services Department – Planning Division, and the appropriate authorities of municipalities which have adopted this regional SMP shall be responsible for the general administration of this title. The Planning Division Manager Shoreline Administrator or the Manager's Official's [SMP Scrub] designee shall serve as the ~~administrative official~~ Shoreline Administrator of this title, ~~except as noted in Chapters 16D.05.20 through 16D.05.72.~~ The Shoreline Administrator ~~administrative official~~ shall establish procedures for implementation of this title.~~

~~(a) — Where the provisions of these regulations may be unclear in special circumstances, or where judgment must be made because of the nature of the language used, the administrative official shall make such interpretations. Such interpretation shall specify whether the issue is under shoreline jurisdiction or not. A separate record of all interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may relate to a pending action shall be examined by the administrative official for its effect or influence on the pending action.~~

~~(b) — A written request for interpretation of any provision of this title, or any rule or regulation adopted pursuant to this title, may be submitted to the administrative official. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be processed in accordance with YCC Section 16B.03.070.~~

16D.01.09-06 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.

16D.01.07 Liberal Construction.

As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction; the Act and this SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which they were enacted. [SMP Scrub]

16D.01.08 Effective Date.

This SMP and all amendments thereto shall become effective fourteen calendar days from the date of the Department of Ecology's written notice of final action to the County. [SMP 2021]

CHAPTER 16D.02 DEFINITIONS

CHAPTER 16D.02 CONTENTS:

16D.02.001	Definitions Generally.	44
16D.02.005	Abutting.....	44
16D.02.010	Adjacent.....	44
16D.02.015	Agricultural Activities.	44
16D.02.016	Agricultural Products.[SMP Scrub]	45
16D.02.017	Agricultural Equipment.[SMP Scrub]	45
16D.02.018	Agricultural Land.[SMP Scrub]	45
16D.02.025	Alluvial Fan.	45
16D.02.030	Applicant.....	46
16D.02.033	Aquaculture.....	46
16D.02.035	Aquifer.	46
16D.02.042	Bank.	46
16D.02.043	Bankfull Depth.....	46
16D.02.044	Base Flood.....	47
16D.02.045	Base Flood Elevation.	47
16D.02.046	Basement.....	47
16D.02.055	Bed.....	47
16D.02.060	Bedrock.	47
16D.02.065	Berm.	47
16D.02.067	Best Management Practices.....	48
16D.02.070	Bioengineering.....	48
16D.02.075	Breakwater.	48
16D.02.092	Building Official.	48
16D.02.080	Bulkhead.....	48
16D.02.085	Channel.....	49
16D.02.090	Channel Migration Zone.....	49

CHAPTER 16D.02
DEFINITIONS

16D.02.095	Classification.....	49
16D.02.100	Clearing.....	49
16D.02.110	Compaction.....	50
16D.02.115	Confinement Feeding Operation.....	50
16D.02.120	Construction.....	50
16D.02.122	Critical Aquifer Recharge Area.....	50
16D.02.123	Critical Areas. [CAO].....	50
16D.02.125	Designated.....	51
16D.02.130	Department.....	51
16D.02.135	Development.....	51
16D.02.140	Dike.....	51
16D.02.145	Dock.....	52
16D.02.150	Dredging.....	52
16D.02.160	Earth Material.....	52
16D.02.163	Ecological Functions.....	52
16D.02.166	Ecosystem-Wide Processes.....	52
16D.02.170	Enhance.....	53
16D.02.175	Ephemeral Stream.....	53
16D.02.180	Erosion.....	53
16D.02.185	Events and Temporary Uses.....	53
16D.02.190	Excavation.....	53
16D.02.195	Feasible.....	53
16D.02.200	Fill.....	54
16D.02.201	Fish and Wildlife Habitat Conservation Areas. [CAO].....	54
16D.02.205	Flood.....	55
16D.02.206	Flood Hazard Permit.....	55
16D.02.207	Flood Insurance Rate Maps.....	55
16D.02.208	Flood Insurance Study.....	55
16D.02.209	Floods of Record. [CAO].....	55
16D.02.210	Floodplain.....	55
16D.02.215	Flood-prone.....	56
16D.02.216	Flood-proofing.....	56

CHAPTER 16D.02
DEFINITIONS

16D.02.220	Floodway.....	56
16D.02.225	Floodway Fringe.	56
16D.02.230	Forest Land.	57
16D.02.240	Forest Practices.....	57
16D.02.245	Frequently Flooded Areas. [CAO]	57
16D.02.250	Grade.	58
16D.02.255	Grading.	58
16D.02.260	Groundwater.	58
16D.02.262	High-Intensity Land Use.	58
16D.02.263	Hydrologically Related Critical Areas (HRCA).....	58
16D.02.266	Hyporheic.....	59
16D.02.270	Intermittent Streams.	59
16D.02.275	Lake or Pond.....	59
16D.02.280	Low-Intensity Land Use.....	59
16D.02.281	Lowest Floor.....	59
16D.02.282	Manufactured Home.....	60
16D.02.283	Manufactured Home Park or Subdivision.....	60
16D.02.284	Manufactured Home Park or Subdivision, Existing.	60
16D.02.285	Minerals.....	61
16D.02.290	Mining.	61
16D.02.292	Moderate-Intensity Land Use.....	61
16D.02.295	Native.	61
16D.02.300	Natural Conditions.....	61
16D.02.302	New Construction.....	61
16D.02.303	Nonconforming Lot.	62
16D.02.304	Nonconforming Structure or Development.	62
16D.02.305	Nonconforming Use.....	62
16D.02.306[SMP Scrub]	Ordinary High Water Mark (OHWM).....	63
16D.02.310	Perennial Stream.....	63
16D.02.320	Project Site.....	63
16D.02.321	Qualified Professional.....	63
16D.02.322	Recreation, High Intensity.	64

CHAPTER 16D.02
DEFINITIONS

16D.02.323	Recreation, Low Intensity.....	64
16D.02.324	Recreation, Moderate Intensity.	65
16D.02.325	Recreation Vehicle.....	65
16D.02.326	Restore.....	65
16D.02.330	Revetment.....	65
16D.02.335	Riparian Areas. [CAO].....	65
16D.02.340	Riprap.....	66
16D.02.345	Scour.....	66
16D.02.350	Shore Stabilization.....	66
16D.02.355	Shoreline.....	66
16D.02.357	Shoreline Administrator.....	67
16D.02.361	Shrub-steppe. [CAO].....	67
16D.02.363	Single Improved Recreational Vehicle Site.....	67
16D.02.365	Slope.....	67
16D.02.366	Solid Waste.....	68
16D.02.367	Special Flood Hazard Areas.....	68
16D.02.368	Start of Construction.....	68
16D.02.370	Stream.....	69
16D.02.380	Stream Corridor.....	69
16D.02.390	Structure.....	69
16D.02.395	Substantial Development.....	70
16D.02.400	Use.....	70
16D.02.415	Vegetative Buffer or Buffer.....	70
16D.02.420	Water Dependent Use.....	71
16D.02.421	Water-Enjoyment Use.....	71
16D.02.422	Water-Oriented Use.....	71
16D.02.423	Water-Related Use.....	72
16D.02.425	Wetland.....	72
16D.02.430	Wildlife.....	72
16D.02.435	Wildlife Habitat.....	73
16D.02.440	Works.....	73

16D.02.001 Definitions Generally.

- (1) Whenever the words and terms set forth in this Chapter appear in this title, they shall be given the meaning attributed to them by this Chapter. References to specific provisions of YCC Title 13 and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.
- (2) Definitions listed in this Chapter shall be applied to all critical areas, including flood hazard areas, whether they occur inside or outside shoreline jurisdiction, unless the definition itself identifies the term as applying to shoreline or flood hazard administration, in which case the definition only applies to that situation.

16D.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.

16D.02.010 Adjacent.

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

16D.02.015 Agricultural Activities.

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

production or cultivation. ~~Agricultural activities include plowing, discing, harrowing, compacting, planting, and harvesting, spraying, etc.~~ [\[SMP Scrub\]](#);

16D.02.016 Agricultural Products.[SMP Scrub]

~~(1)~~ “Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

16D.02.017 Agricultural Equipment.[SMP Scrub]

~~(2)~~ “Agricultural equipment” and “agricultural facilities” includes, but is not limited to: (a) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (b) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (c) farm residences and associated equipment, lands, and facilities; and (d) roadside stands and on-farm markets for marketing fruit or vegetables; and

16D.02.018 Agricultural Land.[SMP Scrub]

~~(3)~~ “Agricultural land” means those specific land areas on which agriculture activities are conducted ~~as of the date of adoption of a local master program as evidenced by aerial photography or other documentation. After the effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.~~ [\[SMP Scrub\]](#)

16D.02.025 Alluvial Fan.

“Alluvial fan” is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley, or where a tributary stream is near or at its junction with the main stream, or wherever a constriction in

a valley abruptly ceases or the gradient of the stream suddenly decreases; it is steepest near the mouth of the valley where its apex points upstream, and it slopes gently and convexly outward with gradually decreasing gradient.

16D.02.030 Applicant.

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

16D.02.033 Aquaculture.

For purposes of administering the Shoreline Master Program, “aquaculture” means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water. ~~Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.~~ [\[SMP Scrub\]](#)

16D.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.

16D.02.042 Bank.

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

16D.02.043 Bankfull Depth.

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

16D.02.044 Base Flood.

"Base flood" ~~for purposes of administering Chapters 16D.05.20 through 16D.05.72~~ means the flood having a 1-percent chance of being equaled or exceeded in any given year. (Ref. IBC 1612.2)

16D.02.045 Base Flood Elevation.

"Base flood elevation" ~~for purposes of administering Chapters 16D.05.20 through 16D.05.72~~ 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)

16D.02.046 Basement.

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

16D.02.055 Bed.

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

16D.02.060 Bedrock.

"Bedrock" means in-place solid rock.

16D.02.065 Berm.

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

16D.02.067 Best Management Practices.

“Best management practices” or “BMPs” means schedules of activities, practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in a combination, prevent or reduce adverse impacts to the environment.

16D.02.070 Bioengineering.

“Bioengineering” means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to aquatic and terrestrial wildlife. Bioengineered or biotechnical bank protection designs may incorporate limited use of armored toes and wood structural elements.

16D.02.075 Breakwater.

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

16D.02.092 Building Official.

“Building Official” means the manager of the Building and Fire Safety Division of the Department of Public Services or designee.

16D.02.080 Bulkhead.

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

~~**16D.02.082 Cabin.**~~

~~For purposes of administering the Shoreline Master Program, “cabin” means a small single-family residence of 800 square feet or less, without a garage or~~

~~carport and without large accessory buildings. Small accessory buildings, such as detached storage sheds or accessory structures totaling 120 square feet or less, may be allowed. Dwellings not meeting these standards are considered standard single family residences.~~[\[SMP Scrub\]](#)

16D.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.

16D.02.090 Channel Migration Zone.

For purposes of administering the Shoreline Master Program, "channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

~~**16D.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.~~

16D.02.095 Classification.

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

16D.02.100 Clearing.

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

16D.02.110 Compaction.

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

16D.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. [See Section 16D.05.02 Agriculture.](#)

16D.02.120 Construction.

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

16D.02.122040 Critical Aquifer Recharge Area.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water.

16D.02.123 Critical Areas. [CAO]

[“Critical Areas” include the following areas and ecosystems:](#)

- [\(a\) Wetlands;](#)
- [\(b\) Areas with a critical recharging effect on aquifers used for potable water;](#)
- [\(c\) Fish and wildlife habitat conservation areas;](#)
- [\(d\) Frequently flooded areas; and,](#)
- [\(e\) Geologically hazardous areas.](#)

16D.02.125 Designated.

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

16D.02.130 Department.

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

16D.02.135 Development.

~~"Development" means any use as defined under RCW 90.58.030(3)(d) (definitions), or, and any clearing, 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 16D.05.20 through 16D.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, drilling, temporary or permanent storage of equipment and works defined in this chapter. (Ref. IBC G-201.2).~~ "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development. [SMP2021] Development includes the division of land into lots or parcels in accordance with the ~~county Subdivision Ordinance (YCC Yakima County Code~~ Title 14.19]. [SMP Scrub]

16D.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.

16D.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.

16D.02.150 Dredging.

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

16D.02.160 Earth Material.

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

16D.02.163 Ecological Functions.

For purposes of administering the Shoreline Master Program, “ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

16D.02.166 Ecosystem-Wide Processes.

For purposes of administering the Shoreline Master Program, “ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

16D.02.170 Enhance.

“Enhance” means to strengthen any of the basic functional properties listed in Section 16D.06.0508.02.04[SMP Scrub] 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.

16D.02.175 Ephemeral Stream.

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

16D.02.180 Erosion.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice.

16D.02.185 Events and Temporary Uses.

For purposes of administering the Shoreline Master Program, “events and temporary uses” means a social or community occasion or activity lasting for a limited time. Events and temporary uses within permitted facilities or legally nonconforming facilities that are designed for such uses are not included in this definition, as long as they do not materially interfere with the normal public use of the water or shorelines of the state.

16D.02.190 Excavation.

“Excavation” means the mechanical removal of earth material.

16D.02.195 Feasible.

For purposes of administering the Shoreline Master Program, “feasible” means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- (1) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (2) The action provides a reasonable likelihood of achieving its intended purpose; and
- (3) The action does not physically preclude achieving the project's primary intended legal use.

16D.02.200 Fill.

"Fill" means the addition of any material, such as (by way of illustration) earth, clay, sand, rock, gravel, 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. The physical structure of a shore stabilization structure shall not be considered fill. However, fill placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions shall not be considered fill.

16D.02.201 Fish and Wildlife Habitat Conservation Areas. **[CAO]**

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

16D.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.

16D.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.

16D.02.207 Flood Insurance Rate Maps.

“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. [Preliminary updated Flood Insurance Rate Maps are maps that have been accepted by FEMA but are not yet effective. \[CAO\]](#)

16D.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.

[16D.02.209 Floods of Record. \[CAO\]](#)

[“Floods of Record” are areas identified as inundated during the flood of record, identification of areas subject to flooding, or stream systems where the path of floodwaters can be unpredictable.](#)

16D.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. “Floodplain” is synonymous with the one-hundred-year floodplain and means that land area susceptible to

inundation with a one percent chance of being equaled or exceeded in any given year.

16D.02.215 Flood-prone.

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

16D.02.216 Flood-proofing.

"Flood-proofing" ~~for purposes of administering Chapters 16D.05.20 through 16D.05.72~~ 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.

16D.02.220 Floodway.

"Floodway" means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state [SMP 2021]. ~~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.~~

16D.02.225 Floodway Fringe.

"Floodway fringe" ~~for purposes of administering Chapters 16D.05.20 through 16D.05.72~~ 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.

16D.02.230 Forest Land.

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

16D.02.240 Forest Practices.

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

"Forest practices" means any activity conducted on or directly pertaining to forestland and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;
- (b) Harvesting, final and intermediate;
- (c) Pre-commercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and,
- (h) Brush control. [CAO]

16D.02.245 Frequently Flooded Areas. [CAO]

"Frequently Flooded Areas" are defined by:

- a) Flood Insurance Rate Maps (FIRM) from FEMA;
- b) Preliminary updated FIRM maps from FEMA;
- c) Floods of record;
- d) Mapped channel migration zones; and
- e) Flood-prone.

16D.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.

16D.02.255 Grading.

“Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land~~[SMP Scrub] any excavation, filling, or combination thereof.~~

16D.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.

16D.02.262 High-Intensity Land Use.

“High-intensity land use” refers to land uses which are associated with high levels of human disturbance or substantial wetland or shoreline habitat impacts, including, but not limited to, commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.~~[SMP Scrub]~~

16D.02.263 Hydrologically Related Critical Areas (HRCA).

“Hydrologically Related Critical Areas (HRCA)” include all those areas identified in Section 16D.~~06.03~~08.02.03~~[SMP Scrub]~~, within Yakima County, which are important and deserving of protection by nature of their value for the functional properties found in Section 16D.~~06.05~~08.02.04~~[SMP Scrub]~~.

16D.02.266 Hyporheic.

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

16D.02.270 Intermittent Streams.

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

16D.02.275 Lake or Pond.

“Lake or pond” means any [\[CAO\]](#) inland body of standing water. The term includes the reservoir or expanded part of a river behind a dam.

16D.02.280 Low-Intensity Land Use.

[“Low-intensity land use” refers to land uses that are associated with low levels of human disturbance or low wetland or shoreline habitat impacts including, but not limited to, forestry and open space \(such as passive recreation and natural resources preservation\).\[SMP Scrub\]](#)

16D.02.281 Lowest Floor.

“Lowest floor,” ~~for purposes of administering Chapters 16D.05.20 through 16D.05.72,~~ 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.

16D.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.

16D.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 YCC Title 19 of this code.

~~**16D.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.~~

16D.02.285 Minerals.

"Minerals" means gravel, sand and metallic and nonmetallic substances of commercial value.

16D.02.290 Mining.

"Mining" means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation (16D.06.2005.05) [SMP Scrub]. ~~Also see introduction to Appendix B.~~

16D.02.292 Moderate-Intensity Land Use.

"Moderate-intensity land use" refers to land uses which are associated with moderate levels of human disturbance or moderate wetland or shoreline habitat impacts, including, but not limited to, residential at a density of one unit per acre or less, moderate intensity open space (parks with biking, jogging, etc.), agriculture (moderate intensity land uses such as orchards and hay fields). [SMP Scrub]

16D.02.295 Native.

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

16D.02.300 Natural Conditions.

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

~~**16D.02.302 New Construction.**~~

~~"New construction" for purposes of administering Chapters 16D.05.20 through 16D.05.72 means structures for which the start of construction commenced on or after June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program. October 1,~~

~~1995, the effective date of the amended ordinance codified in this title shall be used for defining the term new construction as it applies to all other critical areas requirements established under Title 16A by Ordinance 8-1995.~~

16D.02.303 Nonconforming Lot.

"Nonconforming Lot" means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program. [SMP2021]

16D.02.3043 Nonconforming Structure or Development.

~~"Nonconforming structure or development" means an existing for purposes of administering Chapters 16D.05.20 through 16D.05.72 means a~~ structure which was ~~legally-lawfully~~ constructed prior to ~~October 1, 1995~~September 5, 1974, the effective date of this title, but is no longer fully consistent with present regulations such as setbacks, buffers or yards; areas; bulk; height or density standards due to subsequent changes to the master program. ~~which would not be permitted as a new structure under the terms of this title because the structure is not in conformance with the applicable elevation and/or flood-proofing requirements.~~[SMP2021]

16D.02.3054 Nonconforming Use.

~~"Nonconforming use" for purposes of administering Chapters 16D.05.20 through 16D.05.72 means~~ and existing shoreline use ~~the use of a building, structure or land~~ which was lawfully established, existing and maintained at the effective date of provisions of this title but which does not conform to present use regulations due to subsequent changes to the master program. ~~, because of the application of this title to it, no longer conforms to the use or applicable elevation and/or flood-proofing requirements of this title and which would not be permitted as a new use under the terms of this title.~~ [SMP2021]

16D.02.3065 [SMP Scrub] Ordinary High Water Mark (OHWM).

“Ordinary high water mark” on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water [SMP Scrub] ~~means that mark on lakes and streams which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.~~

16D.02.310 Perennial Stream.

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

16D.02.320 Project Site.

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

16D.02.321 Qualified Professional.

“A qualified professional” shall meet the following criteria:

- (1) A qualified professional for wetlands must have a ~~bachelor's-degree or higher~~ in biology, ecology, soil science, botany, or ~~a closely related field~~ has been certified as a Professional Wetland Scientist, and a minimum of five years of professional experience in wetland identification and assessment in the Pacific Northwest.
- (2) A qualified professional for stream corridors must have a bachelor's degree or higher in wildlife biology, ecology, fisheries, or closely related

field, and a minimum of five years professional experience related to the subject species/habitat type.

- (3) A qualified professional for geologically hazardous areas and preparation of geotechnical reports must be a professional engineering geologist or civil engineer, licensed in the state of Washington.
- (4) A qualified professional for critical aquifer recharge areas must be a professional hydrogeologist, or environmental engineer licensed in the state of Washington.
- (5) A qualified professional for channel migration zone reports must be a professional engineering geologist, civil engineer or geologist licensed in the state of Washington, with a minimum of five years of professional experience in geomorphology.
- (6) A qualified professional for flood studies must be a professional engineering geologist or civil engineer licensed in the state of Washington.
- (7) A qualified professional for economic studies must have a ~~bachelor's degree or higher~~ [\[SMP Scrub\]](#) in economics or business administration with 5 years of professional experience. The five-year standard shall be waived for professionals with a PhD degree.
- (8) A qualified professional for habitat assessments and habitat management plans must have a bachelor's degree or higher in biology and professional experience related to the subject species or habitat.
- (9) Or other person/persons with experience, training, expertise and related work experience appropriate for the relevant critical area subjects determined acceptable to the [Shoreline Administrator](#) ~~administrative official~~.

16D.02.322 Recreation, High Intensity.

"Recreation, high intensity" means use areas with major structures and improvements, such as an urban park with extensive paved surfaces or substantially altered vegetation. RV park/camping with units remaining year-round is included in this category.

16D.02.323 Recreation, Low Intensity.

"Recreation, low intensity" means unimproved use areas, such as hiking or nature trails, primitive camping areas, swimming beaches, etc. An unimproved personal camping and recreation site is included in this category.

16D.02.324 Recreation, Moderate Intensity.

"Recreation, moderate intensity" means use areas with minor structures and improvements, such as campgrounds, picnic facilities, paved trails, swimming beaches, fishing sites, or nature/history interpretive centers. RV park/camping with units not remaining year-round is included in this category.

16D.02.325 Recreation Vehicle.

"Recreation vehicle" means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

16D.02.326 Restore.

"Restore," "restoration," or "ecological restoration" the reestablishment or upgrading of impaired ecological shoreline processes or functions~~means to re-establish the basic functional properties listed in Section 16D.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 shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the ~~site~~shoreline area~~[SMP Scrub]~~ to aboriginal or pre-European settlement conditions.

16D.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.

16D.02.335 Riparian ~~Vegetation~~ Areas. [CAO]

"Riparian areas" are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes,

and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). ~~“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.~~

16D.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.

16D.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.

16D.02.~~340~~350 Shore Stabilization.

“Shore stabilization” means structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM. Examples include but are not limited to[SMP Scrub] 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.

16D.02.355 Shoreline.

For purposes of administering the Shoreline Master Program, “shoreline” 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 16D.~~10~~03.03[SMP Scrub] (Shoreline Jurisdiction).

16D.02.012357 ~~Shoreline Administrative official.~~

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

16D.02.361 Shrub-steppe. [CAO]

“Shrub-steppe” means a non-forested vegetation type consisting of one or more layers of perennial bunchgrasses and a conspicuous but discontinuous layer of shrubs (see Eastside Steppe for sites with little or no shrub cover). In areas with greater precipitation or on soils with higher moisture-holding capacity, shrub-steppe can also support a dense layer of forbs (i.e., broadleaf herbaceous flora). Shrub-steppe contains various habitat features, including diverse topography, riparian areas, and canyons. Another important component is habitat quality (i.e., degree to which a tract resembles a site potential natural community), which may be influenced by soil condition and erosion; and the distribution, coverage, and vigor of native shrubs, forbs, and grasses. Site with less distributed soils often have a layer of algae, mosses, or lichens.

16D.02.363 Single Improved Recreational Vehicle Site.

For purposes of administering the Shoreline Master Program, “single improved recreational vehicle site” means a site on which a recreational vehicle, as defined in 16D.02.~~322~~325, may be parked with minimal services (such as electricity, well and septic system), without a garage or carport, and without large accessory buildings (small detached storage sheds or accessory structures totaling 120 square feet or less may be allowed). Recreational vehicle sites not meeting these criteria are considered single-family residences.

16D.02.365 Slope.

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

16D.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.

16D.02.367 Special Flood Hazard Areas.

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

16D.02.368 Start of Construction.

“Start of construction,” ~~for purposes of administering Chapters 16D.05.20 through 16D.05.72,~~ means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. “Permanent construction” does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage, or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

16D.02.370 Stream.

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

16D.02.380 Stream Corridor.

"Stream corridor," as used in this title, means those features listed and described in [Chapter Section 16D.06.0308.02.03\[SMP Scrub\]](#) and related appendices to this title.

16D.02.390 Structure.

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

~~**16D.02.395 Substantial Improvement.**~~

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

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

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

- ~~(1) Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or~~
- ~~(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. [\[SMP Scrub\]](#)~~

16D.02.395 Substantial Development.

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. See WAC 173-27-040 for a list of developments that are not considered substantial. [\[SMP Scrub\]](#)

16D.02.400 Use.

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

16D.02.415 Vegetative Buffer or Buffer.

"Vegetative buffer" or "buffer" means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for the performance of the basic functional properties of a stream corridor, wetland and other hydrologically related critical areas as set forth in [Chapter Sections 16D.06.0508.02.04 \[\\[SMP Scrub\\]\]\(#\)](#) (Functional Properties) and [16D.07.0408.03.04](#) (Wetland Functions and Rating). It is understood that optimal conditions do not always exist due to degradation of the vegetative buffer before establishment of this title, or due to colonization by

non-native species. Such conditions still provide functional properties, though at a lower level, depending on the difference from natural conditions.

16D.02.420 Water Dependent Use.

“Water-Dependent Use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include but are not limited to ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boating facilities, private moorage facilities, aquaculture, float plane facilities, sewer outfalls, hydroelectric generating plants and water diversion facilities, such as agricultural pumphouses. [SMP Scrub]

16D.02.421 Water-Enjoyment Use.

“Water-Enjoyment Use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, viewing and walking piers and other improvements facilitating public access to the shorelines of the State, including public view or fishing platforms; and general water-enjoyment uses may include, but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels (as part of mixed use development or with significant public access or restoration components), and mixed-use commercial/office. [SMP Scrub]

16D.02.422 Water-Oriented Use.

“Water-Oriented Use” means a use that is water-dependent, water-related, or water enjoyment, or a combination of such uses. [SMP Scrub]

16D.02.423 Water-Related Use.

"Water-Related Use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (1) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (2) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses may include warehousing of goods transported by water, fish processing plants, gravel storage when transported by barge, log storage, and agriculturally related water transportation systems. [SMP Scrub]

16D.02.425 Wetland.

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

16D.02.430 Wildlife.

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

16D.02.435 Wildlife Habitat.

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

16D.02.440 Works.

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

DRAFT

CHAPTER 16D.~~10~~03[SMP Scrub] SHORELINES

CHAPTER 16D.03 CONTENTS:

16D.03.01[SMP Scrub] Purpose and Intent.....	74
16D.03.02[SMP Scrub] Restriction as Affecting Fair Market Value of Property.....	75
16D.03.03[SMP Scrub] Shoreline Jurisdiction.....	75
16D.03.04[SMP Scrub] Shoreline Environments.....	76
(1) Urban Environment	77
(2) Rural Environment	78
(3) Conservancy Environment.....	79
(4) Natural Environment	79
(5) Urban Conservancy Environment	81
(6) Floodway/Channel Migration Zone Environment	82
16D.03.05[SMP Scrub] Shoreline Land Use Table.....	82

16D.~~10~~03.01[SMP Scrub] Purpose and Intent.

The SMP regulations are intended to carry out the responsibilities imposed on Yakima County by the Shoreline Management Act (RCW 90.58) and its administrative rules (WAC 173-18, WAC 173-20, WAC 173-22, WAC 173-26 and WAC 173-27) insofar as regulations can, and the adoption of these regulations does not remove other responsibilities imposed by the Act. The purposes of the Shoreline Master Program regulations are to:

- (1) Promote reasonable and appropriate use of the shorelines that will protect the public and private interest;
- (2) Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within Yakima County;
- (3) Protect public rights of navigation;

- (4) Recognize and protect private property rights consistent with public interest;
- (5) Maintain or re-create a high quality of environment along the shorelines;
- (6) Preserve and protect fragile natural resources and culturally significant features;
- (7) Increase public access to publicly owned areas of the shorelines where increased use levels are desirable;
- (8) Protect public and private properties from adverse effects of improper development in hazardous shorelines areas;
- (9) Recognize and protect statewide interest;
- (10) Give preference to uses that result in long-term over short-term benefits; and
- (11) Provide for no net loss of ecological functions from both individual permitted development and individual exempt development.

16D.1003.02[SMP Scrub] Restriction as Affecting Fair Market Value of Property.

The restrictions imposed by these regulations shall be considered by the Yakima County Assessor in establishing the fair market value of the property pursuant to RCW 90.58.290.

16D.1003.03[SMP Scrub] Shoreline Jurisdiction.

Pursuant to the authority of RCW 90.58.030(2)(f) and WAC 173-22-040(2) and (3), the jurisdictional limits of the Shoreline Master Program within Yakima County for areas that are subject to these regulations, are listed below. Yakima County has developed maps to generally depict the extent of shoreline jurisdictional boundaries for all shorelines within the county. These maps are for informational and illustrative purposes only and are not regulatory in nature. Where such maps are not available or do not correspond with physical features on the ground, jurisdictional boundaries shall be controlled by the criteria listed below, WAC 173-22, and the Act itself. It is understood when the maps and the actual physical features do not correspond, the physical features will dictate the extent of the jurisdictional boundaries. It is understood that the actual physical features may

change. The physical features will dictate the extent of the shoreline jurisdictional boundaries. Shoreline jurisdictional area shall include:

- (1) Those Shoreline lakes, ponds and stream lengths identified in Appendices ~~B~~A and ~~C~~B of this title.
- ~~(2) Subject to Subsection 7 below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.~~
- ~~(3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no "floodway" has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.~~
- ~~(4)~~(2) ~~Whenever there are no detailed floodplain or floodway studies,~~ Shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- ~~(5)~~(3) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by Subsection (2) above, jurisdiction shall extend to the extent of the mapped CMZ, ~~but not beyond the limits of Subsection (3).~~
- ~~(6)~~(4) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- ~~(7)~~(5) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (6) Vegetative buffer requirements for shorelines and critical areas can be found under Section 16D.08.02.09[SMP Scrub].

16D.~~1003~~.04[SMP Scrub] Shoreline Environments.

This SMP is intended to meet the requirements in WAC 173-26-211. It states that:

Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be

based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211(4) and (5) unless the alternative proposed provides equal or better implementation of the act.

This SMP is consistent with these requirements, deviating from WAC 173-26-211(4) and (5) with respect only to the existing environment designation names where such provides the county with opportunity to provide further, but complementary, designations consistent with existing land management plans. Each environment designation contains a purpose statement, designation criteria, and management policies components. [SMP Scrub]

The following shoreline environments listed below are used as a system of categorizing shoreline areas according to management objectives and the character of the shoreline. The shoreline environments are based on the goals and policies found in the comprehensive plan (at the time of ~~this~~ the previous Comprehensive Plan update: Plan 2015 – Volume 1 – Natural Settings – NS 7 Shorelines, Goals NS 7.04 through 7.22). Six (6) environments are hereby established, as listed below. The location and boundaries of the shoreline environments are hereby established, as provided in Appendices ~~B-A~~ and ~~C-B~~. It is understood that the actual physical features may change. The physical features shall dictate the extent of the environmental boundaries. These changes are hereby incorporated by reference into this document so that the environments described in Appendix ~~C-B~~ will shift with river changes. Shoreline environments are shown ~~on the map entitled "Shoreline Environment Map of Yakima County in Appendix C."~~ This ~~These~~ maps ~~is~~ are for informational and illustrative purposes only and is not regulatory in nature.

(1) Urban Environment

(a) **Purpose.** The "urban" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

(b) **Designation Criteria.** Specific criteria for designation of the urban environment include areas or properties that:

- (i) This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few

biophysical development limitations where intensive development is desirable or tolerable.

(ii) Lie in urban growth areas, or commercial or industrial rural areas of more intense development.

(c) Management Policies. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.

(2) Rural Environment

(a) Purpose. The purpose of the "rural" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses.

(b) Designation Criteria. Specific criteria for designation of the rural environment include areas or properties that:

- (i) This environment is characterized by agricultural and recreational uses, moderate land values, moderate public and private capital investment (roads, utilities, etc.), and/or some biophysical development limitations.
- (ii) The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;
- (iii) The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;
- (iv) The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;

(v) The shoreline is of high recreational value or with unique historic or cultural resources; or

(vi) The shoreline has low-intensity water-dependent uses.

(c) Management Policies. The management objectives are to protect agricultural land, maintain open space, and provide for recreational uses compatible with agricultural production.

(3) Conservancy Environment

(a) Purpose. The "conservancy" environment is intended to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in rural and developed settings, while allowing a variety of compatible uses.

(b) Designation Criteria. Specific criteria for designation of the conservancy environment include areas or properties that:

This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations.

(c) Management Policies. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.

(4) Natural Environment

(a) Purpose. The "natural" environment is intended to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

(b) Designation Criteria. Specific criteria for designation of the natural environment include areas or properties that:

(i) This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features

intolerant of intensive human use, and/or its value is retained only in its natural condition.

- (ii) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
- (iii) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
- (iv) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

(c) Management Policies. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.

- (i) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- (ii) The following new uses should not be allowed in the "natural" environment:
 - Commercial uses.
 - Industrial uses.
 - Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.
- (iii) Commercial forestry may be allowed as a conditional use in the "natural" environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.
- (iv) Agricultural uses of a very low intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
- (v) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
- (vi) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a

configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

(5) Urban Conservancy Environment

(a) Purpose. ~~This environment should~~The “urban conservancy” environment is intended to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

(b) Designation Criteria. Specific criteria for designation of the urban conservancy environment include areas or properties that:

- (i) This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations.
- (ii) The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area ~~and~~
- (iii) ~~that lie~~Lie in ~~incorporated municipalities,~~ urban growth areas, or commercial or industrial rural areas of more intense development.
- (iv) Are suitable for water-enjoyment uses;
- (v) Are open space or floodplains; or
- (vi) Are areas that retain important ecological functions which should not be more intensively developed.

(c) Management Policies.

- (i) Allowed uses for the urban conservancy environment generally include uses which preserve the natural character of the area, and promote the preservation of open space, floodplains or sensitive lands.
- (ii) Uses allowed under this designation should focus on recreation.
- (iii) Public access and recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

(6) Floodway/Channel Migration Zone Environment

(a) **Purpose.** The “floodway/channel migration zone environment” ~~should~~ is intended to protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the county's shorelines that are constrained by severe biophysical limitations.

(b) **Designation Criteria.** The floodway/CMZ designation is assigned to shoreline areas that are within a mapped channel migration zone and/or within a designated FEMA floodway. This environment is characterized by deep/fast floodwaters and a shifting channel and is the most hazardous shoreline area.

(c) **Management Policies.**

- (i) Commercial, industrial, mining, nonwater-oriented recreation, roads, utilities, parking areas, and residences should generally not be located in the floodway/CMZ environment. Other uses (recreation, resource, etc.) should be carefully limited to protect shoreline functions.
- (ii) Activities that may degrade the value of the floodway/CMZ environment should be limited, and development in hazardous areas should be restricted.
- (iii) Modifications that harden or fix stream banks and channels should be discouraged.

16D.~~1003~~.05[SMP Scrub] Shoreline Land Use Table.

Table 16D.~~1003~~.05-1[SMP Scrub] lists the uses and activities for each shoreline environmental designation that are allowed by substantial development permit and/or conditional use permit, or are prohibited. Such uses shall be processed in accordance with Chapter 16D.03-07 (~~Permit and Review Procedures~~Shoreline Permits, Procedures and Administration). This table does not change those situations of when this title does not apply to a development under Sections ~~{16D.04.05.01.03-~~ (Applicability), 16D.05.02 (Agriculture), 16D.05.07 (Forest Practices), 16D.07.03 (Developments Not Required to Obtain Shoreline Permits or Local Reviews), 16D.07.04 (Minor Activities Allowed without a Permit or Exemption), 16D.08.02.07 (Prohibited Uses), or when a use or activity listed as needing a substantial development permit may qualify for an exemption instead ~~{16D.03.07.07.06-~~ (Exemptions from Shoreline Development Permits).

Definitions for some uses are provided in Chapter 16D.02. The provisions in Table 16D.03.05-1 [SMP Scrub] apply to specific common uses and types of development only to the extent they occur within shoreline jurisdiction.

The following provisions apply to the Shoreline Land Use Table, Table 16D.03.05-1:

- (1) Accessory uses not specifically assigned a permit type in Table 16D.03.05-1 shall be subject to the same shoreline permit process and SMP regulations as its primary use.
- (2) Unless otherwise noted in this SMP, an accessory use should only be approved after or concurrent with establishment of a primary use.
- (3) Where there is a conflict between the table and the written provisions in this SMP, the written provisions shall apply.
- (4) Authorized uses and modifications are only permitted in shoreline jurisdiction where the underlying zoning permits for it and subject to the regulations of this SMP.
- (5) Any use, development or modification not classified in this Shoreline Master Program or not listed in the Use Table shall require a Shoreline Conditional Use Permit.
- (6) Uses and modifications may be exempt if consistent with Section 16D.07.06. Exempted uses and modifications shall be consistent with the applicable policies and regulations of this SMP and may require a letter of exemption from the Shoreline Administrator prior to commencing an exempt activity. If any part of a proposed development is not eligible for exemption, then a Substantial Development Permit is required for the entire proposed project.
- (7) Where a conflict of use or modification between two shoreline environments may occur, then the more restrictive permit process or prohibition applies.
- (8) The permit process indicated below for each use or development applies to new, expanded, modified or replacement uses or developments. Nonconforming Uses, Structures and Lots are addressed in Chapter 16D.06 [SMP Scrub]

Symbols in the table have the following meanings:

- **(S)** means a substantial development permit is required;
- **(C)** means a conditional use permit is required;

- **(X)** means the use is prohibited;
- **(N/A)** means the entry is not applicable and the entry in the activity column provides information to redirect the reader to another activity.

DRAFT

Table 16D.1003.05-1 Shoreline Land Use Table [SMP Scrub]

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities/structures. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. Conservancy
GENERAL						
Activities listed in 16D.06.1008.02.07[SMP Scrub], (Prohibited uses/Uses)	X	X	X	X	X	X
AGRICULTURE Also see section 16D.03.07 for common exemptions.						
Agriculture, including accessory agricultural structures, but excluding grazing	S	S	C	X	C	S
Grazing, also see special grazing provisions in 16D.01.0505.02(e3); Applicability(Agriculture), and 16D.03.13(2)(b), Development Authorization, for development standards07.06(5) (Exemptions from Shoreline Substantial Development Permits), and 16D.08.03.05(8)(c)(i) (Wetland Buffers) [SMP Scrub]	S	S	S	S	S	S
Confinement feeding options (CFO)	X	C	X	X	X	X
Ag.-related industry (feed mills, processing/packing plants, storage facilities, etc.)	C	C	X	X	X	C
AQUACULTURE						
Rearing	C	S	C	X	C	C
Processing	C X	S X	X	X	X	C X
Packing and storage. [SMP Scrub]	C	S	X	X	X	C
FOREST PRACTICES UNDER STATE PERMIT (which includes activities other than timber cutting). Also, see special forest practices provisions in section 16D.01.05 for applicability, chapter 16D.02 for definitions, 16D.03.07 for exemptions, and section 16D.03.13(2)(a) for development standards. [SMP2021]						
<p>All federal forest practices or nonfederal forest practices meeting the criteria below:</p> <p>1. Harvest/treat at least 5 acres of forestland, or supporting such an operation</p> <p>2. All harvesting w/in 200' of OHWM of shoreline of statewide significance uses</p>	S	S	S	C	S	S

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. Structures. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. Conservancy
<p>methods meeting RCW 90.58.150 (selective harvest) 3. Activities are not associated with a conversion option harvest 4. Approved under a WDNR Forest Practices Permit 5. Not associated with a harvest under a Class IV – General application to convert forest land to nonforestry use Category IV, where there is a likelihood of conversion to non-forest uses [SMP2021]</p>						
Nonfederal forest practices not meeting criteria (1), (2), or (3) above	C	C	C	C	C	C
Nonfederal forest practices not meeting criteria (4) above (Class 1 forest practices, activities not requiring WDNR review, etc.) shall be reviewed as separate uses or activities [SMP2021]	N/A	N/A	N/A	N/A	N/A	N/A
Nonfederal forest practices not meeting criteria (5) above shall be reviewed as the new proposed use [SMP2021]	N/A	N/A	N/A	N/A	N/A	N/A[TV2]
Forest Practice Conversions (activities other than timber cutting) [SMP2021]	<u>S</u>	<u>S</u>	<u>S</u>	<u>C</u>	<u>S</u>	<u>S</u>
MINING						
Surface mining	C	C	C	X	X	C
Underground mining	X	X	X	X	X	X
Mining for habitat restoration	S	S	S	S	S	S
ARCHEOLOGICAL [SMP Scrub]						
Interpretive center	S	C	C	X	X	S
Restoration of historic structures	S	S	C	C	C	S
Archeological excavation	C	C	C	C	C	C
RESIDENTIAL USE Also see section 16D.03.07 for common exemptions						
Cabin (see definition; 800 sq. ft.) or single improved RV site where other single-family residences are not permitted [SMP Scrub]	X	X	X	X	X	S

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities.See [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. Conservancy
Single-family Family residence Residence, including: — family home services — accessory apartment — mobile home for aged/infirm relative (or equivalent uses listed in the zoning ordinance) [SMP Scrub]	S	S	S	X	X	X
Accessory Dwelling Unit [SMP Scrub]	S	S	S	X	X	X
Duplex	S	S	X	X	X	X
Multifamily	C	X	X	X	X	X
Rooming and boarding houses [SMP Scrub]	C	X	X	X	X	X
Fraternity or sorority houses [SMP Scrub]	C	X	X	X	X	X
Manufactured home park or subdivision outside floodplain	C	X	X	X	X	X
Manufactured home park or subdivision w/in floodplain	X	X	X	X	X	X
RV park with units remaining year-round— Review as mobile home park [SMP Scrub]	N/A	N/A	N/A	N/A	N/A	N/A
RV park with units not remaining year-round— See recreational use section, moderate intensity [SMP Scrub]	N/A	N/A	N/A	N/A	N/A	N/A
Houseboats and over-water residential uses	X	X	X	X	X	X
COMMERCIAL AND COMMUNITY SERVICE USES						
Large commercial uses (more than 1/2 acre of use area) of a water-oriented nature, including commercial boating facilities, marinas, and extended moorings. Boat launches shall be treated as a recreational use	C	C	C	X	X	C
Small commercial uses (1/2 acre or less of use area) of a water-oriented nature	S	S	C	X	X	S
Nonwater-oriented commercial uses, except for instances below	X	X	X	X	X	X
Nonwater-oriented uses, when set back from OHWM or wetland edge by either a	C	C	C	X	X	C

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. Structures. <u>[SMP Scrub]</u></p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. <u>Conservancy</u>
public right of way or 100'± of a separate parcel						
Nonwater-oriented uses in a mixed use project that includes a water dependent commercial, industrial, aquaculture, or recreational use	C	C	C	X	X	C
Events and temporary uses involving public interest (see definition) that do not impair the shoreline environment. Note: Definition to be added to administrative sections	C	C	C	C	C	C
INDUSTRIAL						
Water-oriented uses	C	C	X	X	X	X
Nonwater-oriented uses, except for instances below	X	X	X	X	X	X
Nonwater-oriented uses, when set back from the OHWM or wetland edge by either a public right of way or 100'± of a separate parcel	C	C	X	X	X	X
Nonwater-oriented uses in a mixed use project that includes a water dependent commercial, industrial, aquaculture, or recreational use	C	C	X	X	X	X
RECREATION Also see sections 16D.01.05, Applicability, and 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for uses that may not require permits or review.						
Commercial components of the use that are not explicitly related to the recreation operation must also conform to the commercial section of this table	N/A	N/A	N/A	N/A	N/A	N/A
Indoor recreation – Reviewed as commercial use; see that section of table	N/A	N/A	N/A	N/A	N/A	N/A
Boat launches. Other boating facilities and marinas are reviewed as commercial uses	C	C	C	C	C	C
Commercial motorized boat recreation tour routes (related facilities are reviewed as commercial uses and boating facilities)	C	C	C	C	C	C

CHAPTER 16D.03
SHORELINES

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. Structures. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. Conservancy
State owned recreation facilities and ecological study areas	S	S	C	C	C	S
Outdoor recreation of a nonwater-oriented nature (sports complex, organized sport fields, golf course)	C	C	C	X	X	C
High-intensity Intensity Recreation outdoor recreation of a water-oriented nature (urban area parks, white water parks, etc.) [SMP Scrub]	S	C	C	X	C	S
Moderate-intensity Intensity Recreation outdoor recreation of a water-oriented nature (use areas with minor structures and improvements, such as campgrounds, picnic facilities, hiking trails, swimming beaches, fishing sites, nature/history interpretive centers); RV park/camping with units not remaining year-round is included in this category (also see residential RV uses) [SMP Scrub]	S	S	S	X	C	S
Low-intensity Intensity Recreation outdoor recreation of a water-oriented nature (unimproved use areas, such as hiking or nature trails, primitive camping areas); an unimproved personal camping and recreation site is included in this category [SMP Scrub]	S	S	S	C	S	S
Very-low-intensity recreation (wildlife viewing, scenic vistas, fishing, hunting, rafting, walking, etc.). See Section 16D.01.05 07.04, Applicability (Minor Activities Allowed without a Permit or Exemption) , for activities not subject to this title	N/A	N/A	N/A	N/A	N/A	N/A
Events and temporary uses involving public interest (see definition) which may interfere with normal public use, that do not impair the shoreline environment	C	C	C	C	C	C
TRANSPORTATION & PARKING						
Access roads serving permitted uses	S	S	S	C	C	S
Highways and freeways	C	C	C	X	C	C

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. <u>Conservancy</u>
Railways	C	C	C	X	C	C
Transportation maintenance facilities	C	C	C	X	X	C
Parking for authorized use – Reviewed with authorized use	N/A	N/A	N/A	N/A	N/A	N/A
Park and ride lots and similar stand alone parking facilities	X	X	X	X	X	X
UTILITIES						
Utility services accessory to individual projects undergoing shoreline review – review w/ project	N/A	N/A	N/A	N/A	N/A	N/A
Utility services to projects outside shoreline jurisdiction	S	S	S	C	C	S
Land/air/water monitoring station	S	S	S	S	S	S
Utility transmission lines, except as noted below	X	X	X	X	X	X
Utility transmission lines on shorelands, where no other feasible option is available	C	C	C	C	C	C
Production and processing facilities of a water-oriented nature, including power generation, water and wastewater treatment facilities	C	C	C	C	C	C
Production and processing facilities of a nonwater-oriented nature, except as noted below	X	X	X	X	X	X
Production and processing facilities of a nonwater-oriented nature, where no other feasible option is available	C	C	C	C	C	C
Storage/collection of garbage cans/dumpsters for individual use	S	S	S	S	S	S
Solid waste transfer station/drop box	C	C	C	X	X	X
Storage/disposal of solid waste, including landfills, sewage sludge, and agricultural waste. For existing uses, see Section Chapter 16D.03.2606 , [Nonconforming Uses, Structures, and Facilities] [Lots]	X	X	X	X	X	X

CHAPTER 16D.03
SHORELINES

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. Structures. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. Conservancy
SIGNS Note: signs must also conform to the local sign ordinance						
Blinking or revolving signs	X	X	X	X	X	X
Signs obstructing views of shorelines and scenic vistas from public rights-of-way	X	X	X	X	X	X
On-premises for authorized use	S	S	S	S	S	S
Off-premises (except temporary and information signs [SMP Scrub])	S	X	X	X	X	X
Temporary signs (election signs; sale, rental, or lease signs on real estate; etc.) [SMP Scrub] are not considered development	N/A	N/A	N/A	N/A	N/A	N/A
Information signs (directional, landmark, trail marker, etc.)	S	S	S	S	S	S
INSTREAM STRUCTURES Also see 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for uses that may not require permits						
In-stream elements for shore stabilization, roads/bridges, habitat restoration, piers/docks/marinas, and fill are reviewed as those activities	N/A	N/A	N/A	N/A	N/A	N/A
Construction that does not impound water (but may include stream bed manipulation); including whitewater recreation structures and flow gauging stations	C	C	X	X	X	X
Construction that impounds water or increases the height of impounded water	C	C	C	C	X	C
PIERS AND DOCKS Also see section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for uses that may not require a permit						
Pier/dock (including for over-water structures), except for instances below	X	X	X	X	X	X
Pier/dock for water dependent commercial, industrial, aquaculture, or recreational use; or public access; or a single-family residence facility to access watercraft	S	S	C	X	X	S
DREDGING						

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. Structures. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. <u>Conservancy</u>
Dredging (including obtaining minerals, aggregate, or landfill material), except for instances below	X	X	X	X	X	X
Dredging for – water dependent use – public access	C	C	C	C	C	C
Dredging to modify channels or basins (excluding maintenance) for existing navigation uses	S	S	S	X	X	S
Dredging for habitat restoration	S	S	S	S	S	S
FILLING & DREDGE MATERIAL DISPOSAL						
Fill within the OHWM, except for instances below	X	X	X	X	X	X
Fill within the OHWM for – water dependent use – public access – expansion of existing transportation system of state-wide significance – dredge material placement for habitat restoration project	C	C	C	C	C	C
– beaches	C	C	C	X	X	C
Fill (nondredged) within the OHWM for habitat restoration	S	S	S	S	S	S
Fill outside the OHWM, except for instances below	X	X	X	X	X	X
Fill outside the OHWM for site development of an approved use	S	S	S	C	C	S
SHORE STABILIZATION Also see section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for activities that may not require permits						
Nonstructural stabilization measures (revegetation, wood debris placement, sediment supplementation, bio-engineering, etc.). Also see <u>Section Subsection 16D.03.07.06 (1516)</u> for the restoration exemption	S	S	S	S	S	S
On-land stabilization structures, except for instances below	X	X	X	X	X	X

ACTIVITY	ENVIRONMENTS					
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review Section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited, see section 16D.03.26, Nonconforming uses and facilities. Structures. [SMP Scrub]</p>	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conserv. Conservancy
On-land stabilization structures (bulkheads, retaining walls, dikes, levees, rip-rap, etc.) demonstrating necessity per 16D.06.19 05.14 (11)(e) [SMP Scrub] . Also see Section 16D.03.07 07.05 for residential and bulkhead exemptions	C	C	C	C	C	C
In-water stabilization structures, except for instances below	X	X	X	X	X	X
In-water stabilization structures (breakwaters, jetties, groins, weirs, bank barbs, etc.) demonstrating necessity per 16D.06.19 05.14 (11)(e) [SMP Scrub] for – water dependent use – public access – specific public purposes – in support of bank stabilization	C	C	C	C	C	C
In-water stabilization structures for habitat restoration demonstrating necessity per 16D.06.19 05.14 (11)(e) [SMP Scrub] . Also see Section Subsection 16D.03.07 07.06 (1516) for the restoration exemption	S	S	S	S	S	S

CHAPTER 16D.04 GENERAL REGULATIONS [SMP Scrub - Whole Section]

Chapter 16D.04 presents general regulations that apply to all developments, uses, or activities in any shoreline environment designation in order to protect environmental and cultural resources, reduce likelihood of harm to life or property from hazardous conditions, and promote access to shorelines.

CHAPTER 16D.04 CONTENTS:

16D.04.01	Archaeological and Historic Resource Regulations.....	94
16D.04.02	Ecological Protection and Critical Area Regulations.	95
16D.04.03	Public Access Regulations.	99
16D.04.04	Shoreline Vegetation Conservation.....	100
16D.04.05	Water Quality, Stormwater and Nonpoint Pollution Regulations.	102

16D.04.01 Archaeological and Historic Resource Regulations.

The following provisions apply to archaeological and historic resources that are either recorded at the State Department of Archaeology and Historic Preservation and/or by local jurisdictions or have been inadvertently uncovered. Development or uses that may impact such sites shall comply with WAC 25-48 and the following:

- (1) **Known archaeological resources.** In areas documented to contain archaeological resources, new permits shall require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.
- (2) **Uncovered archaeological resources.** Developers and property owners shall immediately stop work and notify the County, the Washington State Department of Archaeology and Historic Preservation, and the

Confederated Tribes & Bands of the Yakama Nation if archaeological resources are uncovered during excavation.

- (3) Applicants shall submit an Inadvertent Discovery Plan prior to commencing any development authorized by this SMP. A copy of the plan shall be kept on site during ground disturbing activities.

16D.04.02 Ecological Protection and Critical Area Regulations.

- (1) **Applicability.** The provisions of this Section and Chapter 16D.08 (Critical Areas in Shoreline Jurisdiction) shall apply to any use, alteration or development within shoreline jurisdiction to document a finding of no-net-loss. Additional mitigation requirements may be included within this SMP based on the proposed development or use to document a finding of no-net-loss.

~~(1)~~ ~~(2) **16D.03.10 Mitigation Requirements**~~ sequencing. ~~(1) All developments~~ Applicants shall demonstrate ~~that~~ all reasonable efforts have been ~~examined with the intent~~ taken to avoid ~~and~~ minimize and then mitigate potential adverse impacts to critical areas ~~ecological function resulting from new development and redevelopment in shorelines in the following sequence of steps listed in prioritized order: When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:~~ [SMP Scrub]

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment; to the conditions existing at the time of the initiation of the project;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- (f) The specific set of criteria for wetland compensatory mitigation plan requirements can be found in Section 16D.08.03.06;

~~(f)~~(g) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

~~(h)~~ ~~(2)~~ Mitigation for individual actions may include a combination of the above measures^[TV3].

~~(3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with an approved mitigation plan. Mitigation shall not be implemented until after approval of the mitigation plan.~~

~~(4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. When necessary, mitigation may be provided that is out-of-kind and/or off-site.~~

Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. [SMP Scrub]

(3) **Mitigation required for impact.** Mitigation shall be required for all projects within shoreline jurisdiction that have adverse impacts remaining after application of mitigation sequencing per Subsection 16D.04.02(2) which result in a net loss of ecological functions. As part of the analysis of potential impacts, the applicant shall also evaluate whether the project may adversely affect existing hydrologic connections between streams and/or wetlands, and either modify the project or mitigate any impacts as needed. Mitigation plans must meet the following requirements:

(a) Mitigation plans shall be prepared by a qualified professional and shall be consistent with the relevant mitigation plan requirements of the County, including a five-year monitoring plan or other monitoring timeframe specified by local, state or federal permitting agencies, and scaled drawings of existing and proposed conditions.

(b) Mitigation plans shall describe actions that will ensure no net loss of ecological functions, and shall describe the functions impacted and how the mitigation plan addresses those specific functions.

(c) Mitigation must be designed to result in no net loss of ecological functions to the extent feasible. Mitigation for adverse impacts to shoreline ecological functions shall be required at a ratio of one unit of mitigation for one unit of impact area (1:1) or as required to meet the no net loss of ecological functions standard.

- (d) Mitigation plans and any required annual monitoring reports shall be prepared by the appropriate qualified professional. Except, any monitoring report required for single-family residence may be submitted at the end of years 1, 3 and 5 by the property owner if accompanied by an as-built plan, documentation of vegetation survival, and photographs.
- (e) Mitigation plans that include a vegetation component shall contain a performance standard of 90 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year and fifth year.
- (f) Mitigation measures specified in the mitigation plan shall be maintained over the life of the use and/or development.

(4) Cumulative effects.

- (a) In review of applications for shoreline conditional uses and variances, the County shall consider the cumulative impacts of individual uses and developments when determining whether a proposed use or development could cause a net loss of ecological functions. The geographic scope of the analysis shall include the shoreline waterbody potentially affected by the proposal within the bounds of the County's geographic authority, unless the Shoreline Administrator determines that a larger or smaller area of analysis is appropriate.
- (b) The Shoreline Administrator shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, water quantity, water quality and other shoreline attributes.
- (c) Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:
 - (i) Current ecological functions and human factors influencing shoreline natural processes; and
 - (ii) Reasonably foreseeable future use and development of the shoreline; and
 - (iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws; and

- (iv) Mitigation measures implemented in conjunction with the proposed project to avoid, reduce and/or compensate for adverse impacts.
- (d) The Shoreline Administrator may add conditions as needed based on the findings of special studies, assessments and analyses completed to address any adverse cumulative effects and ensure that the project meets the review criteria.
- (5) **Restoration is not required.** Developments shall not be required to provide mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and will not have a significant adverse impact on other shoreline functions fostered by the policy of the Act.
- (6) **Alternative mitigation.** For any development proposal, applicants shall comply with relevant mitigation standards found in this SMP. Provided, applicants may submit a habitat management plan that demonstrates how an alternative mitigation approach meets the no net loss of ecological functions standard or alternative planting plan or mitigation measure are approved by other State and Federal agencies.
- At a minimum, habitat management plans must contain information about existing and anticipated post-project conditions with a discussion of how the alternative design or mitigation approach is consistent with the SMA and this SMP.
- (7) **Alternative off-site mitigation.** The applicant may propose compensatory mitigation, if related to an established County program, such as in-lieu fee mitigation or mitigation banking.
- (8) **Location of mitigation.** When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the same watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on the Shoreline Restoration Plan, or Water Resource Inventory Area (WRIA) or comprehensive resource management plans applicable to the area of impact may be authorized if it would have a greater positive impact on ecological function. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.
- (9) **Protection of critical areas and buffers.** Any critical areas found within shoreline jurisdiction, shall be regulated by Chapter 16D.08 (Critical Areas in Shoreline Jurisdiction). Unless otherwise stated, critical area buffers and

shoreline buffers located within shoreline jurisdiction shall be protected and/or enhanced pursuant to Section 16D.04.04 (Shoreline Vegetation Conservation) and all other applicable provisions of this SMP.

16D.04.03 Public Access Regulations.

(1) **Applicability.** When shoreline development is proposed, the following shoreline uses and activities shall require public access unless excepted in Subsection (2) below:

- (a) Development consistent with WAC 173-26-221 (4)(d)(iii);
- (b) Development which is not a preferred shoreline use (e.g. non-water-oriented commercial or industrial development);
- (c) Development proposed by local government(s), State agencies or Public Utility Districts;

(2) **Exceptions.** The following types of development are not required to provide public access when approved by the Shoreline Administrator:

- (a) Single-family residences and other exempt development;
- (b) Development which does not lessen existing public access;
- (c) Proposed development where the applicant demonstrates to the satisfaction of the Shoreline Administrator that one of the following criteria are met and feasible alternatives have been considered:
 - (i) Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
 - (ii) Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - (iii) Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
 - (iv) Significant unavoidable conflict between any access regulations and the proposed use and/or adjacent uses would occur and cannot be mitigated.

(3) **Types of Public Access.** Public access may include direct access to the water, offsite improvements to existing or new public access or visual. Public access may include viewing platforms, trails/paths, stairs, bridges, boat ramps, docks, fishing stations for cleaning or interpretive displays or signage.

- (4) **Standards.** When developing public access, the applicant shall demonstrate compliance with Yakima County Code Title 19, or as approved by the Shoreline Administrator. Additionally, the Shoreline Administrator may require buffers between public access and adjoining private property, screening landscaping or fencing, or other mitigation to lessen the impact to surrounding private property.
- (5) **Nexus and proportionality.** When a public access is required, the County shall document the need for the public access in relation to the impact of the shoreline development/use.

16D.04.04 Shoreline Vegetation Conservation.

Shoreline vegetation provides ecological and aesthetic functions valued by the public and important to habitat and water quality. Vegetation Conservation identifies ways to consider and protect those functions while using the shorelines.

Shoreline Buffers provide an area to retain shoreline vegetation and ensure a continued level of ecological function. Uses and development within the shoreline buffer which result in the loss of vegetation may reduce function. Vegetation removal within shoreline jurisdiction that is not permitted without the appropriate review and approvals may be subject to enforcement provisions in Chapters 16D.07.21 (Enforcement Responsibilities Generally) and 16D.07.22 (Penalties).

- (1) **Conserve vegetation.** Shoreline developments shall address conservation and maintenance of vegetation within the required buffer through compliance with this Section. Uses and modifications must be designed and located to ensure that the development will not result in a net loss of shoreline ecological functions or have significant adverse impacts to shoreline uses and vegetation, resources, and values provided for in RCW 90.58.020.
- (2) **Adverse impacts on vegetation.** Actions that result in an adverse impact are not permitted unless mitigated for through an approved permit. Adverse impacts to shoreline vegetation are considered to occur when vegetation is removed within the buffers that would reduce the performance of any of the shoreline functions.
- (3) **Native plant list.** Property owners may choose species from this list when native plants are desired or required, or may use other native species identified by the Washington Native Plant Society, Washington Department of Natural Resources Natural Heritage Program, Washington

Department of Fish and Wildlife, or other agency or entity that has expertise.

- (4) Water-dependent uses.** Consistent with the use allowances for each shoreline environment designation, water-dependent uses, modifications and activities may be located in shoreline buffers when consistent with this SMP. These uses may result in the modification of the vegetation.

Accessory uses, developments and activities should be located outside of the shoreline buffer unless consistent with Section 16D.04.02 (Ecological Protection and Critical Area Regulations) and one of the following:

- (a) Proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility, facilities that support non-commercial aquaculture);
 - (b) In parks or on other public lands where high-intensity recreational development is already legally established and whose use is primarily related to access to, enjoyment and use of the water, they do not conflict with or limit opportunities for other water-oriented uses; or
 - (c) The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).
- (5) Passive activities.** Education, scientific research, and passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, snowshoe or cross-country skiing, swimming, canoeing, and bicycling, are permitted within shoreline jurisdiction and within established shoreline and critical area buffers.

(6) Tree Removal.

- (a) Where trees, within the shoreline buffer, pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional or as approved by the Shoreline Administrator, they may be removed if the hazard cannot be removed by topping or other technique that maintains some habitat function. Stumps shall be retained in the ground to provide soil stabilization unless another soil stabilization technique is utilized immediately after

stump removal. The Shoreline Administrator may require revegetation for removed trees.

(b) Removal of non-hazard trees in the shoreline buffer is permitted if associated with an approved mitigation and management plan, approved use/development, public access, or view corridor.

(c) Tree removal which is proposed as part of an approved use or development shall be minimized through site design and mitigation.

(7) **Non-native vegetation.** With the exception of hand removal or spot-spraying of invasive or noxious weeds, the determination of whether non-native vegetation removal may be permitted in a shoreline buffer or critical area buffer must be evaluated in conformance with Sections 16D.07.04 (Minor Activities Allowed without a Critical Areas Permit), 16D.04.02 (Ecological Protection and Critical Area Regulations), and Chapter 16D.08 (Critical Areas in Shoreline Jurisdiction). Such removal of noxious weeds and/or invasive species shall be incorporated in mitigation plans, as necessary, to prevent erosion and facilitate establishment of a stable community of native plants.

(8) **Cultural and historic resources protection.** Fill and other shoreline modifications may be permitted in shoreline and critical areas buffers when necessary to protect cultural or historic resources when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient to avoid continued degradation, disturbance or erosion of a site. Cultural resource protection projects shall be coordinated with any affected Indian tribes and comply with applicable provisions of Section 16D.04.01 (Archaeological and Historic Resource Regulations) of this SMP.

16D.04.05 Water Quality, Stormwater and Nonpoint Pollution Regulations.

(1) **Applicability.** The following Section applies to all development and uses in shorelines of the state that affect water quality.

(2) **Requirements for new development.** New development, excluding overwater structures and shoreline stabilization, shall manage stormwater to avoid and minimize potential adverse effects on shoreline ecological functions through the use of best management practices and/or through compliance with the current Stormwater Management Manual for Eastern Washington, or a local equivalent stormwater manual in effect at the time if applicable to the

project. When the Stormwater Management Manual or a local equivalent stormwater manual applies, deviations from the standards may be approved where it can be demonstrated through County Code that off-site facilities would provide better treatment. Additionally, new development is encouraged to implement low impact development or other similar techniques.

- (3) **Maintain storm drainage facilities.** Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.
- (4) **Use BMPs.** Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through an approved temporary erosion and sediment control (TESC) plan or Stormwater Pollution Prevention Plan, identified in the Stormwater Management Manual for Eastern Washington, as amended or the most recent adopted stormwater manual, or administrative conditions, in accordance with the current federal, state, and/or local stormwater management standards in effect at the time.
- (5) **Sewage management.** On-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards, in addition to requirements outlined below.
 - (a) On-site wastewater treatment systems shall be located landward of designated shoreline buffers and subject to regulations administered by the Yakima Health District.
 - (b) Large On-site Sewage Systems (LOSS) shall be subject to regulations administered by the Washington State Department of Ecology or Department of Health as required by rule adopted under RCW 70A.115.020.
 - (c) All individual and community on-site wastewater (sewage) treatment systems including septic tanks and drainfields or alternative systems approved and inspected by the Yakima Health District, the Washington Department of Ecology, or Washington Department of Health, shall be located landward of designated shoreline buffers.

CHAPTER 16D.05 SHORELINE USES AND MODIFICATIONS [SMP Scrub]

CHAPTER 16D.05 CONTENTS:

16D.05.01 [SMP Scrub] Water Dependency Development Standards and Buffer Requirements.	105
16D.05.01.01 [SMP Scrub] Use Classifications.	105
16D.05.01.02 [SMP Scrub] Water-Dependent Uses.	106
16D.05.01.03 [SMP Scrub] Water-Related Uses.	106
16D.05.01.04 [SMP Scrub] Water-Enjoyment and Nonwater-Oriented Uses.	107
16D.05.02 [SMP Scrub] Agriculture.	107
16D.05.03 [SMP Scrub] Aquaculture.	108
16D.05.04 [SMP Scrub] Commercial and Community Services.	109
16D.05.05 [SMP Scrub] Dredging and Excavation.	110
16D.05.06 [SMP Scrub] Filling.	111
16D.05.07 [SMP Scrub] Forest Practices.	113
16D.05.08 [SMP Scrub] Mining [SMP Scrub].	114
16D.05.09 [SMP Scrub] Industrial Activities.	115
16D.05.10 [SMP Scrub] Piers and Docks.	116
16D.05.11 [SMP Scrub] Recreation.	117
16D.05.12 [SMP Scrub] Residential.	118
16D.05.13 [SMP Scrub] Transportation [SMP Scrub] and Parking.	118
16D.05.14 [SMP Scrub] Shore Stabilization.	120
16D.05.15 [SMP Scrub] Utility Transmission Lines and Facilities.	123

~~ARTICLE V – LAND MODIFICATION DEVELOPMENT STANDARDS~~

~~ARTICLE IV –~~ 16D.05.01 [SMP Scrub] **Water Dependency Development Standards and Buffer Requirements.**

~~16D.06.12~~ 05.01.01 [SMP Scrub] **Use Classifications.**

For purposes of this Chapter, the components of any development, construction, or use requiring a ~~critical area~~ shoreline [SMP Scrub] development authorization shall be classified as provided below, and shall conform with the development standards applicable to the classification provided in ~~16D.06.13~~ 05.01.02 through ~~16D.06.15~~ 05.01.04 except for those listed in Section ~~16D.03.05~~ 07.04 (Minor Activities Allowed without a Permit or Exemption):

- (1) Water-oriented uses are one of the following three (3) categories of uses:
 - (a) Water-dependent uses include dams, water diversion facilities, marinas, boat launching facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland crossings for roads and railroads, stream and wetland crossings for utilities, swimming beaches, fishing sites, in-water or on-land shore stabilization structures, livestock watering sites, and other uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations. This provision applies only to the specific portion of a project that is demonstrably dependent upon the water or shore.
 - (b) A water-related use is one not intrinsically dependent on a waterfront location but whose economic viability is enhanced by a waterfront location either because it requires large quantities of water, or because it provides services for water dependent uses and the proximity to its customers makes such services less expensive and/or more convenient. Examples would include thermal power plants, wastewater treatment plants, water processing and treatment plants, support services for fish hatcheries or aquaculture, fly shops and boat rental shops.
 - (c) A water-enjoyment use is a recreational or other use that facilitates public access within shoreline jurisdiction as a primary characteristic

of the use, or provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use; and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. Within shoreline jurisdiction the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment in order to qualify as a water-enjoyment use within shoreline jurisdiction. Examples include recreational uses orientated to the shoreline's water features, and restaurants with water viewing.

- (2) Nonwater-oriented uses include any use not qualifying as uses in Subsection (1) above.

16D.~~06.13~~05.01.02 [SMP Scrub] Water-Dependent Uses.

The following provisions shall apply to water-dependent uses:

- (1) Structures shall be clustered at locations on the water's edge having the least impact to the surface water and shore.
- (2) Use areas and structures which require direct shore locations shall be located and constructed to minimize impacts to the shore area and the vegetative buffer specified in Section 16D.~~06.16~~08.02.09 (Vegetative Buffers).
- (3) Use areas and structures requiring direct shore locations shall minimize any obstruction or impairment of normal public navigation of the surface water.

16D.~~06.14~~05.01.03 [SMP Scrub] Water-Related Uses.

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

- (1) Structures and use areas shall be located as far landward from the ordinary high water mark or wetland edge as is possible and still preserve the essential or necessary relationship with the surface water.
- (2) Structures and use areas shall not be located within the vegetative buffer specified in Section 16D.~~06.16~~08.02.09 (Vegetative Buffers) except where existing development or the requirements associated with the use make such a location unavoidable.

16D.~~06.15~~05.01.04 [SMP Scrub] Water-Enjoyment and Nonwater-Oriented Uses.

The following provisions shall apply to water enjoyment and nonwater-oriented uses:

- (1) Structures and use areas shall be set back so as not to be located within the vegetative buffer specified in Section 16D.~~06.16~~08.02.09 (Vegetative Buffers).
- (2) Construction abutting the vegetative buffer specified in Section 16D.~~06.16~~08.02.09 (Vegetative Buffers) shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.

16D.~~06.29~~05.02 [SMP Scrub] Agriculture.

For shoreline purposes, WAC 173-26-020 (Definitions) and WAC 173-26-241(3)(a) (Agriculture) shall determine the need for shoreline review for agricultural activities. To summarize, existing agricultural activities, including maintenance, repair and replacement of existing facilities, may continue as they historically have and may include changes in crops. New agricultural activities on land not currently in agricultural use are subject to shoreline review. New facilities (roads, buildings, etc.) are subject to shoreline review, or exemption when applicable. The following provisions apply to any development, construction, or use of land for agricultural purposes.

- (1) Confinement feeding operations shall meet the following standards:
 - (a) Applicants shall submit a proposed site plan that indicates:
 - (i) Maximum number and type of livestock to be kept on the site;
 - (ii) Existing and proposed contour of the land and topographic features;
 - (iii) Groundwater profiles, streams and drainage ways;
 - (iv) Soil types;
 - (v) Existing and proposed building locations;

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (vi) Waste disposal facilities including: Site runoff storage ponds, location of manure stockpiles, holding tanks and ponds, ultimate manure disposal sites;
 - (vii) Other use areas such as feed storage, animal movement routes and animal pens.
- (b) A site plan judged by the ~~administrative—official~~[Shoreline Administrator](#) to be insufficient for the protection of the shoreline environment shall cause denial of the application.
- (2) New agricultural activities and facilities shall utilize best management practices established by the USDA Natural Resources Conservation Service or other similar agency.
- (3) ~~Rangeland livestock grazing may qualify for the exemption from c~~[Critical areas development standards listed in 16D.03.13\(2\)\(b\) may not be applicable to rangeland livestock grazing if](#) ~~Livestock—livestock~~ grazing on publicly owned land, when carried out under an agreement that includes a resource management plan that will be monitored by a public entity, is not subject to this title. To qualify for this provision, a resource management plan must be provided that has been prepared using all applicable U.S. 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.

16D.~~06.30~~[05.03 \[SMP Scrub\]](#) Aquaculture.

The following provisions apply to any development, construction, or use of land for aquacultural purposes within shoreline jurisdiction.

- (1) All structures located within water bodies shall not preclude navigability of those waters at any time, and shall be clearly marked so as to provide no hazard to navigation on those waters.
- (2) Aquaculture facilities shall avoid significant conflict with water-dependent uses, the spreading of disease, introduction of nonnative species, or impacts to shoreline aesthetic qualities.

16D.06.2505.04[SMP Scrub] Commercial and Community Services.

The following provisions apply to any development, construction, or use of land for commercial and ~~commercial~~-community service purposes within shoreline jurisdiction.

- (1) Developers shall ensure that utility lines including electricity and communications will be underground, except where presence of bedrock or other obstructions make undergrounding impractical. Aboveground lines in existence at the time of adoption of the master program shall be undergrounded during normal replacement processes.
- (2) Water-oriented commercial and community services uses shall be designed to facilitate public access to and enjoyment of nearby shoreline areas.
- (3) Application for new commercial or community services shall demonstrate either:
 - (a) How the use qualifies as a water-oriented use and how facilities function as such; or
 - (b) That a nonwater-oriented use is part of a mixed use development that includes a water dependent use, and that it will provide a significant public benefit towards meeting SMA objectives, such as providing public access and ecological restoration; or
 - (c) That a nonwater-oriented use is setback from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.
- (4) Boating facilities, marinas and extended mooring sites shall:
 - (a) Comply with the health, safety and welfare standards of State and local agencies for such facilities;
 - (b) Be so located and designed as not to obstruct or cause danger to normal public navigation of water bodies;
 - (c) Be restricted to suitable locations;
 - (d) Avoid or mitigate for aesthetic impacts;
 - (e) Mitigate special impacts of live-aboard vessels;

- (f) Mitigate impacts to existing public access and navigation;
- (g) Provide documentation of ownership or authorization to use associated water areas;
- (h) Demonstrate that state and local regulations will be met. Agencies responsible for such regulations shall be consulted as to the viability of the proposed design;
- (i) Submit an operations and site plan demonstrating:
 - (i) Location and design of fuel handling and storage facilities to minimize accidental spillage and protect water quality;
 - (ii) Proper water depth and flushing action for any area considered for overnight or long-term moorage facilities;
 - (iii) Adequate facilities to properly handle wastes from holding tanks;
 - (iv) That boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, and access;
 - (v) Adequate access, parking, and rest room facilities for the public. Such facilities should be located away from the immediate water's edge.

16D.06-2005.05[SMP Scrub] Dredging and Excavation.

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

- (1) Dredging in surface waters shall be allowed only where necessary because of existing navigation needs, habitat restoration or improvement, maintenance or construction of water-dependent uses.
- (2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.
- (3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.
- (4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (5) Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage.
- (6) Dredging and excavation shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
- (7) Dredge spoils are also considered fill, and shall not be deposited within the stream except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
- (8) Additional Shoreline Standards for Dredging and Excavation. The requirements below shall apply to all dredging and excavation activities within shoreline jurisdiction.
 - (a) All applications for substantial development permits that include dredging shall supply a dredging plan that includes the following information:
 - (i) The quantity of material to be removed.
 - (ii) The method of removal.
 - (iii) Location of spoil disposal sites and measures that will be taken to protect the environment around them.
 - (iv) Plans for the protection and restoration of the shoreline environment during and after dredging operations.
 - (b) A dredging operation judged by the [Shoreline](#) Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

16D.06.21-05.06[SMP Scrub] Filling.

The following provisions shall apply to filling activities within shorelines:

- (1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction with water-dependent uses, or an ~~approved reclamation plan under Section 16D.06.23 (Reclamation)~~ or approved compensatory mitigation plan under Section 16C.03.17D.08.01.03(13).

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (2) Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a manner consistent with the policies of this Chapter.
- (3) Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods.
- (4) Fill in floodplains shall meet the requirements of ~~Chapters 16D.05.20 through 16D.05.72~~[the Flood Hazard Ordinance](#).
- (5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities.
- (6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
- (7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
- (8) Fill shall be stabilized with native vegetation where appropriate to prevent erosion, migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless technical consultation with other regulating agencies indicates alternative means are required.
- (9) Projects that propose fill ~~shall make every effort to~~[must](#) acquire [the](#) fill on site (also known as compensatory storage), ~~unless documentation is provided demonstrating that onsite fill is not available or substandard for the project where appropriate [CAO]~~.
- (10) Fill should not obstruct, cut off, or isolate stream corridor features.
- (11) Additional Shoreline Standards for Fill. The requirements below shall apply to all filling activities within shoreline jurisdiction.
 - (a) Fill projects shall be evaluated for effects on total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat.
 - (b) Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the [Shoreline Administrator](#)~~administrative official~~ to be insufficient for the

protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

ARTICLE VI – SHORELINE USE DEVELOPMENT STANDARDS

16D.06.2405.07[SMP Scrub] Forest Practices.

The following provisions shall apply to forest practices, as defined, within shoreline jurisdiction. A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline Substantial Development Permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a Substantial Development Permit, as required by WAC 222-50-020. [SMP2021]:

~~(1) All federal forest practices or nonfederal forest practices meeting the criteria below shall qualify for the exemption from development standards provided in 16D.03.13(2)(a). All forest practices qualifying for this provision shall demonstrate compliance by providing a copy of the federal approval or state Forest Practices Permit. Other forest practices must conform to all applicable development standards.~~

~~(a) Harvest/treat at least 5 acres of forestland, or supporting such an operation;~~

~~(b) All harvesting within 200 feet of OHWM of Shoreline of Statewide Significance uses methods meeting RCW 90.58.150 (selective harvest), as amended;~~

~~(c) Activities are not associated with a conversion option harvest;~~

~~(d) Approved under a forest practices permit;~~

~~(e) Not associated with a harvest under a Class IV, General application to convert forest land to nonforestry use.~~

~~(2) Nonfederal forest practices not meeting criteria (1)(a), (b), or (c) above are designated as a conditional use.~~

~~(3) Nonfederal forest practices, not meeting criterion (1)(d) above (Class I forest practices, activities not requiring DNR review, etc.) shall be reviewed as separate uses or activities.~~

~~(4) Nonfederal forest practices not meeting criterion (1)(e) above shall be reviewed as a new proposed use.~~

16D.06.2205.08[SMP Scrub] ~~Commercial Mining of Gravels[SMP Scrub].~~

The following provisions shall apply to ~~the commercial mining of gravels~~ within shorelines:

- (1) Prior to the authorization of a ~~commercial gravel~~ mining operation, the project proponent shall provide maps to scale which illustrate the following:
 - (a) The extent to which gravel excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation;
 - (b) The location, extent and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation;
 - (c) The description, location, and extent of any proposed subsequent use that would be different than existing uses.
- (2) The operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value.
- (3) Any surface mining allowed within the floodway shall meet the standards of ~~16D.05.36.010(1)~~ [the Flood Hazard Ordinance](#).
- (4) Except where authorized by Yakima County in consultation with the State Department of Fish and Wildlife and Department of Ecology, the following shall apply:
 - (a) The excavation zone for the removal of gravels shall be located a minimum of one hundred [\(100\)](#) feet upland from the ordinary high water mark (OHWM) of the stream channel.
 - (b) Equipment shall not be operated, stored, refueled, or provided maintenance within one hundred [\(100\)](#) feet of the OHWM.
 - (c) Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within one hundred [\(100\)](#) feet of the OHWM.

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (5) Mining proposals shall be consistent with the Washington Department of Natural Resources Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).
- (6) Additional Shoreline Standards for Industrial Mining ~~of Gravels~~. The requirements below shall apply to all mining activities within shoreline jurisdiction.
 - (a) Applicants shall submit a mining and reclamation plan to the [Shoreline\[SMP Scrub\]](#) Administrator describing the proposed site, quantity of material to be removed, method of removal, and measures that will be taken to protect lakes and streams from siltation and sedimentation. A surface mining plan or a reclamation plan judged by the [Shoreline Administrator](#) ~~administrative official~~ to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.
 - (b) Mining processing activities and stockpiles shall be sited in such a manner so as to avoid damage or loss resulting from flooding.
 - (c) Mining processing activities shall utilize existing and/or new vegetation where necessary to minimize visual and noise impacts.
 - (d) New mining and associated activities shall assure that proposed subsequent use of the mined property is consistent with the provisions of the environment designation and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

16D.06.2605.09[SMP Scrub] Industrial Activities.

The following provisions apply to any development, construction, or use of land for industrial purposes within shoreline jurisdiction:

- (1) Facilities and structures shall be designed and screened with vegetation to minimize degradation of shoreline aesthetic qualities.
- (2) Industries which have proven to be environmentally hazardous shall be discouraged from locating along the shorelines.
- (3) Industrial uses and redevelopment of industrial uses shall provide for environmental cleanup and restoration in degraded or contaminated locations.

- (4) Application for new industrial activities shall demonstrate either:
- (a) How the use qualifies as a water-oriented use and how facilities function as such; or
 - (b) That a nonwater-oriented use is part of a mixed use development that includes a water dependent use, and that it will provide a significant public benefit towards meeting SMA objectives, such as providing public access and ecological restoration; or
 - (c) That a nonwater-oriented use is setback from the OHWM or wetland edge by ~~either a public right-of-way or by 100 feet or more of a separate parcel.~~

~~16D.06.31~~ 05.10 [SMP Scrub] Piers and Docks.

The following provisions apply to any development, construction, or use of land for piers and docks within shoreline jurisdiction.

- (1) Pier and dock construction shall be the minimum size necessary to meet the needs of the use.
- (2) New pier or dock construction, excluding docks accessory to single-family residences must demonstrate that a specific need exists to support the intended water-dependent or public access use.
- (3) New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.
- (4) Docks, piers, and any other over-water structures for similar purpose, are prohibited in free-flowing streams and rivers in Yakima County. Bridge and trestle piers, flow measuring gauges, and existing irrigation diversion facilities are excluded from the prohibition in this Section.

~~16D.06.23~~ Reclamation.

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

- ~~(1) Development, construction, or uses shall include the timely restoration of disturbed features to a natural condition or to a stabilized condition that prevents degradation within the stream corridor.~~

- ~~(2) Large-scale projects or projects extending over several months shall be phased to allow reclamation of areas where work or operations have been completed.~~
- ~~(3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season, and other seasonal variables that influence restoration and recovery.~~
- ~~(4) Topography shall be finished to grades, elevations, and contours consistent with natural conditions in adjacent and surrounding areas.~~
- ~~(5) Where existing development and construction prevent the return of a site to its natural condition, sites may be finished to conditions comparable to surrounding properties provided suitable protective measures are used to prevent stream corridor degradation.~~
- ~~(6) Cut-and-fill slopes shall be stabilized at, or at less than, the normal angle of repose for the materials involved.~~
- ~~(7) The replacement or enhancement of vegetation within wetlands critical areas and or their required vegetative buffers shall use naturally occurring, native plant species. In other parts of the stream corridor, naturally occurring, native plant species shall be used, unless a showing of good cause acceptable to the administrative official is provided, in which case self-maintaining or low-maintenance plant species compatible with native vegetation shall be preferred over non-native and high-maintenance species [CAO].~~

16D.06.2805.11[SMP Scrub] Recreation.

The following provisions apply to any development, construction, or use of land for recreational purposes within shoreline jurisdiction.

- (1) Recreational activities in the urban and rural environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.
- (2) No permanent structures are allowed in the natural environment.
- (3) The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.
- (4) Access to recreational areas should emphasize both areal and linear access. Linkage of shoreline parks and public access points by means of linear access should be encouraged.

- (5) Different uses within a specific recreational facility must be compatible with each other.
- (6) Commercial components of the use that are not explicitly related to the recreational operation must also conform to the commercial use standards of Section 16D.~~06.25~~05.04[SMP Scrub] (Commercial and Community Services).

16D.~~06.27~~05.12[SMP Scrub] Residential.

The following provisions apply to any development, construction, or use of land for residential purposes within shoreline jurisdiction.

- (1) Developers in the urban, natural and urban conservancy environments shall ensure that utility lines including electricity and communications will be underground, except where the presence of bedrock or other obstructions make undergrounding impractical. Aboveground lines in existence at the time of adoption of the master program shall be undergrounded during normal replacement processes.
- (2) Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall allow for pedestrian access to such water bodies for residents of upland lots within the subdivision.
- (3) Residential development and preliminary plats shall contain plans indicating how shore vegetation will be preserved and erosion controlled. A vegetation protection and/or erosion control plan judged by the Shoreline Administrator to be insufficient for protection of the shoreline environment shall cause denial of an application.
- (4) Subdivisions within the jurisdiction of the master program shall maintain an overall project density of one dwelling unit per one-half acre. Subsequent re-subdivision of any portion of the property contained in the original plat in order to increase density above that specified herein is prohibited.

16D.~~06.17~~05.13[SMP Scrub] Roads, ~~Railroads~~Transportation[SMP Scrub] and Parking.

The following provisions shall apply to the location and construction of roads, railroads, bridges, water crossings, and parking within shorelines, where appropriate:

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (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.
- (3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone.
- (4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.
- (5) Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water, sediment and woody debris.
- (6) Natural stream channels and drainage ways shall be preserved through the use of bridges for crossings, unless the use of culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainageways. Where bridges are not feasible, large, natural bottom culverts, multi-plate pipes and bottomless arches shall be used.
- (7) The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with Subsections (1) and (2), and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.
- (8) Where fish, amphibian or other wildlife passage ~~is~~are present, culverts shall be designed and constructed to specifications provided through

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

the Washington State Aquatic Habitat Guidelines ~~or a comparable source of expertise~~ [\[CAO\]](#).

- (9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water.
- (10) Roads must be designed and constructed using established flood resistant design and construction methods when they may be subject to damage by flood waters.
- (11) Roads and bridges within floodways must meet the requirements of ~~section 16D.05.36.010 subsections (2) and (7)~~ [the Flood Hazard Ordinance](#).
- (12) ~~Additional Shoreline Standards for Roads, Railroads and Parking.~~ [Parking](#). The standards in this Section only apply to new uses within shoreline jurisdiction.
 - (a) Parking areas shall be located upland of the areas they serve.
 - (b) Owners of two or more adjoining uses, structures or parcels of land may utilize jointly the same parking area when the hours of operation do not overlap.
 - ~~(c) A conditional use permit for roads, railroads or parking areas must demonstrate through social, economic, environmental, and engineering studies that a shoreline location is the most feasible of the available options.~~ [\[SMP Scrub\]](#)

16D.06.1905.14 [\[SMP Scrub\]](#) **Shore Stabilization.**

The following provisions shall apply to shore stabilization projects:

- (1) Shore stabilization projects shall be allowed only where there is evidence of erosion which clearly represents a threat to existing property, structures, or facilities, and which stabilization will not jeopardize other upstream or downstream properties.
- (2) Stabilization projects shall be developed under the supervision of, or in consultation with, agencies or professionals with appropriate expertise [using the Washington State Aquatic Habitat Guidelines Program Integrated Streambank Protection Guidelines \(ISPG\), or other accepted guidelines](#) [\[CAO\]](#).
- (3) Stabilization projects shall be confined to the minimum protective measures necessary to protect the threatened property.

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (4) The use of fill to restore lost land may accompany stabilization work, provided no fill is placed waterward of the resultant shore does not extend beyond [CAO] the new ordinary high water mark, finished grades are consistent with abutting properties, a restoration plan is approved for the area, and the fill material is in compliance with Section 16D.06.2105.06[SMP Scrub] (Filling).
- (5) Stabilization projects shall use design, material, and construction alternatives that do not require high or continuous maintenance and which prevent or minimize the need for subsequent stabilization to other segments of the shore. Junk car bodies and other unsuitable debris are not to be used in shore stabilization projects.
- (6) Stream bank and lakeshore protection shall be accomplished using bioengineered (biotechnical) designs employing living plant materials as primary structural components of resistance to erosion and mass wasting, unless a report prepared by a qualified engineer experienced in soil bioengineering (biotechnical) and shoreline protection demonstrates that conventional structural armoring is the only feasible means of stabilizing the subject stream bank or lakeshore.
- (7) Applications to construct or enlarge dikes or levees shall meet the requirements of ~~16D.05.36.010(6)~~ the Flood Hazard Ordinance.
- (8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore.
- (9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or other solid construction methods.
- (10) All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance, and repairs for the life of the project.
- (11) Additional Shoreline Standards for Shore Stabilization. The requirements below shall apply to all shore stabilization activities within shoreline jurisdiction.
 - (a) Where feasible, dikes and levees shall be located outside of the floodway or channel migration zone of the river or stream in order to minimize any attendant increase in water stage and stream flow velocity over existing conditions.
 - (b) Riprapping and other shore stabilization measures shall be designed, located, and constructed in such a manner as to minimize the disruption of natural channel characteristics.

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (c) Where a geotechnical analysis or report is required, it shall meet the provisions of 16D.03.1808.01.04(6) (flood hazard reduction and shore modification in shoreline jurisdiction).
- (d) When structural flood hazard reduction and shore stabilization measures are necessary, they shall be located and designed to meet the provisions of 16D.03.1808.01.04(6) (flood hazard reduction and shore modification in shoreline jurisdiction).
- (e) Demonstration of Necessity. New structural shore stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
 - ~~(iii)~~(i) New or enlarged structural stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shore stabilization.
 - ~~(iii)~~(ii) Erosion control structures in support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:
 - (A) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (B) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (C) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
 - ~~(iv)~~(iii) Erosion control structures in support of water-dependent development when all of the conditions below apply:
 - (A) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (B) Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
- (C) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- (f) Erosion control structures to protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to the Model Toxics Control Act (70.105D RCW) shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that demonstrates that nonstructural measures such as planting vegetation, or installing on-site drainage improvements, is not feasible or not sufficient.
- (g) An existing shore stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion. For purposes of this Section standards on shore stabilization measures, "replacement" means the construction of a new structure to perform a shore stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shore stabilization measures shall be considered new structures under paragraph (e) above.
 - (i) Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shore stabilization structure.
 - (ii) Soft shore stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

16D.06-1805.15[SMP Scrub] Utility Transmission Lines and Facilities.

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

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (1) Utility transmission lines and facilities shall be permitted within the stream corridor only where it is necessary to cross the corridor or where existing development, topography, and other conditions preclude locations outside the stream corridor.
 - (a) Utility transmission lines and facilities across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
 - (b) The construction of utility transmission lines and facilities within a stream corridor shall be designed and located to ensure minimum disruption to the functional properties specified under Section 16D.~~06.05~~08.02.04[SMP Scrub] (Functional Properties) of this title.
- (2) Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy replacement or repair with minimal disturbance to the stream corridor.
- (3) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is greater, and for a similar depth below any associated floodway and floodplain to the maximum extent of potential channel migration as determined by hydrologic analysis.
- (4) Wherever possible, new aboveground installations shall use available, existing bridge and utility locations and stream corridor crossings as opposed to creating new locations and stream corridor crossings.
- (5) Aboveground electrical support towers and other similar transmission structures shall be located as far upland as is practical.
- (6) Transmission support structures shall be located clear of high flood velocities, located in areas of minimum flood depth which require the least floodproofing, and shall be adequately floodproofed.
- (7) Underground utility transmission lines shall be constructed so they do not alter, intercept or dewater groundwater patterns that support streams, wetlands and hyporheic flow.
- (8) All new and replacement water supply systems and wastewater systems within a special flood hazard area must meet the requirements of ~~16D.05.28.010(2) (re: infiltration or discharge into or out of the system)~~the Flood Hazard Ordinance.
- (9) Utility transmission lines within the floodway fringe shall meet the standards of ~~16D.05.32.010(2)~~the Flood Hazard Ordinance.

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

- (10) Utility transmission lines within the floodway shall meet the standards of ~~16D.05.36.010(2)~~ [the Flood Hazard Ordinance](#).
- (11) Additional Shoreline Standards for Utility Transmission Lines and Facilities. The requirements below shall apply to all utility transmission lines and facilities within shoreline jurisdiction. Utility services to individual projects undergoing shoreline review, including those where the primary use may be in a different shoreline environment than the utility service shall not require separate substantial development permits for utility service installations, but are subject to all of the provisions in ~~16D.06.18~~ [05.15\[SMP Scrub\]](#) (Utility Transmission Lines and Facilities), except those listed below. Utility service to projects outside shoreline jurisdiction are subject to normal shoreline permitting, and are subject to all of the provisions in ~~16D.06.18~~ [05.15\[SMP Scrub\]](#) (Utility Transmission Lines and Facilities), except those listed below.
- (a) Where feasible utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive.
 - (b) New utility facilities shall be designed and located to preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, especially recreation, residential and public access.
 - (c) Expansion, updating, and maintenance of existing facilities is allowed but shall be designed to be located to avoid adverse impacts to shoreline resources as much as possible.
 - (d) Permit applications shall meet the following submittal review standards:
 - (i) Applications shall submit studies (social, economic, environmental, engineering, etc.) to demonstrate that a shoreline location is the most feasible of the available options.
 - (ii) Applications to locate transmission lines shall submit a location plan that shows existing utility routes in the vicinity of the proposed transmission line. Failure of utility lines to follow existing routes, where feasible, shall cause denial of the application.
 - (iii) Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the [Shoreline Administrator](#) ~~administrative official~~ to

CHAPTER 16D.05
SHORELINE MODIFICATIONS AND USES

be insufficient for the protection or restoration of the shoreline environment shall cause denial of the application.

DRAFT

CHAPTER 16D.03.2606[SMP Scrub]

NONCONFORMING USES ~~AND,~~ FACILITIES STRUCTURES AND LOTS. [SMP2021]

Nonconforming uses, structures and ~~facilities—lots~~ are shoreline uses or development which were lawfully established prior to the effective date of this master program, or approved amendments to the master program, but which do not conform to present regulations or standards of the master program. The intent of this Chapter is to provide regulations regarding nonconforming uses, structures, and lots, ~~classified as either conforming uses with nonconforming structures or areas, or as nonconforming uses, as described in subsection 1 16D.06.01 below. Both types have different review processes and decision criteria, as provided below in subsections Sections 2 16D.06.02 and 3 16D.06.03. [SMP Scrub]~~

CHAPTER 16D.06 CONTENTS:

<u>16D.06.01 [SMP Scrub] Nonconforming Uses.....</u>	<u>127</u>
<u>16D.06.02 [SMP Scrub] Nonconforming Structures.....</u>	<u>129</u>
<u>16D.06.03 Nonconforming Lots.....</u>	<u>131</u>
<u>16D.06.04 Decision Criteria.....</u>	<u>131</u>

(1)—16D.06.01 [SMP Scrub] Nonconforming Uses. ~~Classification Criteria.~~

~~There may be situations that do not conform to the standards or regulations of this title. These situations are characterized as:~~

~~(a) — **Nonconforming Uses.** Uses of a [structure or land] that were lawfully established at the time of their initiation but are currently prohibited by this title are nonconforming uses, and may utilize structures or land areas that are also nonconforming. [SMP2021/Scrub]~~

(1) In the absence of other more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a conditional use permit.

CHAPTER 16D.06
NONCONFORMING USES AND STRUCTURES

- ~~(1)~~(2) A nonconforming use that is discontinued for any reason for twelve months or for twelve months during any two-year period ~~more than one year~~ shall have a presumption of intent to abandon, shall not be re-established, and shall lose its nonconforming status ~~unless a~~ variance may be obtained to extend the length of time, based on documentation showing that an intent to abandon did not exist during the period of discontinuance. Such a variance request may be submitted after the deadline has passed. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations. [SMP2021/Scrub] A use authorized pursuant to Subsection WAC 173-27-080(2)(e) of this Section shall be considered a conforming use for purposes of this Section. [SMP2021/Scrub]
- ~~(2)~~ Those involving expansion or alteration within an existing structure, but do not include alterations to outdoor areas, or expansions of the building's height or square footage are allowed without additional review under these nonconforming provisions.
- ~~(3)~~ (ii) Alterations to nonconforming uses ~~, including their nonconforming structures or areas that do not qualify under paragraph (i) above,~~ shall be processed under these nonconforming provisions as a Type II review, as provided under YCC Title 16B (Project Permit Administration).
- ~~(3)~~(4) (iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, a nonconforming use ~~as listed in section 16D.10.05 (Shoreline Land Use Table)~~ may convert to another nonconforming use; although, a nonconforming use shall not change to any use prohibited in Section 16D.~~06.10~~08.02.07 (Prohibited Uses). Conversion from one nonconforming use to another nonconforming use within the urban and rural shoreline environments shall be processed under these nonconforming provisions as a Type II review, as provided under YCC Title 16B.
- (5) Decisions on nonconforming uses:
- (a) (i) A nonconforming use may not be altered or expanded in any manner that would bring that use into greater nonconformity;
- ~~— (ii) Within shoreline jurisdiction, nonconforming uses shall meet the decision criteria for conditional use permits in section 16D.03.21(3) (Shoreline Conditional Uses); [SMP Scrub]~~
- (b) (iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, conversion from one nonconforming use to another may be approved if the replacement use is more

CHAPTER 16D.06
NONCONFORMING USES AND STRUCTURES

conforming with the intent of the applicable shoreline environment policies of ~~Plan 2015~~Horizon 2040 [SMP Scrub] (Policies NS.7.05 through NS.7.22), and if the impacts to the shoreline environment from the existing use are reduced by changing the use.

- i. ~~In the case of destruction or damage where reconstruction costs exceed 50% of the assessed value, the structure shall not be rebuilt.~~

(2)16D.06.02 [SMP Scrub] Process^[TV4] Nonconforming Structures.

~~(a) [SMP Scrub]~~

- (1) ~~Conforming uses with n~~Nonconforming structures ~~or areas~~ are structures ~~or areas~~ for conforming uses that were lawfully established at the time of their initiation, but currently do not conform to the bulk, dimensional or other development standards of this title. ~~Structures or areas in locations approved under a permit shall not be considered nonconforming.~~ A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this Section shall apply as they apply to the preexisting nonconformities. [SMP Scrub]

(a) Nonconforming structures may be enlarged or expanded provided that said enlargement meets the applicable provisions of the master program. In the absence of other more specific regulations, proposed expansion shall not increase the extent of the nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.

(b) Nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC173-27-040(2)(g) upon approval of a conditional use permit.

(c) In the absence of other more specific regulations, a structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A conditional use permit may be approved only upon a finding that:

- (i) No reasonable alternative conforming use is practical; and,

CHAPTER 16D.06
NONCONFORMING USES AND STRUCTURES

- (ii) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.
- (d) In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard. [SMP 2021]
- (2) Nonconforming outdoor areas that have not been used or maintained for 5 consecutive years shall lose their nonconforming status and may not be reestablished.
- (3) Alteration to Nonconforming Structures. Alterations to ~~conforming uses with~~ nonconforming structures or areas shall be allowed under the following process requirements with the understanding that other permits or reviews may also be required under this title:
- (a) (i)—Those that do not increase the existing nonconformity and otherwise conform to all other provisions of this title are allowed without additional review under these nonconforming provisions;
- (b) (ii)—Those that increase the nonconformity, including establishing additional square footage within a buffer, are allowed without additional review under these nonconforming provisions; however, a variance must be obtained for the increased nonconformity;
- ~~(iii)—Reconstruction or repair of a structure damaged less than 75% of the assessed value shall be processed as provided in subsections (i) and (ii) above;~~
- (c) (iv)—A nonconforming structure which is moved any distance shall be processed as provided in Subsections ~~(i)(a)~~ and ~~(ii)(b)~~ above;
- ~~(a)(d) (v)~~—If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that the application is made for the permits necessary to restore the development within two years of the date the damage occurred. ~~Reconstruction or repair of structures destroyed or damaged 75% or more of the assessed value of the structure (not the whole property), including that resulting from neglect of maintenance or repair, This~~ shall be processed under these nonconforming provisions as a Type II review under YCC Title 16B (Project Permit Administration).

(3)16D.06.03 Nonconforming Lots.

~~(a)~~—Any nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act. [SMP2021]

(3)16D.06.04 **Decision Criteria.**

(1) (a)—Any Nonconforming Uses, Structures, and Lots. [SMP Scrub] Any nonconforming structure, ~~area~~lot, or use may be maintained with ordinary care according to the provisions in 16D.~~01.05~~01.03 (Applicability), 16D.~~03.05~~07.04 (Minor Activities Allowed without a Permit or Exemption) and 16D.~~03.06~~07.05 (Exemptions – Procedural Requirements), and do not require additional review under these nonconforming provisions.

~~(1) Decisions on projects that require review under the nonconforming provisions, as identified under subsection (2) above, shall be based on the general decision criteria found in section 16D.03.14 (Authorization Decisions—Basis for Action) together with the criteria below.~~

(2) (b)—Applications for ~~conforming uses with~~ nonconforming structures or ~~areas~~lot that are subject to Subsection ~~2(a)(v)~~3(d) above shall not be approved unless a finding is made that the project meets all of the following criteria:

(a) (i)—Using the original location will not place the structure or people in danger of a hazard;

(b) (ii)—The previous structure and any structural shore modification used to protect the structure did not increase hazards or damage to other properties;

(c) (iii)—The previous structure and any shore modification used to protect the structure did not cause significant impacts to the functions and values of the critical area.

CHAPTER 16D.~~03~~07 SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION [SMP Scrub] ~~APPLICATION AND REVIEW~~ PROCEDURES

CHAPTER 16D.07 CONTENTS:

16D.07.01	Roles and Responsibilities. [SMP Scrub]	133
16D.07.02	Interpretation. [SMP Scrub]	135
[SMP Scrub]	ABBREVIATED REVIEW ALTERNATIVES	136
16D.07.03	Developments Not Required to Obtain Shoreline Permits or Local Reviews.	136
16D.07.04[SMP Scrub]	Minor Activities Allowed without a Permit or Exemption.	136
16D.07.05 [SMP Scrub]	Exemption – Procedural Requirements.	138
16D.07.06[SMP Scrub]	Exemptions from Shoreline Substantial Development Permits[SMP Scrub].	139
16D.07.07	Statutory Noticing Requirements.[SMP Scrub]	150
[SMP Scrub]	INQUIRY AND EARLY ASSISTANCE.....	151
16D.07.08[SMP Scrub]	Pre-application Site Visit Request.	151
16D.07.09[SMP Scrub]	Critical Areas Review Requirements.....	152
16D.07.10[SMP Scrub]	Authorization Decisions – Basis for Action.	154
16D.07.11[SMP Scrub]	Conditional Approval of Development Authorization.	155
[SMP Scrub]	PERMIT PROCESS.....	155
16D.07.12	Application Requirements.[SMP Scrub]	155
[SMP Scrub]	.....	159
16D.07.13	Shoreline[SMP Scrub] Substantial Development Permit.....	159
16D.07.14	Shoreline Conditional Uses.....	160
16D.07.15[SMP Scrub]	Shoreline Variance Permits.....	162

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

16D.07.16	Duration of Permits.[SMP Scrub]	164
16D.07.17	Initiation of Development.[SMP Scrub].....	166
16D.07.18	Review Process.[SMP Scrub]	166
16D.07.19	Appeals. [SMP Scrub]	167
16D.07.19.01	Appeals of Shoreline Administrator Determination and Decisions.	167
16D.07.19.02	Appeals to Shorelines Hearings Board.....	168
16D.07.20[SMP Scrub]	Amendments to Permits.....	169
16D.07.21[SMP Scrub]	Enforcement Responsibilities Generally.	171
16D.07.22[SMP Scrub]	Penalties.	172
16D.07.23	SMP Amendments.	174

~~ARTICLE I – GENERAL PROVISIONS~~ [SMP Scrub]

16D.07.01 Roles and Responsibilities. [SMP Scrub]

The County shall administer the Shoreline Master Program (SMP), collectively Title 16D and the associated goals and policies, according to the following roles and responsibilities:

(1) **Shoreline Administrator.** The Shoreline Master Program Administrator is the Shoreline Administrator or designee and shall have overall administrative responsibility of this SMP. The Shoreline Master Program Administrator or designee is hereby vested with the authority to:

(a) Administer this SMP.

(b) Grant, grant with conditions, or deny Shoreline Exemptions.

(c) Grant, grant with conditions, or deny Shoreline Substantial Development Permits, except, the applicant may request a Substantial Development Permit be reviewed by the Hearing Examiner in conformance with 16B Table 3-2.

(i) Administrative reviewed applications shall be subject to the provisions of Chapter 16D.07.

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (ii) Hearing examiner reviewed application shall be subject to the "Quasi judicial review" provisions of Yakima County Code 16B.08.
- (d) Grant, grant with conditions, or deny time extensions and minor revisions to approved Shoreline Substantial Development Permits, Conditional Use Permits, Variances and Exemption permits.
- (e) Make interpretations of the policies and regulations of this SMP.
- (f) Make field inspections as needed and prepare or require reports on shoreline permit applications.
- (g) Make written recommendations to the Hearing Examiner regarding Shoreline Substantial Development Permits, Variances and Shoreline Conditional Use Permits.
- (h) Make recommendations regarding SMP amendments to the Planning Commission and Board of County Commissioners.
- (i) Collect fees for permits as provided in County resolution. The determination of which fees are required shall be made by the Board of Yakima County Commissioners.

(2) SEPA Official.

The responsible SEPA official or designee is authorized to conduct environmental review of all use and development activities subject to this SMP, pursuant to WAC 197-11 and RCW 43.21C. The responsible SEPA official is designated in accordance with the County's SEPA implementation ordinance.

(3) Hearing Examiner.

The Hearing Examiner shall have the authority to:

- (a) Grant, grant with conditions, or deny Shoreline Substantial Development Permits, Variances, and Shoreline Conditional Use Permits under this SMP.
- (b) The Hearing Examiner shall also decide on appeals of administrative decisions issued by the Administrator of this SMP.

(4) Planning Commission.

The Planning Commission is vested with the responsibility to review the Master Program as part of regular SMP updates required by RCW 90.58.080 and make recommendations for amendments thereof to the Board of County Commissioners.

(5) Board of Yakima County Commissioners.

The Board of County Commissioners is vested with authority to:

- (a) Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.
- (b) Approve, approve with conditions or deny all amendments to this SMP, after consideration of the recommendation of the Planning Commission. Note: Amendments shall become effective fourteen days from the date of the Department of Ecology's written notice of final action to the County.

16D.07.02 Interpretation. [SMP Scrub] [TV5]

- (1) ~~(a)~~—Where the provisions of these regulations may be unclear in special circumstances, or where judgment must be made because of the nature of the language used, the Shoreline Administrator~~administrative official~~ shall make such interpretations. Such interpretation shall specify whether the issue is under shoreline jurisdiction or not. A separate record of all interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may relate to a pending action shall be examined by the Shoreline Administrator~~administrative official~~ for its effect or influence on the pending action.
- (2) ~~(b)~~—A written request for interpretation of any provision of this title, or any rule or regulation adopted pursuant to this title, may be submitted to the Shoreline Administrator~~administrative official~~. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be processed in accordance with YCC Section 16B.03.070.
- (3) The County shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of Chapter 90.58 RCW and 173-26 WAC. [SMP Scrub]

ARTICLE III — [SMP Scrub] ABBREVIATED REVIEW ALTERNATIVES

16D.07.03 Developments Not Required to Obtain Shoreline Permits or Local Reviews.

Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the shoreline Management Act do not apply to the following:

- (1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under Chapter 70.105D RCW.
- (2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
- (3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption or other local review.
- (4) Project consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
- (5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to Chapter 80.50 RCW. [SMP2021]

~~16D.03.05~~ 16D.07.04[SMP Scrub] Minor Activities Allowed without a Permit or Exemption.

- (1) The following activities are ~~included under 16D.01.05(1) (Applicability) and are~~ allowed without a permit or exemption:
 - (a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens ~~within a regulated critical area or its buffer~~^[TV6]. Examples include harvesting or changing

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

crops, mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Cutting down trees and shrubs within a buffer is not covered under this provision. Excavation, filling, and construction of new landscaping features, such as concrete work, berms and walls, are not covered in this provision and are subject to review;

- (b) Minor maintenance and/or repair of lawfully established structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, dismantling or removing structures if there is no other associated development or re-development [SMP2021], etc. Construction or replacement of structural elements is not covered in this provision, but may be covered under an exemption. ~~Cleaning~~ Maintaining [CAO] canals, ditches, drains, wasteways, etc., without expanding their original configuration is not considered additional earthwork. Repair of levees operated by the Yakima County Flood Control Zone District [TV7], as long as the original dimensions and location are maintained, is not considered additional earthwork [CAO]. ~~as long as the~~ All cleared materials ~~shall be~~ are placed outside the stream corridor, wetlands, and buffers;
- (c) Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education or scientific research;
- (d) Creation of unimproved private trails that do not cross streams or wetlands that are less than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
- (e) Planting of native vegetation;
- (f) Noxious weed control outside vegetative buffers identified in ~~Chapter Section 16D.06.16~~ 08.02.09, except for area wide vegetation removal/grubbing;
- (g) Noxious weed control within vegetative buffers, if the criteria listed below are met. Control methods not meeting these criteria may still apply for a restoration exemption, or other authorization as applicable:
 - (i) Hand removal/spraying of individual plants only;
 - (ii) No area wide vegetation removal/grubbing.

16D.03.0607.05 [SMP Scrub] Exemption – Procedural Requirements.

Certain activities and uses are exempt from some permit processes and shall instead be reviewed using the procedures below, ~~except that flood hazard exemptions provided in 16D.05.20.060 shall follow procedures established to administer Chapters 16D.05.20 through 16D.05.72~~ [SMP Scrub].

- (1) Exemptions shall be construed narrowly and any exempted development shall be consistent with the policies and provisions of this title.
- (2) Only those developments that meet the precise terms of one or more of the listed exemptions may qualify for review under these provisions.
- (3) If any part of a proposed development is not eligible for exemption, then a development permit is required for the entire proposed development project.
- (4) The burden of proof that a development or use is exempt from the development permit process is on the applicant.
- (5) When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this title, such development must also obtain a variance (16D.03.2207.15). [SMP Scrub]
- (6) All activities exempt from the requirement for a substantial development permit shall use reasonable methods to avoid impacts to critical areas within shoreline jurisdiction. To be exempt from the requirement for a substantial development permit does not give permission to degrade a critical area or Shoreline or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense, ~~according to section 16D.06.23 (Reclamation)~~.
- (7) The proponent of an exempt activity shall submit a written request for permit exemption to the Shoreline Administrator ~~administrative official~~ that describes the activity and states the exemption requested. The applicant shall submit to the Shoreline Administrator ~~administrative official~~ a written description of the project that demonstrates compliance with applicable standards.
- (8) The Shoreline Administrator ~~administrative official~~ shall review the exemption request to verify that it complies with this title.

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (9) The Shoreline Administrator~~administrative official~~ shall approve or deny the exemption.
- (10) A formal letter of exemption shall be provided where an exempt activity is approved under this title. A copy of the exemption shall be kept on file by the Shoreline Administrator~~administrative official~~. If an exemption cannot be granted, the Shoreline Administrator~~administrative official~~ shall notify the applicant in writing of the reason, at which time the applicant may pursue other permit processes under this title.
- (11) Conditions may be attached to the approval of exempted developments and/or uses as necessary to assure continued consistency of the project with this title.

~~(12) Exempt activities are identified in the following locations. Such activities are stated as exempt from the substantial development permit or flood hazard permits. However, this provision does not exempt an activity from other permits or reviews that may be required under this title.~~

~~(a) Those activities listed in sections 16D.03.07 (Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines) are exempt from the substantial development permit requirements for wetlands (16D.07), hydrologically related critical areas features (16D.06.03) and shorelines (16D.10);~~

~~(b) Those activities listed in section 16D.05.20.060 are exempt from the flood hazard permit requirements for flood hazard areas (16D.05). [SMP Scrub]~~

16D.03.0707.06**[SMP Scrub]** **Exemptions** **for**
~~Hydrologically Related Critical Areas, Wetlands and~~
~~Shorelines~~**from Shoreline Substantial Development**
Permits[SMP Scrub].

The County shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below, or as thereafter amended in WAC 173-27-040; RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515.

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

The following development activities are exempt from substantial development permits that are required within Shoreline jurisdiction designated in Chapter 16D.1003.03 (Shoreline Jurisdiction):

- (1) ~~(3) Development, and construction~~ Any development for which the total cost or fair market value, whichever is higher, does not exceed seven ~~five~~ thousand forty-seven dollars (\$7,047) [SMP2021] , if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this Subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). (adjusted for inflation as determined by the Washington Office of Financial Management using methods provided in RCW 90.58.030(3)(e) and WAC 173-27-040(2)(a)); 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 16D.06.05 of this title; and provided, that any such development and construction within shoreline jurisdiction does not materially interfere with the public use of the water or shorelines of the state. [SMP Scrub] The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- (2) ~~(5)~~ 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, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair ~~involves~~

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

~~total replacement which is not common practice or~~ causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause additional substantial adverse effects to shoreline resources or environment. ~~The need for replacement resulting from a neglect of maintenance and repair is not considered a common method of repair. Replacement of nonconforming uses or facilities structures [SMP scrub] may shall also be subject to section 16D.03.26 (Nonconforming Uses and Facilities) [SMP Scrub];~~

(3) ~~(2)~~—Construction of the normal protective bulkhead common to single-family residences. A “normal protective” bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered~~Bioengineered~~ [SMP Scrub] erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife;

(4) ~~(6)~~—Emergency construction necessary to protect property from damage by the elements. An “emergency” is an unanticipated and imminent threat, to public health, safety, or the environment which requires immediate action ~~or response~~ within a time ~~period~~ too ~~brief~~ short to allow full compliance with this title. Emergency construction does not include development of new permanent protective structures

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.~~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;~~
- ~~(e) The request must be accompanied by a paid permit application or a request for a non-emergency exemption. Submittal requirements beyond normal exemption submittal requirements are waived until after the emergency is deemed abated.~~

~~As soon as the emergency is deemed abated by appropriate authorities, compliance with the requirements of this title is required, and may include removal of the emergency construction if nonstructural construction measures can adequately deal with site issues;~~[\[SMP Scrub\]](#)

- [\(5\)](#) ~~(4)~~ — Construction or practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities [on shorelands](#), 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 land 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”[\[SMP Scrub\]](#) shall be an enclosure or facility used or capable of being used for feeding livestock

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

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;

(6) ~~(10)~~ — Construction or modification, ~~by or under the authority of the Coast Guard or a designated port management authority,~~ [SMP Scrub] of navigational aids such as channel markers and anchor buoys;

(7) ~~(1)~~ — Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for ~~his~~-their own use or the use of ~~his~~-their 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 Chapter 90.58 RCW~~this title~~. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal~~Normal~~ appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program.[SMP Scrub] Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(8) ~~(7)~~ — Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser of a single-family and multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(a) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(i) In fresh waters the fair market value of the dock does not exceed:

(A) ~~ten~~ twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

of equal or lesser square footage than the existing dock being replaced; or

(B) Eleven thousand two hundred dollars (\$11,200) for all other docks constructed in fresh waters.

However, ~~but~~ if subsequent construction ~~having a fair market value exceeding two thousand five hundred dollars~~ occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered~~subject to~~ a substantial development permit [SMP 2021]. The Office of Financial Management (OFM) will adjust the cost threshold for inflation every five years;

(9) ~~(8)~~ — The oOperation, maintenance or construction of canals, waterways, drains, reservoirs, or other ~~manmade~~ facilities that now exist or are hereafter~~hereinafter~~ created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

(10) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;[SMP Scrub]

(11) ~~(9)~~ —Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, ~~effective date for this Shoreline Master Program, for land within shoreline jurisdiction,~~ [SMP Scrub] which were created, developed, or utilized primarily as a part of an agricultural drainage and diking system;

(12) ~~(11)~~ —Any project with a certification from the governor pursuant to Chapter 80.50 RCW ~~(Energy facilities — site locations)~~ [SMP Scrub];

(13) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Chapter, if:

(a) The activity does not interfere with the normal public use of surface waters ~~within shoreline jurisdiction;~~

(b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (c) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
- (d) A private entity seeking development authorization under this Section~~within shoreline jurisdiction must~~ first post a performance bond or provide other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions;
- (e) The activity is not subject to the permit requirements of RCW 90.58.550;
- (14) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020 ~~(control of spartina and purple loosestrife)~~, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW ~~(SEPA)~~;
- (15) ~~(12)~~ — Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section. ~~that are authorized by the sponsor of a watershed restoration plan and that implement the plan or a part of the plan, and meet the requirements of WAC 173-27-040(6), as amended;~~
- (a) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
- (i) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - (ii) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(b) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act;

(16) (15) —A public or private project ~~that is designed to improve, the primary purpose of which is~~ to improve fish or wildlife habitat or fish passage, ~~when all of the following apply; that meets the requirements of WAC 173-27-040(p) as amended.~~

- (a) The project has been approved in writing by the Department of Fish and Wildlife ~~as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;~~
- (b) The project has received hydraulic project approval, ~~when required,~~ by the ~~department~~ Department of ~~fish~~ Fish and ~~wildlife~~ Wildlife pursuant to Chapter 77.55 RCW; and ~~75.20 RCW (Hydraulics Code);~~
- (c) The Shoreline Administrator ~~administrative official~~ has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent. ~~this title;~~

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

~~(d)~~ Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 (Fish Habitat Enhancement Projects) are ~~deemed~~determined to be consistent with this title, as follows[SMP Scrub];

(i) In order to receive the permit review and approval process created in this Section, a fish habitat enhancement project must meet the criteria under (16)(c)(i)(A) and (B) of this Subsection:

(A) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- Elimination of human-made fish passage barriers, including culvert repair and replacement;
- Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this Section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this Section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(B) A fish habitat enhancement project must be approved in one of the following ways:

- By the Department of Fish and Wildlife pursuant to Chapter 77.95 or 77.100 RCW;
- By the sponsor of a watershed restoration plan as provided in Chapter 89.08 RCW;

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- By the department as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;
 - Through the review and approval process for the jobs for the environment program;
 - Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;
 - Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
 - Through other formal review and approval processes established by the legislature.
- (ii) Fish habitat enhancement projects meeting the criteria of (16)(c)(i) of this Subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (16)(c)(i) of this Subsection and being reviewed and approved according to the provisions of this Section are not subject to the requirements of RCW 43.21C.030(2)(c).
- (iii) A hydraulic project approval permit is required for projects that meet the criteria of (16)(c)(i) of this Subsection and are being reviewed and approved under this Section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this Chapter. On the same day, the applicant shall provide copies of the completed application form to the Department of Fish and Wildlife and to the County. The County shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this Section is not appropriate for the proposed project. The department shall

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this Section is not appropriate for the proposed project, the department shall notify the applicant and the County of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(iv) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this Section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this Chapter.

(v) The County may not require permits or charge fees for fish habitat enhancement projects that meet the criteria of (16)(c)(i) of this Subsection and that are reviewed and approved according to the provisions of this Section.[SMP Scrub]

(17) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities. [SMP2021]

~~(16) Hazardous substance remedial actions, for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW (Model Toxics Control Act) or when the Department of Ecology conducts a remedial action under chapter 70.105D RCW (Model Toxics Control Act). The Department of Ecology shall assure that such projects comply with the substantive requirements of chapter 90.58 RCW (SMA), chapter 173-26 WAC (SMA Guidelines) and the Shoreline Master Program, when applicable;[SMP2021]~~

~~(17) The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property from critical areas and buffers; provided, that:~~

~~(a) A dead tree within a buffer may be shortened to the point that the tree will not strike a structure or defined vehicle parking area. The remainder shall be maintained to provide wildlife habitat, nesting locations and perch sites. A remainder less than ten (10) feet tall may be removed completely;~~

~~(b) A diseased or damaged tree may be removed as determined by the Shoreline Administrator administrative official;~~

- ~~(c) The removed portion of trees should be placed within the vegetative buffer area as wildlife habitat, unless it will interfere with a maintained vegetation area identified in Section 16D.03.05(1)(a) (Minor Activities Allowed without a Permit or Exemption), or as determined otherwise by the Shoreline Administrator administrative official. Portions of trees to be removed from the buffer area should be felled to the outer edge of a vegetative buffer and dragged out. Heavy equipment is not allowed within the buffer, except within areas identified in 16D.03.05(1)(a) (Minor Activities Allowed without a Permit or Exemption). Damaged riparian vegetation must be repaired;~~
- ~~(d) Each tree that is felled or topped shall be replaced in a manner acceptable to the Shoreline Administrator administrative official.~~

~~16D.03.08 Exemptions for Geologically Hazardous Areas.~~

~~The following development activities are exempt from substantial development permits that are required for geologically hazardous areas designated in chapter 16D.08:~~

- ~~(1) Additions to or alteration of existing single family residences;~~
- ~~(2) Uses and surface disturbances (clearing and grubbing) that do not include excavation, fill or irrigation;~~
- ~~(3) Structures less than 200 square feet that are not used as a place of employment or residence (fences, sheds, gazebos, etc.);~~
- ~~(4) Oil, gas, wind or other exploration that does not include explosions, roads, excavation or fill; [\[SMP Scrub\]](#)~~

16D.07.07 Statutory Noticing Requirements.[SMP Scrub]

- (1) The County shall provide notice in accordance with RCW 90.58.143, WAC 173-27-110 and -120; WAC 173-27-120 is related to limited utility extensions and bulkheads for a single-family residence and appurtenant structures.
- (2) Applicants shall follow the application process requirements of Yakima County Code Chapter 16B.04.

ARTICLE II — [SMP Scrub] INQUIRY AND EARLY ASSISTANCE

16D.03.0307.08[SMP Scrub] Pre-application ConferenceSite Visit Request.

Any new development, construction or use falling under the provisions of this title ~~may shall~~ be subject to a pre-application ~~conference~~site visit request, ~~except that project review for flood hazards shall follow the pre-application requirements established to administer Chapters Sections 16D.05.20 through 16D.05.72.~~ The department shall schedule a pre-application ~~conference~~site visit for as soon as is reasonably possible to allow attendance by the project proponent and necessary staff. ~~To assist in project review and discussion, p~~Prior to the pre-application ~~conference~~site visit, the project proponent must submit a preliminary site plan ~~showing the nature, to the extent possible, identifying and labeling all shoreline environment(s) and critical areas features and with a detailed narrative describing the scope of the proposed project along with any existing features of the property having a relationship to the project.~~ The pre-application ~~conference~~site visit is intended to allow the Shoreline Administrator~~administrative official~~ to:

- (1) Establish the scope of the project, development or use and the critical area features and shoreline resources involved or potentially impacted;
- (2) Consider the degree to which the project, development or use within shoreline jurisdiction may affect or impair a designated critical area or shoreline resource and identify potential concerns that may arise;
- (3) Identify ~~other~~ permits, exemptions, and authorizations which the project proponent may need to obtain based on the project design and submittal materials;
- (4) Determine whether the project will be processed through the development authorization procedures of this title or coordinated through the review and approval procedures of another development permit or authorization ~~required of the project from Yakima County~~;
- (5) Provide the proponent with resources and technical assistance (such as maps, scientific information, other source materials, etc.) to assist the proponent in meeting the provisions of this title and any applicable rules and regulations of other agencies and jurisdictions;

- (6) Determine whether there is a need for a ~~preliminary site assessment or a technical assistance~~ pre-application conference site visit to better define the critical area issues and alternatives;
- (7) ~~Determine whether the project can be processed as an exemption, or if not, what type of permits or reviews may be needed. Final determination of necessary permits will be made based on the project design and submittal materials;~~
- (8) ~~Consider whether a preliminary site assessment may be scheduled in the field to determine the applicability of the development standards of this title to the project, based on information contained in the preliminary site plan.~~
- (7) Reasonable access to the site shall be provided by the property owner for the site ~~examination~~ visit during any proposal review, restoration, emergency action, or monitoring period.

16D.03.0207.09[SMP Scrub] Critical Area Identification Form and Critical Areas Report Review Requirements.

- (1) ~~Prior to the review or consideration of any proposed development, construction or use, except those provided under Applicability (16D.01.05), and Minor Activities Allowed Without a Permit or Exemption (16D.03.05), the County shall consider available information to determine if a critical area is likely to be present. The presence of a critical area found on the paper and electronic maps within or adjacent to the property proposed for development is sufficient foundation for the Shoreline Administratoradministrative official to require preapplication site visit requestpreparation of a critical area identification form, provided by the department, and a preliminary site plan. This critical area identification formsite visit request and preliminary site plan may be one piece of information used to analyze how a critical area could be affected by a development proposal. To the extent possible, all critical area features must be identified on the critical area identification form and shown on the preliminary site plan prior to the Shoreline Administratoradministrative official determining whether the development is subject to this title.~~
- (2) ~~Upon receipt of a site visit request critical area identification form and site plan, the Shoreline Administratoradministrative official will typically conduct a site examination to review critical area conditions on site. The Shoreline~~

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

~~Administrator~~~~administrative official shall notify the property owner of the site examination prior to the site visit.~~

(3) The Shoreline Administrator~~administrative official~~ shall review available information pertaining to the site and the proposal and make a determination as to whether any shoreline environments and/or critical areas may be affected by the proposal. If ~~se~~critical areas are identified, a more detailed critical area report shall be submitted in conformance with Section 16D.~~03.17~~08.01.03 (Critical Areas Report Requirements) and Section 16D.~~03.18~~08.01.04 (Supplemental Report Requirements for Specific Critical Areas), except as provided below:

~~(a)~~(1) No critical areas present. If the Shoreline Administrator~~administrative official~~ is able to sufficiently determine that a critical area does not exist within or adjacent to the project area, then a critical area report is not required.

~~(b)~~(2) Critical areas present, but no impact. If the Shoreline Administrator~~administrative official~~ is able to determine the existence, location and type of critical area sufficiently to indicate that the project area is not within or adjacent to the critical area and that the proposed activity is unlikely to degrade the functions or values of the critical area, then the Shoreline Administrator~~administrative official~~ may waive the requirement for a critical area report. A summary of the determination shall be included in any staff report or decision on the permit or review.

~~(c)~~(3) Critical areas may be affected by proposal. If the project area is within or adjacent to a critical area or buffer the Shoreline Administrator~~administrative official~~ may waive the requirement for a critical areas report if:

~~(i)~~(a) The Shoreline Administrator~~administrative official~~ is sufficiently able to determine the existence, location and type of the critical area;

~~(ii)~~(b) The project is of a small scale or is uncomplicated in nature, such that a specialist is not needed to identify impacts and mitigation. Work within a wetland, ~~or~~ stream channel, or vegetative buffer [CAO] would generally not meet this provision;

~~(iii)~~(c) The applicant agrees to provide mitigation that the Shoreline Administrator~~administrative official~~ deems adequate, which consultation from resource agencies [CAO], to mitigate for anticipated impacts. Restoration of degraded areas may serve as mitigation; and

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- ~~(iv)~~(d) ____ A summary of the determination shall be included in any staff report or decision on the permit or review.
- ~~(d)~~(4) ____ If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.
- ~~(e)~~(5) ____ As guidance on the practical application of the requirement for critical areas reports, reports will generally fall into the following groups based on increasing complexity and cost of the report:
- ~~(i)~~(a) ____ Determining the absence of a critical area (sometimes resulting when initial indicators show the likely presence of a critical area);
- ~~(ii)~~(b) ____ Determining the existence, location and type of a critical area;
- ~~(iii)~~(c) ____ Determining impacts of an encroachment on a critical area and general mitigation measures; and
- ~~(iv)~~(d) ____ Developing a compensatory mitigation plan for replacement or mitigation of lost wetland or stream channel area.

16D.03.1407.10[SMP Scrub] Authorization Decisions – Basis for Action.

In addition to meeting the shoreline permit-specific criteria, ~~The~~ the action on any development authorization under this title shall be based upon the following criteria:

- (1) Danger to life and property that would likely occur as a result of the project;
- (2) Compatibility of the project with the critical area features on, adjacent to, or near the property; Shoreline values and ecological functions; and public access and navigation;
- (3) Conformance with the applicable development standards in this title;
- (4) Requirements of other applicable local, state or federal permits or authorizations, including compliance with flood hazard mitigation requirements of the Flood Hazard Ordinance ~~Chapters 16D.05.20 through 16D.05.72;~~
- (5) Adequacy of the information provided by the applicant or available to the department;

- (6) Ability of the project to satisfy the purpose and intent of this title;
- (7) Based upon the project evaluation, the decision maker shall take one of the following actions:
 - (a) Grant the development authorization;
 - (b) Grant the development authorization with conditions, as provided in ~~16D.03.15~~07.11 (Conditional Approval of Development Authorization), to mitigate impacts to the critical area feature(s) present on or adjacent to the project site;
 - (c) Deny the development authorization;
- (8) The decision by the ~~Shoreline Administrator~~administrative official on the development authorization shall include written findings and conclusions stating the reasons upon which the decision is based.

~~16D.03.15~~07.11 [SMP Scrub] Conditional Approval of Development Authorization.

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

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

~~ARTICLE IV—~~[SMP Scrub] ~~REVIEW—PERMIT~~ PROCESS

16D.07.12 Application Requirements.[SMP Scrub]

(1) Applicants are encouraged to review:

(a) Table 16D.03.05-1 Shoreline Land Use Table

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (b) Development standards tables as well as applicable standards of:
- (i) Section 16D.01.03 (Applicability);
 - (ii) Chapter 16D.04 (General Regulations);
 - (iii) Chapter 16D.05 (Shoreline Uses and Modifications);
 - (iv) Chapter 16D.06 (Nonconforming Uses, Structures and Lots);
 - (v) Section 16D.07.03 (Developments Not Required to Obtain Shoreline Permits or Reviews);
 - (vi) Section 16D.07.04 (Minor Activities Allowed without a Permit or Exemption);
 - (vii) Any applicable permit exemptions in Section 16D.07.06 when developing application materials; and
 - (viii) Section 16D.08.02.07 (Prohibited Uses).
- (2) Application for a shoreline exemption shall use the Yakima County form with site plans detailing current conditions and proposed changes including development details.
- (3) A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the information listed in WAC 173-27-180:
- (a) The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - (b) The name, address and phone number of the owner and applicant or applicant's representative.
 - (c) Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
 - (d) Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.
 - (e) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (f) A general description of the property as it now exists including its physical characteristics and improvements and structures.
- (g) A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
- (h) A site development plan consisting of maps and elevation drawings, drawn to an engineer's scale, or other approved scale, to depict clearly all required information, photographs and text which shall include:
 - (i) The boundary of the parcel(s) of land upon which the development is proposed.
 - (ii) The OHWM of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.
 - (iii) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 - (iv) A delineation of all wetland areas that will be altered or used as a part of the development.
 - (v) A general indication of the character of vegetation found on the site.
 - (vi) The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, trails, view corridors, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
 - (vii) Where applicable, a landscaping plan for the project.

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (viii) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this Section.
 - (ix) Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
 - (x) Quantity, composition and destination of any excavated or dredged material.
 - (xi) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
 - (xii) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
 - (xiii) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- (4) Additional Requirements. The Shoreline Master Program Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other County requirements, and the provisions of this SMP.

Table 16D.07.12-1

General Permits or Reviews
Substantial Development. Shoreline Substantial development projects include any development 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

Conditional Use Permit. Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in Table 16D.03.05-1, the Shoreline Land Use Table[SMP Scrub] as conditional uses, and that are usually seen as uses that either do not need a Shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny.

Variance. A Shoreline Variance may be used within Shoreline jurisdiction to grant relief from specific bulk, dimensional, and [SMP Scrub]performance standards where there are extraordinary circumstances that will impose unnecessary hardships.

Amendments to Permits. Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.

ARTICLE VI – PERMIT REVIEW CRITERIA[SMP Scrub]

16D.03.1907.13 Shoreline[SMP Scrub] Substantial Development Permit.

- (1) Permit Required. A shoreline substantial development permit shall be required for all development of shorelines, unless the proposal is specifically exempt per YCC 16D.07.06.~~Classification Criteria. Substantial development permits include any development subject to RCW Chapter 90.58 (Shoreline Management Act).~~
- (2) Permit Review Criteria (WAC 173-27-150). A shoreline substantial development permit shall be granted only when the development proposed is consistent with:
 - (a) The policies and procedures of the SMA;
 - (b) The provisions of Chapter 173-27 WAC; and
 - (c) This Title 16D.
- (3) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.
- ~~(2)~~(4) Process. Substantial development permits shall be processed as a Type II review in accordance with YCC Title 16B (Project Permit Administration).

- ~~(3) Decision Criteria. Decisions on substantial development permits shall be based on the general decision criteria found in section 16D.03.14 (Authorization Decisions – Basis for Action).~~ [\[SMP Scrub\]](#)

16D.03.2107.14 Shoreline Conditional Uses.

- (1) ~~**Process and Review.**~~ **Classification Criteria.** ~~Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in section 16D.10.05 (Shoreline Land Use table) as Conditional Uses, and that are usually seen as uses that either do not need a shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny. Unclassified Conditional projects, uses and developments which may be proposed in the future, but were not considered during development of the SMP. It is understood, however, that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of special cases acceptable to the goals, policies and intentions of the master program. The purpose of a conditional use permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020 (Legislative findings). In authorizing a conditional use, special conditions may be attached to the permit by Yakima County or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the master program.~~ [This Section provides procedures and criteria guiding the review of shoreline conditional use permits, which require careful review to ensure the use can be properly installed and operated in a manner that meets the goals of the Act and this Program in accordance with any needed performance standards. After a Shoreline Conditional Use application has been approved by the County, the County shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall review the file in accordance with WAC 173-27-200.](#) [\[SMP Scrub\]](#)
- (2) ~~**Process.**~~ **Review.** All applications for a conditional use shall be processed as a Type II review in accordance with YCC Title 16B (Project Permit Administration).
- (3) **Determination of Conditional Use Permits.**
- [\(a\) Uses specifically classified or set forth in this shoreline master program as conditional uses shall be subject to review and condition by the County and by the Department of Ecology.](#)
 - [\(b\) Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate](#)

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

consistency with the requirements of this Section and the requirements for conditional uses contained in this [SMP](#)^[TV9].

(c) Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

~~(3)~~ (4) **Decision-Review Criteria (WAC 173-27-160).**

(a) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized; provided, that the applicant demonstrates all of the following~~The decision on a conditional use shall be based upon the criteria established in Section 16D.03.14 (Authorization Decisions—Basis for Action) together with the criteria established below. The burden of proving that the project is consistent with the applicable criteria shall be upon the applicant, who must supply evidence or information demonstrating to the satisfaction of the administrative official that all of the following criteria will be met:~~

~~(a) Failure to satisfy any one of the criteria below shall result in denial of the conditional use.~~

- (i) That the proposed use will be consistent with the policies of RCW 90.58.020 (Legislative findings~~;~~) and this title 16D;
- (ii) That the proposed use will not interfere with the normal public use of public shorelines~~;~~
- (iii) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area~~;~~
- (iv) That the proposed use will cause no significant adverse effects to the shoreline environment designation in which it is located~~;~~ and
- (v) That the public interest suffers no substantial detrimental effect.

(b) In the granting of all shoreline conditional use permits, Consideration consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 ~~(Legislative findings)~~ and shall not produce substantial adverse effects to the shoreline environment.[SMP Scrub]

16D.03.2207.15[SMP Scrub] Shoreline Variance Permits.

- (1) ~~Classification Criteria~~**Purpose.** ~~A—The purpose of a variance may be used within shoreline jurisdiction~~is to grant relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the standards this shoreline master program will—would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (Legislative findings). Shoreline—vVariances from the use regulations of the master program are prohibited.
- (2) After a Shoreline Variance application has been approved by the County, the County shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall review the file in accordance with WAC 173-27-200.
- ~~(2)~~(3) ~~Process.~~**Review.** Requests for a variance permit shall be processed as a Type II review in accordance with YCC Title 16B (Project Permit Administration). Each request for a Variance shall be considered separately and prior to any decision on an application for development authorization. Any decision to approve or conditionally approve the development authorization will include and specifically cite only those variances approved for inclusion with the project.
- ~~(3)~~(4) ~~Decision~~**Review Criteria (WAC 173-27-170).** Shoreline Variances may be authorized provided the applicant can demonstrate compliance with the following criteria or as thereafter amended in WAC 173-27-170. The decision on a Variance shall be based upon the criteria established in Section 16D.03.14 (Authorization Decisions—Basis for Action) together with the criteria established below.
- (a) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (b) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in YCC 16D.02, and/or landward of any wetland as defined in YCC 16D.02, may be authorized provided the applicant can demonstrate all of the following:~~Variance requests shall cite the specific standard or condition~~

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

~~from which relief is requested and be accompanied by the evidence necessary to demonstrate the variance is in conformance with all of the criteria below. Failure to satisfy any one of the criteria shall result in denial of the variance.~~

- ~~(a)(i)~~ That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property~~Special Conditions. There is a hardship identified in (3)(b) below, that is specifically related to a unique natural or physical condition associated with the project site, such as irregular lot shape, size, or natural features, which is not the result of a deed restriction, a lack of knowledge of requirements involved when the property was acquired, or other actions resulting from the proponent's own actions;~~
- ~~(b)(ii)~~ That the hardship described in (i) of this Subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;~~Unnecessary Hardship. The strict application of a standard would deprive the proponent of a reasonable use of the land or rights commonly enjoyed by other properties in the same area. That greater profit would result if a variance were granted is not evidence of a hardship;~~
- ~~(c)(iii)~~ General Compatibility.~~That The~~ the design of the project is generally compatible with other permitted or authorized uses in the immediate project area and with uses planned for the area under the comprehensive plan and/or the Shoreline Master Program and granting the variance will not cause adverse effects to abutting and adjacent properties or the critical area~~impacts to the shoreline environment;~~
- ~~(iv)~~ Special Privilege.~~That The~~ the requested variance would will not constitute a grant of special privilege not enjoyed by other abutting and adjacent properties and the variance is the minimum necessary to afford the requested relief~~in the area;~~
- ~~(d)(v)~~ That the variance requested is the minimum necessary to afford relief; and
- ~~(e)(vi)~~ Public Interest.~~That The requested variance will not endanger the public safety or health and that the public interest will not be compromised~~suffer no substantial detrimental effect;

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

(c) Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in YCC 16D.02, or within any wetland as defined in YCC 16D.02, may be authorized provided the applicant can demonstrate all of the following:

(i) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(ii) That the proposal is consistent with the criteria established under Subsection (b)(ii) through (vi) of this Section; and

~~(i)(iii)~~ That the public rights of navigation and use of the shorelines will not be adversely affected.

~~(f)(5) Cumulative Impact.~~ In the granting ~~of any~~ all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if other variances were ~~to be granted to other developments and/or uses~~ in the area where similar circumstances exist, the total ~~cumulative effect~~ of the variances shall also remain consistent with the policies of RCW 90.58.020 ~~this chapter~~ and shall not ~~produce cause~~ substantial adverse effects to the shoreline environment ~~impacts to the designated critical area~~;

16D.07.16 Duration of Permits.[SMP Scrub]

Time duration requirements for Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits shall be consistent with the following provisions.

(1) **General provisions.** The time requirements of this Section shall apply to all Shoreline Substantial Development Permits and to any development authorized pursuant to a Shoreline Conditional Use Permit or Shoreline Variance authorized by this Chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP and this Chapter, the County may adopt different time limits from those set forth in Subsections 2 and 3 of this Section as a part of an action on a Shoreline Substantial Development Permit.

(2) **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

Shoreline Variance. Commencement means taking the action on the shoreline project for which the permit was granted shall begin. For example, beginning actual construction or entering into binding agreements or contractual obligations to undertake a program of actual construction.

- (3) **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance, unless extended pursuant to Subsection 4.
- (4) **Extension.** The County may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date; notice of the proposed extension shall be given to parties of record and to Ecology. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit. Time extensions authorized by RCW 90.58.143 shall require the applicant, prior to the date of termination, to be responsible for informing the Administrator of the pendency of other permit applications filed with agencies and of any related administrative and legal actions on any permit or approval.
- (5) **Effective date.** The effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance shall be the date of receipt as provided in RCW 90.58.143. The permit time periods in Subsections 2 and 3 of this Section do not include the time during which a use or activity was not actually pursued due to pending administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. The applicant shall be responsible for informing the County of the pendency of other permit applications filed with agencies other than the County and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given by the applicant to the County prior to the date of the last action by the County to grant permits and approvals necessary to authorize the development to proceed, including administrative and legal actions of the County, and actions under other County development regulations, the date of the last action by the County shall be the effective date.
- (6) **Revisions.** Revisions to permits may be authorized after original permit authorization has expired, provided that this procedure shall not be used

to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

- (7) **Notification to Ecology.** The County shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this Section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

16D.07.17 Initiation of Development.[SMP Scrub]

- (1) **Authorization to begin construction.** Each permit for a Shoreline Substantial Development, Shoreline Conditional Use or Shoreline Variance issued by the County shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) calendar days from the date of filing with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) calendar days from the date of filing of the decision have expired, except as provided in RCW 90.58.140 (5)(a) - (d).

The date of filing for a Substantial Development Permit means that date Ecology received the decision.

With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, the date of filing means the date Ecology transmits/mails the Ecology decision to the County.

- (2) **Forms.** Permits for Substantial Development, Shoreline Conditional Use, or Shoreline Variance may be in any form prescribed and used by the County including a combined permit application form. Such forms will be supplied by the County.
- (3) **Notice of Decision.** A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

16D.07.18 Review Process.[SMP Scrub]

- (1) After the County's approval of a conditional use or variance permit, the County shall submit the permit to the department for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the County and the applicant its final decision approving, approving with

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

conditions, or disapproving the permit within thirty-days (30) of the date of submittal by the County pursuant to WAC 173-27-110.

- (2) Ecology shall review the complete file submitted by the County on Shoreline Conditional Use and Shoreline Variance permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a Shoreline Conditional Use or Shoreline Variance permit on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.
- (3) The County shall provide appropriate notification of the Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.
- (4) Special procedures for WSDOT projects.
 - (a) Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
 - (i) Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions [SMP 2021].

16D.07.19 Appeals. [SMP Scrub]

16D.07.19.01 Appeals of Shoreline Administrator Determination and Decisions.

- (a) Shoreline Substantial Development Permits and Shoreline Exemption letters by the Shoreline Administrator, may be the subject of an appeal to the Hearing Examiner by any aggrieved person. Such appeals shall be an open record appeal hearing before the Hearing Examiner in accordance with 16B.09.
- (b) Appeals must be submitted within ten working days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:
 - (a) The decision or interpretation being appealed, including the file number reference and the specific objections in the decision document;

- (b) The name and address of the appellant and interest(s) in the application or proposed development;
 - (c) The specific reasons why the appellant believes the decision or interpretation to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision or interpretation is erroneous;
 - (d) The specific relief sought by the appellant; and
 - (e) The appeal fee established by the County.
- (c) Per WAC 173-27-120, the County shall comply with special procedures for limited utility extensions and bulkheads. If there is an appeal of the decision to grant or deny the permit to the County legislative authority, the appeal shall be finally determined by the legislative authority within thirty calendar days.

16D.07.19.02 Appeals to Shorelines Hearings Board.

Appeals to the Shorelines Hearings Board of a final decision on a Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an administrative action already appealed to the County Hearing Examiner, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within twenty-one (21) calendar days of filing of the final decision by Ecology as provided for in RCW 90.58.140(6). The Department shall send its decision and the application materials to the Department of Ecology after the local decision and any local appeal procedures have been completed in conformance with WAC 173-27-130. After all local permit administrative appeals are complete and the permit documents are amended to incorporate any resulting changes, Yakima County will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.

- (1) The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusion letter; a permit data form (cover sheet); and applicable SEPA documents.
- (2) Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one (21) day appeal period starts with the date of filing, which is defined below:

- (a) For projects that only require a Substantial Development Permit: the date that Ecology received the Yakima County decision.
- (b) For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and Yakima County.
- (c) For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and Yakima County. [SMP2021]

16D.03.2507.20[SMP Scrub] Minor Revisions to Approved Uses or Developments Amendments to Permits.

- ~~(1) Classification Criteria. Minor revisions to a project that has been approved under a permit are allowed in certain circumstances. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.~~
- (2) When an applicant seeks to revise a permit, the County shall request from the applicant detailed plans and text describing the proposed changes. Proposed changes must be within the scope and intent of the original permit, otherwise a new permit may be required[TV10].
- (3) "Within the scope and intent of the original permit" means all of the following:
 - ~~(a) Changes that are not substantive are not required to obtain a revision and may be allowed as activities to implement the original permit. Examples of such include minor changes in facility orientation or location, minor changes in structural design that do not change the height or increase ground floor area, and minor accessory structures (such as equipment covers or small sheds near the main structure, etc.);~~
 - ~~(b) Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements, or with the Shoreline Master Program.~~

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

~~Such changes may be approved as a minor revision, if the administrative official determines that the proposed revision and all previous revisions are within the scope and intent of the original permit, and meet the criteria listed below. Changes not able to meet the criteria must obtain a new permit;~~

~~(e)~~(a) No additional over water construction ~~will be~~is involved, except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;

~~(b)~~ Lot~~Ground area~~ coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit; ~~provided, that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further, that any revisions authorized under this subsection shall not~~

~~(d)~~(c) The revised permit does not authorize development to exceed height, lot coverage, setback or any other requirements of ~~these regulations~~this SMP except as authorized under a Shoreline Variance granted as the original permit or a part thereof;

~~(e)~~(d) Additional or revised Landscaping~~landscaping may be added to a project without necessitating an application for a new permit; provided, that the landscaping~~ is consistent with any conditions ~~(if any)~~ attached to the original permit and ~~is consistent with this title for the area in which the project is located~~SMP;

~~(f)~~(e) The use authorized pursuant to the original permit is not changed;

~~(g)~~(f) No ~~additional significant~~ adverse environmental impact will be caused by the project revision.

~~(2)~~(4) **Process.** Minor revisions to existing permits shall be processed as a Type I review, as provided under YCC Title 16B (Project Permit Administration). ~~Parties of record to the original permit shall be notified of the revision, though a comment period is not required.~~ A revision for a project within shoreline jurisdiction shall follow state filing, appeal and approval standards as provided in WAC 173-27-100 (Revisions to Permits).

(5) **Filing of Revision.** The revision approval, including the revised site plans and text clearly indicating the authorized changes, and the final ruling on consistency with this Section shall be filed with Ecology. In addition, the County shall notify parties of record of their action.

(6) If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the County shall submit the revision to Ecology for

approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this Subsection. Ecology shall render and transmit to the County and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the County. The County shall notify parties of record of Ecology's final decision.

- (7) **Effective Date of Revised Permit.** The revised permit is effective immediately upon final decision by the County or, when appropriate per Subsection 6, upon final action by Ecology. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

(8) Appeal of a Revised Permit.

(a) **Filing.** Appeals of a revised permit shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the County's action by Ecology or, when appropriate under Shoreline Variances or Conditional Uses, the date Ecology's final decision is transmitted to the County and the applicant.

(b) **Basis of appeals.** Appeals shall be based only upon contentions of noncompliance with the provisions of Subsections 1 and 2. Appeals shall be based on the revised portion of the permit.

(c) **Risk.** Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.

(d) **Scope of decision.** If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

- ~~(3) **Decision Criteria.** Decisions on permit revisions shall be based on the general decision criteria found in section 16D.03.14 (Authorization Decisions—Basis for Action).~~

16D.04.0107.21[SMP Scrub] Enforcement Responsibilities Generally.

It shall be the duty of the Shoreline Administrator~~administrative official~~ or his designee to enforce the provisions of the Shoreline Master Program pertaining to all development within the jurisdiction of this title,~~except as expressly noted in Section 16D.04.02 below pertaining to flood hazard permits.~~ Whenever any development is found to be in violation of this title or a development authorization

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

issued pursuant to this title, the [Shoreline Administrator](#)~~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 state the ~~nature form~~ of ~~a~~the [Notice of Violation](#) and/or [Stop Work Order](#) ~~[CAO]~~~~all violation activities to stop~~. The order shall state the corrective actions necessary to fulfill authorization conditions and/or terms of this title and the time within which such corrections shall occur, ~~including reclamation requirements outlined in Chapter 16C.06.23 [CAO]~~. The order shall identify the parties responsible to take the corrective actions mandated in order. 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 [Shoreline Administrator](#)~~administrative official~~. Violations of this Chapter constitute a public nuisance and Yakima County may take such actions as are authorized in Yakima County ordinance and State statute to abate such nuisances.

[The County shall apply Title 21 of the Yakima County Code for all enforcement actions, pursuant to WAC 173-27-260, whenever a person has violated any provision of the Act or any master program or other regulation promulgated under the Act.](#)

~~16D.04.02 Enforcement Responsibilities – Chapters 16D.05.20 through 16D.05.72, Flood Hazard Permits.~~

~~It shall be the duty of the chief building official or his designee to enforce the provisions of Chapters 16D.05.20 through 16D.05.72. Whenever any development is found to be in violation of said chapters or a permit issued pursuant to said chapters, the chief building official may order any work on such development stopped and the responsible parties to take such actions as required to correct such violation 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.~~[\[SMP Scrub\]](#)

~~16D.04.03~~[07.22\[SMP Scrub\]](#) Penalties.

- (1) Any person, firm, or corporation violating any of the provisions of this Title, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or

CHAPTER 16D.07

SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

shall be subject to a civil infraction as provided for by Chapter 7.80 RCW or any other remedy provided by law. Any person who violates or fails to comply with any of its requirements shall, upon conviction of a misdemeanor 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. A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this Chapter shall be denominated Class I civil infractions. The maximum penalty and default amount for a Class I civil infraction shall be two hundred fifty dollars, not including statutory assessments. Each day such violation continues shall be considered a separate offense; however, no additional action will be initiated pending the disposition of any previous suit or complaint.

- (2) It shall be the affirmative duty of the county prosecutor's office to seek relief under this Section for violations of this title.
- (3) Nothing herein shall prevent the county prosecutor's office from taking such other lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.
- (4) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, continuing violations of this title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this title shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this Subsection are in addition to any other remedies available at law or equity.
- (5) Nothing in this Chapter shall be constructed as requiring the County to enforce the prohibitions in this Chapter against all or any properties which may violate the Ordinance. The County has the discretion to enforce and prosecute violations of this ordinance as the County's resources permit. Exercise of such discretion may result in the enforcement and prosecution of a limited number of violations at any given time. Nothing in this Section or the absence of any similar provision from any other County law shall be constructed to impose a duty upon the County to enforce such other provision of law.

16D.07.23 SMP Amendments.

- (1) This Shoreline Master Program carries out the policies of the Shoreline Management Act for the County. It shall be reviewed and amended as appropriate in accordance with the review periods required in the Act and in order to:

 - (a) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
 - (b) To assure consistency of the master program with the County's comprehensive plan and development regulations adopted under Chapter 36.70A RCW, if applicable, and other local requirements.
- (2) This SMP and all amendments thereto shall become effective fourteen (14) days from the date of Ecology's written notice of final approval.
- (3) The SMP may be amended annually or more frequently as needed pursuant to the Shoreline Management Act.
- (4) **Initiation.** Future amendments to this Shoreline Management Plan may be initiated either by any person, resident, property owner, business owner, governmental or non-governmental agency, Shoreline Administrator, Planning Commission, or the Board of Yakima County Commissioners as appropriate.
- (5) **Application.** Applications for shoreline master program amendments shall specify the changes requested and any and all reasons therefore. Applications shall be made on forms specified by the County.
- (6) **Public Review Process.** – Minimum Requirements. The County shall accomplish the amendments in accordance with the procedures of the Shoreline Management Act, Growth Management Act, and implementing rules including, but not limited to, RCW 90.58.080, WAC 173-26-100, RCW 36.70A.106 and 130, and Part Six, Chapter 365-196 WAC.
- (7) **Roles and Responsibilities.** Proposals for amendment of the Shoreline Management Plan shall be heard by the Planning Commission. After conducting a hearing and evaluating testimony regarding the application, including a recommendation from the Shoreline Administrator, the Planning Commission shall submit its recommendation to the Board of Yakima County Commissioners, who shall approve or deny the proposed amendment.
- (8) **Finding.** Prior to approval, the County shall make a finding that the amendment would accomplish (a) or (b), and must accomplish (c):

CHAPTER 16D.07
SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

- (a) The proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines;
 - (b) The proposed amendment would make this Program more equitable in its application to persons or property due to changed conditions in an area;
 - (c) This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the effective date of this SMP.
- (9) **Final Process Step.** After approval or disapproval of a Program amendment by the Department of Ecology as provided in RCW 90.58.090, Ecology shall publish a notice that the Program amendment has been approved or disapproved by Ecology pursuant to the notice publication requirements of RCW 36.70A.290.

CHAPTER 16D.08 CRITICAL AREAS IN SHORELINE JURISDICTION[SMP Scrub]

CHAPTER 16D.08 CONTENTS:

16D.08.01	General Provisions.....	178
16D.08.01.01 [SMP Scrub]	Purpose.....	178
16D.08.01.02 [SMP Scrub]	Intent.	178
CRITICAL AREAS REPORTS [SMP Scrub]	.....	188
16D.08.01.03	Critical Areas Report Requirements.....	188
16D.08.01.04 [SMP Scrub]	Supplemental Report Requirements for Specific Critical Areas.	194
16D.08.01.05 [SMP Scrub]	General Critical Areas Protective Measures.	198
16D.08.02 [SMP Scrub]	Fish and Wildlife Habitat and the Stream Corridor System.	202
INTRODUCTION	.....	202
16D.08.02.01 [SMP Scrub]	Purpose and Intent.....	202
16D.08.02.02 [SMP Scrub]	Protection Approach.....	203
DESIGNATION AND MAPPING	.....	205
16D.08.02.03 [SMP Scrub]	Hydrologically Related Critical Area Features... ..	205
16D.08.02.04 [SMP Scrub]	Functional Properties.	206
16D.08.02.05 [SMP Scrub]	Wetland Rating System.....	208
16D.08.02.06 [SMP Scrub]	Maps.....	208
GENERAL DEVELOPMENT STANDARDS	.....	210
16D.08.02.07 [SMP Scrub]	Prohibited Uses.	210
16D.08.02.08 [SMP Scrub]	General Policies and Standards.	211
16D.08.02.09 [SMP Scrub]	Vegetative Buffers.....	216
16D.08.03 [SMP Scrub]	Wetlands.	217
16D.08.03.01 [SMP Scrub]	Purpose and Intent.....	217
16D.08.03.02 [SMP Scrub]	Designating and Mapping.....	217
16D.08.03.03 [SMP Scrub]	Protection Approach.....	217

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

16D.08.03.04[SMP Scrub] Wetland Functions and Rating.	218
16D.08.03.05 Wetland Buffers.....	221
16D.08.03.06[SMP Scrub] Compensatory Mitigation Requirements.....	226
16D.08.03.07 Unauthorized Alterations and Enforcement.....	239
16D.08.04[SMP Scrub] Geologically Hazardous Areas.	240
16D.08.04.01 [SMP Scrub] Purpose and Intent.....	240
16D.08.04.02[SMP Scrub] Mapping and Designation.....	241
16D.08.04.03[SMP Scrub] Geologically Hazardous Areas Protection Approach.	244
16D.08.04.04[SMP Scrub] Development Review Procedure for Geologically Hazardous Areas.	245
16D.08.04.05[SMP Scrub] General Protection Requirements.....	247
16D.08.05[SMP Scrub] Critical Aquifer Recharge Areas (CARA).....	247
16D.08.05.01 [SMP Scrub] Purpose and Intent.....	247
16D.08.05.02[SMP Scrub] Mapping.	248
16D.08.05.03[SMP Scrub] Protection Approach.....	249
16D.08.05.04 CARA Hydrogeological Report Requirement.....	250
16D.08.06 [SMP Scrub] Upland Wildlife Habitat Conservation Areas.	251
16D.08.06.01 [SMP Scrub] Purpose and Intent.....	251
16D.08.06.02[SMP Scrub] Protection Approach.....	252
16D.08.06.03[SMP Scrub] Functional Properties.	253
DESIGNATION AND MAPPING	253
16D.08.06.04[SMP Scrub] Upland Wildlife Habitat Conservation Areas.	253
16D.08.06.05[SMP Scrub] Mapping.	255
16D.08.06.06[SMP Scrub] Permit and Critical Areas Report Requirement..	256
16D.08.06.07[SMP Scrub] Upland Wildlife Habitat Conservation Area Development Standards.	257

16D.08.01 General Provisions.

~~16D.01.03~~08.01.01[SMP Scrub] ~~Purpose~~**of Title.**

The purpose of YCC ~~Title~~Chapter 16D.08 is to establish a single, uniform system of procedures and standards to be applied to development within designated critical areas within the[SMP Scrub] Shoreline jurisdiction of unincorporated Yakima County ~~and municipalities in Yakima County which have adopted this regional SMP[SMP Scrub]~~.

~~16D.01.04~~08.01.02[SMP Scrub] ~~Intent~~**of Title.**

(1) YCC ~~Title~~Chapter 16D.08 establishes ~~goals, policies,~~ standards, and regulations pertaining to ~~projects, uses and development within Shoreline jurisdiction,~~ development within designated critical areas associated with shorelines ~~or other areas under Shoreline jurisdiction as provided in the Shoreline Management Act (RCW 90.58) and regulated under the provisions of the Growth Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program and RCW 86.16 [CAO]~~this title. ~~Additional purpose and intent for the protection of critical areas is provided in the chapter on each subject.~~ Streams, stream corridors, and rivers, frequently flooded areas [CAO]~~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~~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~~result in "no net loss" of the functions and values and ~~functions~~values of the critical area;
- (b) Where appropriate, avoid uses and development which are incompatible with critical areas;
- ~~(b)~~(c) Prevent further degradation of critical areas;
- ~~(c)~~(d) Conserve, ~~and~~ protect ~~and, where feasible, restore~~ essential or important natural resources;
- ~~(d)~~(e) Protect the public health, safety and general welfare;

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- ~~(e)~~(f) Further the goals and objectives of the Yakima County Comprehensive Plan ~~and all of its elements~~;
- ~~(f)~~(g) Implement the goals and requirements of ~~the Washington Growth Management Act (RCW Chapter 36.70A) as it applies to shoreline jurisdiction, the Shoreline Management Act (RCW Chapter 90.58), 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 variance, reasonable use provisions and non-conforming use and facility provisions~~;
- (i) Manage for no net loss of ecological function within Shoreline jurisdiction, to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life;
- ~~(j)~~ Establish a consistent foundation of regulations that apply to similar issues whether they are inside or outside shoreline jurisdiction. Additional protection measures required as a result of Shoreline Master Program updates to this title are identified as applying within shoreline jurisdiction and are not intended to be applied outside shoreline jurisdiction; [\[SMP Scrub\]](#)
- ~~(k)~~ Recognize that mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use when conducted consistent with the policies and provisions of WAC 173-26-241(h), within all shoreline designations, except the natural and floodway/CMZ environments. [\[SMP Scrub\]](#)
- (2) In addition, the policies, standards and procedures of this title are not intended to:
- (a) ~~Are not intended to r~~[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 (YCC Title 16C) or~~ Shoreline Master Program (YCC Title 16D);
- (b) ~~Are not intended to r~~[Result](#) in an unconstitutional taking of private property;
- (c) ~~Are not intended to retroactively r~~[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 (YCC Title~~

~~16C) or of the~~ Shoreline Master Program (YCC Title 16D); but rather to use compensatory mitigation as a tool to mitigate impacts of new development;

- (d) ~~Are not intended to p~~Presume that regulatory tools are the only mechanism for protection, ~~but rather integrated with nonregulatory tools in as balanced a manner as possible~~;
- (e) ~~Are not intended to p~~Prohibit the use of valid water rights. [\[SMP Scrub\]](#)

~~16D.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, and municipalities in Yakima County which have adopted this regional SMP, designated as a critical area, irrespective of parcel boundaries [CAO], inside sShoreline jurisdiction, designated as shoreline jurisdiction and designated as a special flood hazard area under the National Flood Insurance Program or as a frequently flooded area designated by this title [CAO]; however, this title does not apply to the situations below, except that the Flood Hazard protection provisions of Chapter 16D.05 will continue to apply as determined by the applicability provision in 16D.05.20:~~

~~(a)~~

~~Critical Areas Ordinance adopted July 12, 1994;~~

~~Critical Areas Ordinance amended October 1, 1995;~~

~~Flood Hazard Ordinance adopted June 5, 1985;~~

~~[Critical Areas Ordinance amended December 15, 2007 \(GMA Update\) \[CAO\]](#)~~

~~(b) Critical areas on federally owned lands that are outside shoreline jurisdiction are not subject to this title;~~

~~(c) Critical areas on federally owned lands within shoreline jurisdiction in situations that do not have to obtain permits or follow the permit system, as provided in 16D.01.07 (Applicability of Permit System to Federal Agencies), are not subject to this title;~~

~~(d) Forest practices, as defined by this title, that only involves timber cutting is not a development under the act and does not require a shoreline Substantial Development Permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a Substantial Development Permit, as required by WAC 222-50-020 [SMP2021], carried out under a Washington Department of Natural Resources Forest Practice permit are not subject to this title, except those that involve shoreline jurisdiction, involve a conversion of forest land to a nonforestry use,~~

~~involve a conversion option harvest plan, or take place on lands platted after January 1, 1960;~~

~~(e) — Livestock grazing on publicly owned land, when carried out under an agreement that includes a resource management plan that will be monitored by a public entity, is not subject to this title;~~

~~(f) — Changing agricultural crops within an existing farming operation is not considered new development, construction or use; provided, that the existing area under agricultural production is not extended further into a vegetative buffer identified under 16D.06.16; and provided, that the natural contour of the land subject to this title is not altered by excavation and filling;~~

~~(g) — Minor, temporary or transient activities, including those of a recreational nature, that do not alter the environment or require a dedicated staging area, use area, or route are not subject to this title, and including temporary signs (election, sale, rent, etc.);~~

~~(h) — Critical Areas within the exterior boundaries of the Yakama Nation that are located within the designated Closed Areas or not under County jurisdiction as a result of the Supreme Court decision County of Yakima, et al v. Confederated Tribes and Bands of the Yakima Indian Nation (1991) are not subject to this title;~~

~~(i) — Mining, as defined by this title, that is carried out under a Washington Department of Natural Resources reclamation permit is not subject to the geologically hazardous areas provisions of this title for erosion hazard areas, oversteepened slope hazard areas, landslide hazard areas and suspected geologic hazard areas. Other critical areas provisions continue to apply.~~

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

~~16D.03.01 — Shoreline — Development — Authorization Required.~~

~~€~~

~~No new development, construction or use shall occur within shoreline jurisdiction without obtaining a development authorization in accordance with the provisions of this title, except for those provided for in Section 16D.03.05 (Minor Activities~~

~~Allowed without a Permit or Exemption). Exemptions, as provided for in Sections 16D.03.07 and 16D.03.08, shall be considered as development authorization, including those taking place on federal lands and requiring permits or review as provided in 16D.01.07 (Applicability of Permit System to Federal Agencies) but qualifying for other exemptions under this Chapter. All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this master program.~~

~~With respect to application and review procedures, it is the intent of this title to streamline and coordinate the authorization of critical area projects which require other local, state and/or federal permits or authorizations. Any nonexempt development, construction or use occurring within shoreline jurisdiction shall be processed according to the provisions of this Chapter and the Project Permit Administration Ordinance (YCC Title 16B).~~

~~Approval of a development authorization under this title shall be in addition to, and not a substitute for, any other development permit or authorization required by Yakima County. Approval of a development authorization under this title shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.~~

~~Permits issued in accordance with this title shall run with the land and conveyed to the applicant, their grantees, and assignees [CAO].~~

~~16D.03.04 — Technical Assistance Conference.~~

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

- ~~(1) Confirm and define the requirements of any other applicable local, state or federal regulations;~~
- ~~(2) Clarify any identified procedural or regulatory conflicts and define the alternative courses of action available to the applicant in addressing project requirements;~~

- ~~(3) Determine whether compliance with other existing statutes and regulations will adequately address the provisions of this title;~~
- ~~(4) Provide the proponent with guidance, available data and information that will assist in complying with the provisions of this title and other ordinances and regulations;~~
- ~~(5) Provide the proponent with guidance concerning project modifications or site enhancements that would eliminate or minimize impacts to the critical area;~~
- ~~(6) Provide the proponent with alternatives for securing data, information, or assistance necessary to the project but not available through the pre-application conference;~~
- ~~(7) Determine whether a critical area report is necessary, and if so, the qualifications, skills and expertise required of a consultant to perform the special study.~~

~~16D.03.11 Application Submittal.~~

- ~~(1) Application for a development authorization under this title shall be made on forms provided by the department. The application submittal shall include a site plan drawn to scale showing:
 - ~~(a) The actual shape and dimensions of the property site to be used;~~
 - ~~(b) Existing and proposed structures;~~
 - ~~(c) Excavation, fill, drainage facilities, topography, slope; and~~
 - ~~(d) Such other information as is needed to determine the nature and scope of the proposed development, including the maximum extent of the project site with respect to construction, excavation, equipment and material storage, and other project related work.~~~~
- ~~(2) The site plan should also show the location of all critical areas, such as those identified in Sections 16D.03.02 (Critical Area Identification Form and Critical Areas Report Requirements) and 16D.03.17 (Critical Areas Report Requirements), include all required critical areas reports prepared in conformance with 16D.03.17, and include the permit information required either in YCC Title 16B (Project Permit Administration) or in chapter 16D.05.44 (Flood Hazard Protection Administration), as appropriate.~~

~~(3) To be accepted as complete, a critical area development authorization application must include all maps, drawings and other information or data specified by this title or requested on the basis of the pre application conference (16D.03.03), or technical assistance conference (16D.03.04).~~

~~16D.03.12 — Determination of Review Process.~~

~~(1) The Shoreline Administrator administrative official shall determine from the application submittal, and other available information, what type of permit or review is required under this title. The Shoreline Administrator administrative official shall make such determination as early in the application process as is possible and shall inform the project applicant in writing of any application needs. Available information used in this determination may include:~~

- ~~(a) Site Visit Request Critical areas identification form;~~
- ~~(b) Pre application conference information;~~
- ~~(c) Technical assistance conference information.~~

~~(2) Specific information on when a permit or review is required, its review process type and review criteria are found in the Section for each permit or review. However, a brief description of each type of permit or review is provided in Table 3-1 below. Some permits or reviews are general and all projects will have a general review. Some permits are more specialized and apply only in specific cases or situations. More than one (1) permit or review may be needed for a project.~~

~~Table 3-1~~

General Permits or Reviews
Substantial Development. Shoreline Substantial development projects include any development 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
Conditional Use Permit. Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in Table 16D.10.05 as conditional uses, and that are

usually seen as uses that either do not need a Shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny.

Variance. A Shoreline Variance may be used within Shoreline jurisdiction to grant relief from specific performance standards where there are extraordinary circumstances that will impose unnecessary hardships.

Nonconforming Use or Facility Alteration. Nonconforming 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.

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 16D.05.20 through 16D.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.

~~16D.03.13 Development Authorization – Review Procedure.~~

Upon submittal and acceptance of a completed development authorization application, the Shoreline Administrator administrative official shall process and review the application as follows, except that permits or reviews required for critical areas under Chapters 16D.05.20 through 16D.05.72 shall be processed using the permit development standards, approval criteria and other provisions established in Chapters 16D.05.20 through 16D.05.72.

- (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 16D.07.0903.19 through 16D.073.1626 (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 16D.0803.0127.16 (General Critical Areas Protection Measures), and in Chapters 16D.08 (Critical Areas in Shoreline Jurisdiction) 6 through and 16D.0310 (Shorelines); except, that:~~
- ~~(a) Forest practices under a state or federal approval lying within shoreline jurisdiction, which meet the standards of 16D.06.24(1) (Forest Practices), shall be deemed to be meeting acceptable critical areas protection measures and are only subject to the development standards of 16D.10 (Shorelines), when applicable;~~
 - ~~(b) For rangeland livestock grazing operations, both inside and outside shoreline jurisdiction, the administrative official may waive compliance with development standards in Chapter 16D.06 (Fish and Wildlife Habitat and the Stream Corridor System), 16D.07 (Wetlands), 16D.08 (Geologically Hazardous Areas), and 16D.09 (CARA), but not for Chapter 16D.10 (Shorelines) or those uses and activities listed in section 16D.06.10 (Prohibited Uses).~~
- ~~(3) Decisions on a development authorization shall be consistent with Section 16D.0803.0114.11 (Authorization Decisions – Basis for Action), 16D.0803.0115.12 (Conditional Approval of Development Authorization) and with any specific decision criteria provided under the Sections for each relevant permit type, as provided in 16D.07.0903.19 through 16D.07.1103.26 (specific permit descriptions).~~
- ~~(4) In addition to the review procedures of YCC Title 16B, the following additional procedures shall apply to development authorizations within shoreline jurisdiction:~~
- ~~(a) The public comment period for shoreline permits shall conform to WAC 173-27-110 (30 days), except that the public comment period for limited utility extensions and shoreline stabilization measures for bulkheads to protect a single family residence and its appurtenant structures shall conform to WAC 173-27-120 (20 days);~~

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- ~~(b) For limited utility extensions and bulkheads for a single-family residence, the time for the County to issue a decision shall conform to WAC 173-27-120 (21 days from the last day of the comment period);~~
- ~~(c) The effective date of a shoreline permit shall conform to WAC 173-27-090 (the later of the permit date or the date of final action on subsequent appeals of the shoreline permit, unless the applicant notifies the Department of delays in other necessary construction permits);~~
- ~~(d) The expiration dates for a shoreline permit regarding start of construction and completion, and the extension of deadlines for those dates, shall conform with WAC 173-27-090 (start construction within 2 years, complete construction within 5 years, 1 year extensions of those dates, and allowance for the administrative official to set alternative permit expiration dates with a showing of good cause);~~
- ~~(e) For limited utility extensions and bulkheads for single-family residences, the time for the County to complete any local appeal shall conform to WAC 173-27-120 (30 days);~~
- ~~(f) The Department shall send its decision and the application materials to the Department of Ecology after the local decision and any local appeal procedures have been completed in conformance with WAC 173-27-130;~~
- ~~(g) For substantial development permits, the Department of Ecology will file the permit without additional action according to WAC 173-27-130;~~
- ~~(h) For conditional use and variance permits, the Department of Ecology will follow WAC 173-27-130 and WAC 173-27-200 (issue a decision within 30 days of the date of filing);~~
- ~~(i) The appeal period of a Department of Ecology action to the Shoreline Hearings Board will follow WAC 173-27-190 (21 days from the date of filing for a substantial development permit, or issuing a decision on a conditional use or variance permit);~~
- ~~(j) The Shorelines Hearings Board will follow the rules governing that body (RCW 90.58). [\[SMP Scrub\]](#)~~

~~16D.03.16 Fees and Charges.~~

~~The board of county commissioners establishes the schedule of fees and charges listed in Yakima County Code, Title 20 (Yakima County Fee Schedule), for development authorizations, variances, adjustments [CAO], appeals and other matters pertaining to this title.~~

~~ARTICLE V—~~CRITICAL AREAS REPORTS [SMP Scrub]

~~16D.03.17~~08.01.03 Critical Areas Report Requirements.

- (1) The Shoreline Administrator~~administrative official~~ may require a critical areas report, paid for by the applicant in accordance with YCC Title 16B.04, where determined necessary through the ~~critical area identification form~~site visit request, technical assistance conference, site investigation, or other portion of the project review.
- (2) A qualified professional, as defined by this title, shall prepare the report utilizing best available science. The intent of these provisions is to require a reasonable level of technical study and analysis sufficient to protect critical areas. The analysis shall be commensurate with the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity.
- (3) The critical area report shall:
 - (a) Demonstrate that the submitted proposal is consistent with the purposes and specific standards of this title;
 - (b) Describe all relevant aspects of the development proposal; all critical areas adversely affected by the proposal including any geologic or flood hazards; all risks to critical areas, the site, and other public and private properties and facilities resulting from the proposal; and assess impacts on the critical area from activities and uses proposed; ~~and~~
 - (c) Identify proposed mitigation and protective measures as required by this title.; and
 - (d) Mitigation sequencing and plan requirements can be found under Subsection 16D.04.02(2).
- (4) The critical areas report shall include information to address the supplemental report requirements for specific critical areas (~~16D.03.18~~08.01.04).
- (5) The Shoreline Administrator~~administrative official~~ shall review the critical areas report for completeness and ~~accuracy, and~~accuracy and shall

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

consider the recommendations and conclusions of the critical areas report to assist in making decisions on development authorizations and to resolve issues concerning critical areas jurisdiction, appropriate mitigation, and protective measures.

- (6) Critical areas reports shall generally be valid for a period of five (5) years, unless it can be demonstrated to the satisfaction of the Shoreline Administrator~~administrative official~~ that the previously prepared report is adequate for current analysis. Future land use applications may require preparation of new, amended, or supplemental critical area assessment reports. Reports prepared for nearby lands may be deemed acceptable by the Shoreline Administrator~~administrative official~~, in whole or in part, if relevant to the current analysis and meeting the above standards. The Shoreline Administrator~~administrative official~~ may also require the preparation of a new critical area assessment report or a supplemental report when new information is found demonstrating that the initial assessment is in error. If the Shoreline Administrator~~administrative official~~ requires more information in the report, he/she shall make the request in writing to the applicant stating what additional information is needed and why.
- (7) The Shoreline Administrator~~administrative official~~ may reject or request revision of the critical areas report when the Shoreline Administrator~~administrative official~~ can demonstrate that the assessment is incomplete, or does not fully address the critical areas impacts involved.
- (8) To avoid duplication, the reporting requirements of this Chapter shall be coordinated if more than one critical area report is required for a site or development proposal.
- (9) Applicants should provide reports and maps to the County in an electronic format that allows site data to be incorporated into the County critical areas database; provided, that the County may waive this requirement for single-family developments. Applicants are encouraged to coordinate with the Shoreline Administrator~~administrative official~~ regarding electronic submittal guidelines. This requirement shall not be construed as a requirement to use specific computer software.
- (10) At a minimum, a critical areas report shall include the following information:
 - (a) A site plan showing the proposed development footprint and clearing limits, and all relevant critical areas and buffers within and abutting the site, including but not limited to effects related to clearing, grading, noise, light/glare, modification of surface or subsurface flow, drilling, damming, draining, creating impervious surface, managing stormwater,

releasing hazardous materials, and other alterations. Projects in frequently flooded areas must comply with the requirements of [the Flood Hazard Ordinance](#) ~~Section 16D.05.20 through 16D.05.72~~. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the report shall identify the type of hazard and assess the associated risks posed by the development to critical areas, the site, and other public and private properties and facilities that are the result from the proposal, and assess costs on the critical area from activities and uses proposed;

- (b) A written description of the critical areas and buffers on or abutting the site, including their size, type, classification or rating, condition, disturbance history, and functions and values. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the description shall identify the type and characteristics of the hazard;
- (c) An analysis of potential adverse critical area impacts associated with the proposed activity. For geologically hazard areas, also assess the risks posed by the development to critical areas, the site, and other public and private properties and facilities that are the result from the proposal, and assess impacts on the critical area from activities and uses proposed;
- (d) An explanation of how critical area impacts or risks will be avoided and/or minimized, how proposed mitigation measures will prevent or minimize hazards, why the proposed activity requires a location on or access across a critical area, the on-site design alternatives, and why alternatives are not feasible;
- (e) When impacts cannot be avoided, the report shall include a plan describing mitigation to replace critical area functions and values altered as a result of the proposal, or to reduce flood or geologic hazards to critical areas, the site, and other public and private properties. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the plan shall address mitigation for impacts to critical areas, the site, and other public and private properties and facilities that are the result from the proposal, and assess impacts on the critical area from activities and uses proposed;
- (f) The dates, names, and qualifications of the persons preparing the report and documentation of analysis methods including any fieldwork performed on the site; and

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (g) Additional reasonable information requested by the Shoreline Administrator~~administrative official~~ for the assessment of critical areas impacts or otherwise required by the subsequent articles of this title.
- (11) A critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Shoreline Administrator~~administrative official~~.
- (12) The Shoreline Administrator~~administrative official~~ may limit the required geographic area of the critical area report as appropriate.
- (13) Compensatory Mitigation Plans. When compensatory mitigation, as described in ~~Section~~ Subsection 16D.03.1004.02(2) (Mitigation Sequencing Requirements), is required or proposed for ~~wetland areas or~~ stream channels, or upland habitat areas [CAO], the applicant shall submit for approval by Yakima County a mitigation plan as part of the critical area report, which includes:
- (a) Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the proposed compensation including:
- (i) A description of the anticipated impacts to the critical areas, mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals and objectives, identification of desired resource functions, dates for beginning and completion of site compensation construction activities, and an analysis of the likelihood of success of the compensation project. The goals and objectives shall be related to the functions and values of the impacted critical area;
- (b) A review of the best available science supporting the proposed mitigation;
- (c) A description of the report author's experience to date in restoring or creating the type of critical area proposed;
- (d) Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained;
- (e) Detailed Construction Documents. The mitigation documents shall include written specifications and plans describing the mitigation proposed, such as:

- (i) The proposed construction sequence, timing, and duration;
 - (ii) Grading and excavation details;
 - (iii) Erosion and sediment control features;
 - (iv) A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - (v) Measures to protect and maintain plants until established; and
 - (vi) Documents should include scale drawings showing necessary information to convey both existing and proposed topographic data, slope, elevations, plants and project limits;
- (f) **Monitoring Program.** The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years;
- (g) **Contingency Plan.** The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met;
- (h) **Financial Guarantees.** The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with ~~Section~~[Subsection 16D.03.2708.01.05\(1\)](#) (Financial Guarantees).
- (14) **Innovative Mitigation.**
- (a) Yakima County encourages innovative mitigation projects that are based on the best available science. The mitigation plan shall be used to satisfy the requirements of this Chapter and provide relief and/or deviation as appropriate from the specific standards and requirements thereof. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this Section

wherein one or more applicants, ~~or an organization with demonstrated capability,~~ [SMP Scrub] may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

- (i) Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
 - (ii) The group demonstrates the organizational and fiscal capability to act cooperatively;
 - (iii) The group demonstrates that long-term management of the habitat area will be provided;
 - (iv) There is a clear potential for success of the proposed mitigation at the identified mitigation site;
 - (v) There is a clear likelihood for success of the proposed plan based on supporting scientific information and demonstrated experience in implementing similar plans;
 - (vi) The proposed project results in equal or greater protection and conservation of critical areas than would be achieved using parcel-by-parcel regulations and/or traditional mitigation approaches;
 - (vii) The plan is consistent with the general purpose and intent of this Chapter;
 - (viii) The plan shall contain relevant management strategies considered effective and within the scope of this Chapter and shall document when, where, and how such strategies substitute for compliance with the specific standards herein; and
 - (ix) The plan shall contain clear and measurable standards for achieving compliance with the purposes of this Chapter, a description of how such standards will be monitored and measured over the life of the plan, and a fully funded contingency plan if any element of the plan does not meet standards for compliance.
- (b) Conducting mitigation as part of a cooperative process does not reduce or eliminate the required wetland replacement ratios.
- (c) Projects that propose compensatory wetland mitigation shall ~~also~~ use the standards in Sections ~~16D.07.05~~ 16D.08.03.06 [SMP Scrub] (Compensatory Mitigation Requirements). For those situations where a mitigation bank may provide an opportunity for mitigation, then the requirements in

~~Section~~ Subsection 16D.~~07.06~~08.03.06(3)(a) (Wetland Mitigation Banks) shall apply.

16D.~~03.18~~08.01.04[SMP Scrub] Supplemental Report **Requirements for Specific Critical Areas.**

- (1) **Stream Corridors.** When a critical areas report is required for a stream corridor or hydrologically related critical area, it shall include the following:
 - (a) A habitat and native vegetation conservation strategy that addresses methods to protect and enhance the functional properties listed in Section 16D.~~06.05~~08.02.04 (Functional Properties);
 - (b) Where there is evidence that proposed construction lies within an immediate zone of potential channel migration, representing a future hazard to the construction, a hydrologic analysis report may be required. The report shall assume the conditions of the one-hundred-year flood, include on-site investigative findings, and consider historical meander characteristics in addition to other pertinent facts and data.
- (2) **Upland Wildlife.** When a critical areas report is required for Upland Wildlife Habitat Conservation Areas, it shall include the following:
 - (a) **Habitat Assessment.** A habitat assessment is an investigation of the project area to evaluate the presence or absence of such species, and ~~areas~~ habitat types [CAO] with which such species have a primary association. The presence or absence assessment shall incorporate the time sensitive nature of species use. The landowner may submit an assessment prepared by the state or federal agency with jurisdiction over the species. This assessment is time sensitive and the assessment must be completed no more than 36 months prior to the date the critical areas application is deemed complete.
 - (b) If the habitat assessment determines that such habitat area is present on site, a management plan is required that follows published federal, or state, management recommendations. The Shoreline Administrator~~administrative official~~ shall confer with the appropriate agency and consider their comments through the review process.
- (3) **Wetlands.** When a ~~critical areas~~wetland delineation[SMP Scrub] report is required for wetlands, it shall include the following:
 - (a) Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

manual and applicable regional supplements [SMP 2021]. The exact location of a wetland's boundary and wetland rating shall be determined through the performance of a field investigation by a qualified wetland professional applying the 1987 Corps of Engineers Wetlands Delineation Manual – (<https://www.nws.usace.army.mil/Portals/27/docs/regulatory2/Wetlands/1987%20Wetland%20Delineation%20Manual.pdf?ver=2018-11-29-180229-380>) ~~Washington State Wetlands Identification and Delineation Manual (Ecology Publication No. 96-94, <http://www.ecy.wa.gov/pubs/9694.pdf>)~~ as required by RCW 36.70A.175 (Wetlands to be delineated in accordance with manual), Regional Supplement to the Corps of Engineers Wetland Delineation Manual: [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg%20supp/), and the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #14-06-030 - <https://fortress.wa.gov/ecy/publications/documents/1406030.pdf>), [CAO] and the Washington State Wetland Rating System for Eastern Washington (Ecology Publication No. 04-06-15), as amended;

- (b) All delineated wetlands and required buffers within two hundred (200) feet of the project area shall be depicted on the site plan. For areas off-site of the project site, wetland conditions within 200 feet of the project boundaries may be estimated using the best available information. Best available information should include, but not be limited to, aerial photos, land based photos, soils maps, or topographic maps;
- (c) A critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information:
 - (i) A statement specifying all assumptions made and relied upon;
 - (ii) Documentation of any fieldwork performed on the site, including field data sheets for delineations, the wetland rating form, baseline hydrologic data, etc.;
 - (iii) A description of the methodologies used to conduct the wetland delineations, or impact analyses including references; and
 - (iv) Wetland category, including vegetative, faunal, and hydrologic characteristics;
- (d) For projects that will affect the wetland or its buffer, provide the following:
 - (i) A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions and values listed in ~~section~~ Section

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

16D.07.04(1)08.03.04 (Wetland Functions and Rating), and Section 16D.06.0508.02.04 (Functional Properties);

- (ii) Mitigation sequencing pursuant to ~~Section~~ Subsection 16D.03.1004.02(2) (Mitigation Sequencing~~Requirements~~) to avoid, minimize, and mitigate impacts. Mitigation shall result in no net loss of wetland functions and values. Mitigation ratios may be necessary and should follow the guidance provided in Section 16D.07.0508.03.06[SMP Scrub] (Compensatory Mitigation Requirements) of the wetland Chapter;
 - (e) For category II and III wetlands with wetland rating habitat scores over 20 six [SMP Scrub][BG111] points, a wildlife habitat survey report and a habitat protection plan specific to wildlife using the wetland shall be submitted by a qualified professional. If a contiguous 100-foot wide protected habitat corridor exists between the existing wetland buffer complex and another adjacent wetland habitat found in the survey, this provision may be waived;
 - (f) Wetland buffers set forth in Table 16D.08.02-16-1 [SMP Scrub] shall only be minimized through application of the shoreline variance permit process and its provisions and criteria.
- (4) **Geologically Hazardous Areas.** When a critical areas report is required for a geologically hazardous area, it shall include the following; provided, that the Shoreline Administrator~~administrative official~~ may determine that any portion of these requirements is unnecessary given the scope and/or scale of the proposed development:
- (a) A description of the site features, including surface and subsurface geology. This may include surface exploration data such as borings, drill holes, test pits, wells, geologic reports, and other relevant reports or site investigations that may be useful in making conclusions or recommendations about the site under investigation;
 - (b) A description of the geologic processes and hazards affecting the property, including a determination of the actual hazard types for any suspected and risk unknown hazards identified in the affirmative determination of hazard (16D.08.04.04);
 - (c) A description of the vulnerability of the site to seismic and other geologic processes and hazards;
 - (d) A description of any potential hazards that could be created or exacerbated as a result of site development;

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

- (i) Assessments and conclusions regarding slope stability including the potential types of landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip, etc.) that may affect the site. The stability evaluation shall also consider dynamic earthquake loading, and shall use a minimum horizontal acceleration as established by the current version of YCC Title 13 (Building Code);
- (ii) An analysis of slope recession rate shall be presented in those cases where stability is impacted or influenced by stream meandering, or other forces acting on the toe of the slope; and
- (iii) Description of the run-out hazard of landslide debris to the proposed development that starts up-slope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down-slope properties and critical areas.

(5) Flood Hazards.

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

(6) Geotechnical Analysis for Flood Hazard Reduction and Shore Modification within Shoreline Jurisdiction.

(a) When a geotechnical report or geotechnical analysis is required within shoreline jurisdiction, it shall include:

- (i) A description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes;
- (ii) Conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development; and
- (iii) Measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed

development, including the potential adverse impacts to adjacent and down-current properties.

- (b) A geotechnical analysis for structural stabilization measures must demonstrate the necessity for shore stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shore erosion without such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- (c) A geotechnical analysis for structural flood hazard reduction measures must also demonstrate, by a scientific and engineering analysis, feasible alternatives to structural improvements that:
 - (i) Such measures are necessary to protect existing development;
 - (ii) That nonstructural measures are not feasible;
 - (iii) That impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and
 - (iv) That appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5) (General master program provisions – Shoreline vegetation conservation).

16D.03.2708.01.05[SMP Scrub] General Critical Areas
Protective Measures.

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

- (1) Financial guarantees to ensure mitigation, maintenance, and monitoring.
 - (a) When mitigation required pursuant to a development proposal is not completed prior to Yakima County's final permit approval, such as final plat approval or final building inspection, the [Shoreline Administrator](#)~~administrative official~~ may require the applicant to

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

post a financial guarantee to ensure that the work will be completed. If the development proposal is subject to compensatory mitigation for wetlands and streams, the applicant must post a financial guarantee to ensure mitigation is fully functional. Where financial guarantees are required by other state or federal agencies for specific mitigation features, additional financial guarantees for those features are not required under this provision.

- (b) The financial guarantee shall be in the amount of one hundred and twenty-five percent (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of restoring the functions and values of the critical area that are at risk.
- (c) The financial guarantee may be in the form of a surety bond, performance bond, assignment of savings account, an irrevocable letter of credit guaranteed by an acceptable financial institution, or other form acceptable to the Shoreline Administrator~~administrative official~~, with terms and conditions acceptable to the Yakima County attorney.
- (d) The financial guarantee shall remain in effect until the Shoreline Administrator~~administrative official~~ determines, in writing, that the standards bonded for have been met. Financial guarantees for wetland or stream compensatory mitigation shall be held for a minimum of five (5) years after completion of the work to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
- (e) Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- (f) Any failure to satisfy critical area requirements established by law or condition, including but not limited to the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan, shall constitute a default, and the Shoreline Administrator~~administrative official~~ may demand payment of any financial guarantees or require other action authorized by the Yakima County code or any other law.
- (g) Any funds recovered pursuant to this Section shall be used to complete the required mitigation. Such funds shall not be deposited in the County General Fund, but rather provided with a separate

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

account. The County will use such funds to arrange for completion of the project or mitigation, and follow-up corrective actions.

- (h) Depletion, failure, or collection of financial guarantees shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

(2) Declarative Covenants.

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

This declarative covenant is intended to reduce the incidence of unintentional violation of the Critical Areas Ordinance and/or Shoreline Master Program. Please be informed about your property and the laws that apply to it.

This declarative covenant is provided by Yakima County to the current and future owners of the property described as [enter property description] to inform them that, at the time of this notice, [enter Critical Areas or Shorelines present] existed within or adjacent to the property which are protected and regulated by the Yakima County Critical Areas Ordinance and/or Shoreline Master Program. Development has taken place on the property under permit or review number [enter permit file number], which includes requirements that run with the land. Current and future owners should obtain copies of the permit and also inform themselves about the critical areas, and/or shoreline jurisdiction that exists on the property.

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

- (b) The declarative covenant shall not be required for a development proposal by a public agency or public or private utility:
 - (i) Within a recorded easement or right-of-way;
 - (ii) Where the agency or utility has been adjudicated the right to an easement or right-of-way; or

- (iii) On the site of a permanent public facility.
 - (c) The applicant shall submit proof that the declarative covenant has been filed for public record before the [Shoreline Administrator](#)~~administrative official~~ approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.
- (3) Subdivision Standards. The following standards apply to all permits or reviews under the Unified Land Development Code (YCC Title 19) that contain critical areas:
- (a) All subdivisions that contain critical areas shall be eligible for density bonuses or other development incentives, as provided in the Unified Land Development Code (YCC Title 19);
 - (b) Critical areas shall be actively protected through the following:
 - (i) Roads and utilities for the subdivision shall avoid critical areas and their buffers, as much as possible;
 - (ii) When geologically hazardous areas (excluding erosion, oversteepened slopes of intermediate risk, stream undercutting, and earthquake hazards), FEMA floodway, channel migration zone (CMZ), streams, wetlands and/or vegetative buffers fall within the boundary of a subdivision.
 - (A) Said critical areas shall be protected by placing them entirely within a separate critical area tract, or by including them entirely within one of the developable parcels. Other options, such as conservation easements and building envelopes may be deemed by the [Shoreline Administrator](#)~~administrative official~~ as meeting this provision when special circumstances obstruct the viability of this provision;
 - (B) For those new lots that do contain said critical areas, usable building envelopes (5,000 square feet or more for residential uses) shall be provided on the plat that lie outside said critical areas.
- ~~(iii) New lots partially within the floodplain shall provide a usable building envelope (5,000 square feet or more for residential uses) outside the floodplain;~~

~~(iv)~~ ~~New lots entirely within the floodplain shall be at least one (1) acre in area;~~~~[IV.12]~~

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

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

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

~~Chapter 16D.06~~ 08.02 [SMP Scrub] Fish and Wildlife Habitat and the Stream Corridor System.

~~ARTICLE I~~—INTRODUCTION

~~16D.06.01~~ 08.02.01 [SMP Scrub] Purpose and Intent.

- (1) The shorelines of Yakima County include stream corridor systems, hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands which 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 Shoreline Management Act (RCW 90.58.020), to protect against adverse impacts to the land, its vegetation and wildlife, and the waters of the state and their aquatic life, and to protect the ecosystem-wide processes and ecological functions in Shoreline jurisdiction;
 - (b) Meet the requirements of the Growth Management Act (RCW 36.70A.172) to protect the functions and values of fish and wildlife habitat conservation areas, wetlands, stream undercutting geologic hazards and frequently flooded areas; and to give special consideration to anadromous fish applicable to Shoreline jurisdiction;

- (c) Meet eligibility requirements of the National Flood Insurance Program (NFIP), [and the authorities set forth in RCW 86.12 \[CAO\]](#).
- (2) The guidelines, policies, and standards of this Chapter are intended to:
- (a) Plan for and regulate necessary projects, development, and uses within jurisdiction of the Yakima County ~~Regional~~ [\[SMP Scrub\]](#) SMP;
 - (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 under shoreline jurisdiction that are at least as protective as the measures applying outside shoreline jurisdiction as required by RCW 90.58.030 (Finding – Intent – 2003 c 321).

16D.06.0208.02.02[\[SMP Scrub\]](#) **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;
 - (b) Protect habitat for riparian (near-water) species through stream, lake, pond, and wetland standards and buffer requirements;

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (c) Protect habitat for upland species using the protection measures of ~~Chapter Section~~ 16D.1108.06.
- (2) Yakima County has a very high proportion of federal, state and other publicly and tribally owned land, including State Natural Area Preserves and Natural Resource Conservation Areas. These lands are managed to some extent for the conservation of wildlife habitat. Consequently, one of Yakima County's approaches to protecting all wildlife habitat types is to rely on the management of these lands by the responsible entity. The protection of Larch mountain salamander (*Plethodon larselli*) (State Sensitive, Federal Species of Concern) and Spotted Owl (*Strix occidentalis*) (State Endangered, Federal Threatened) habitat is accomplished through this approach, since their habitat of primary association is located within Federal ownership.
- (3) To accomplish upland wildlife protection on private lands, Yakima County ~~performed an assessment to map~~ uses Washington State Department of Fish and Wildlife staff consultation and Priority Habitat and Species mapping to identify [CAO] wildlife habitat. ~~Only a small percentage of the mapped area is within private ownership and that is largely in remote areas of forest and rangeland. Consequently, part of~~ Yakima County's relies upon large lot/low density provisions of the Remote/Extremely Limited Development Potential (40-acre minimum), Forest Watershed (80-acre minimum) and Agriculture (40-acre minimum) zoning districts ~~approach~~ to protect upland wildlife on private lands ~~is to rely on the large lot/low density provisions of the Remote (40-acre minimum), Forest (80-acre minimum) and Agriculture (40-acre minimum) zoning districts.~~ Proposed development within upland wildlife habitat areas is reviewed in accordance with Subsection 16D.07.09(3)(b) to determine if a habitat assessment is required [CAO].
- (4) Corridors for wildlife to move between large habitat areas are a component of wildlife habitat. ~~Riparian corridors offer a natural system of linkages between such areas.~~ In semi-arid regions such as Yakima County, riparian corridors not only offer migratory linkages between large habitat areas but also offer important refuge and habitat for numerous species that rely on the riparian areas for their existence. ~~Consequently,~~ Yakima County's approach to protect wildlife migration corridors ~~and riparian habitat~~ is to rely on the protection measures for stream corridors, wetlands, upland wildlife habitat, in and [CAO] Shoreline jurisdiction, where applicable. Native upland plant communities adjacent to riparian areas in Yakima County are also high quality wildlife habitat supporting significant native wildlife assemblages. Other upland plant communities consisting of mixes of native and introduced species also support diverse wildlife populations. The goals, policies, shoreline environments and use regulations in this SMP are intended to manage these areas, where they occur within jurisdiction of this shoreline master program, to

assure no net loss of ecological function, including existing wildlife habitat and populations. This purpose is complementary to additional provisions in ~~Chapter~~ Section 16D.1108.06, Upland Wildlife Habitat Conservation Areas, which address this Critical Area category, identified in the Growth Management Act (RCW 36.70A.172).

- (5) Yakima County's approach to protecting aquatic habitat is to rely on the protection standards for rivers, streams, lakes, and the associated wetlands of these shorelines, within jurisdiction of the Yakima County ~~Regional~~ [SMP Scrub] SMP. These standards are derived from the requirements of the SMP Guidelines, at WAC 173-26-201 and subsequent Sections.
- (6) In addition to the provisions of ~~Section~~ Subsection 16D.06.0208.02.02 (4) above, for purposes of managing fish and wildlife habitat conservation areas pursuant to the Growth Management Act, habitat for listed state and federal threatened, endangered, and sensitive species was assessed and incorporated for upland species. Consequently, Yakima County's approach to protect habitat for listed state and federal threatened, endangered, and sensitive upland species is outlined in ~~Section 16D.1108.06~~.

ARTICLE II—DESIGNATION AND MAPPING

16D.06.0308.02.03[SMP Scrub] Hydrologically Related Critical Area Features.

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

- (1) Any floodway and floodplain identified as a special flood hazard area. Special flood hazard areas are those identified by the Federal Insurance Administration in the Flood Insurance Study for Yakima County which, together with accompanying Flood Insurance Rate Maps and frequently flooded, ~~is area are [CAO]~~ hereby adopted by reference and declared to be a part of this title as set forth in ~~Chapters the Flood Hazard Ordinance 16D.05.20 through 16D.05.72~~;
- (2) Perennial and intermittent streams, excluding ephemeral streams, including the stream main channel and all secondary channels within the ordinary high water mark;
- (3) Naturally occurring ponds under twenty acres and their submerged aquatic beds; and manmade lakes and ponds created within a stream channel designated under (2) above;

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (4) All wetlands that meet the definition found in Section 16D.02.425, as required by WAC 365-190-080(1), and as designated in ~~Section~~ Subsection 16D.07.0208.03.02(1) of the wetland Chapter;
- (5) Where specifically cited, any flood-prone area not included in a designated floodway and floodplain but indicated as flood-prone ~~by U.S. Soil Conservation Service soil survey data or geologic evidence developed through professional geologists or engineers (i.e. specific flood frequency, stream channel migration), by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data [CAQ]~~;
- (6) A buffer area extending on a horizontal plane from the ordinary high water mark of a stream channel, lake, or pond, designated in this Section or from the edge of a wetland designated in this Section according to the distances set forth in Section 16D.06.1608.02.09 [SMP Scrub] (Vegetative Buffers);
- (7) Lakes and ponds meeting the designation criteria in the Shoreline Management Act (RCW 90.58.030) listed in Appendix ~~B~~A.

16D.06.0508.02.04[SMP Scrub] Functional Properties.

- (1) Streams, lakes and ponds and wetlands require a sufficient riparian area to support one or more of the following functional properties:
 - (a) Streambank and shore stabilization;
 - (b) Providing sufficient shade through canopy cover to maintain water temperatures at optimum levels and to support fish habitat;
 - (c) Moderating the impact of stormwater and meltwater runoff;
 - (d) Filtering solids, nutrients, and harmful substances;
 - (e) Surface erosion prevention;
 - (f) Providing and maintaining migratory corridors for wildlife;
 - (g) Supporting a diversity of wildlife habitat;
 - (h) Providing floodplain functions noted below;
 - (i) Contributing woody debris and organic matter to the aquatic environment;

- (j) Providing altered climatic conditions different from upland areas.
- (2) Stream channels generally support one or more of the following functional properties:
- (a) Groundwater recharge and/or discharge;
 - (b) Water transport;
 - (c) Sediment transport and/or storage;
 - (d) Biogeochemical functions (see lakes, ponds and wetland functions below);
 - (e) Channel migration and creation of a dynamic habitat mosaic;
 - (f) Food web and habitat functions.
- (3) Lakes, ponds and wetlands generally provide similar functions, sometimes to a greater or lesser degree. Wetlands are often located along the margins of lakes and ponds, which often mixes the functions between the two. Lakes, ponds and wetlands generally provide one or more of the following functional properties:
- (a) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed such as: nutrient retention and transformation, sediment retention, metals and toxics retention and transformation;
 - (b) Hydrologic functions, which are related to maintaining the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, groundwater recharge;
 - (c) Food web and fish and wildlife habitat functions, which includes habitat for: invertebrates, amphibians, anadromous fish, resident fish, birds, mammals.
- (4) Floodplains generally provide one or more of the following functional properties:
- (a) Floodwater storage and passage, including the movement of high velocity flood waters;
 - (b) Sediment storage and recruitment;
 - (c) Food web and habitat functions;
 - (d) Nutrient sink and/or source;
 - (e) Groundwater recharge and/or discharge.

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

16D.06.0708.02.05[SMP Scrub] Wetland Rating System.

Wetlands within Yakima County are defined in Section 16D.02.425 and are shown on the data maps referenced in Section 16D.06.0808.02.06[SMP Scrub] (Maps). Most, but not all, of the wetlands within Yakima County occur near streams. All wetlands deserve a standard of protection, through the use of vegetative buffers, that is directly related to their contribution to the functional properties listed in Section 16D.06.0508.02.04[SMP Scrub] (Functional Properties) and Section 16D.07.0408.03.04 (Wetland Functions and Rating). For regulatory purposes, wetlands are classified into four categories according to the wetland rating system found in ~~Section~~ Subsection 16D.07.04(2)08.03.04(2) (Wetland Functions and Rating) of the wetland Chapter.

16D.06.0808.02.06[SMP Scrub] Maps.

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

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

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (a) Any floodway or floodplain identified as a special flood hazard area by the Federal Insurance Administration in the Flood Insurance Study for Yakima County.
- (2) Administrative maps are intended to indicate the approximate presence, location and/or typing of the subject critical area features, and act as a trigger for further investigation of the extent and characteristics of critical areas in a specific project location. These maps were created using reconnaissance level or better data. Given site-specific variations in reconnaissance level data, more detailed information developed at the site-specific level may be used to modify the maps as it is developed; the maps maintained by the Yakima County Public Services Department do not officially define the extent or characteristics of specific critical areas; rather the physical characteristics that exist "on the ground" define the boundaries of the regulated critical areas. Administrative maps include, but are not limited to, the following:
 - (a) Wetlands;
 - (b) Streams;
 - (c) Channel migration zone;
 - (d) [Priority Habitat and Species \(PHS\)](#) and Habitats of Local Importance. Mapped habitat areas for newly listed species will be generated as needed to supplement the existing maps. [PHS and\[CAO\]](#) Habitats of local importance currently include:
 - (i) [A link to PHS maps from WDFW regarding the location of those Priority Habitat and Species is made available in Appendix B of Title 16C – Critical Areas Ordinance of the Yakima County Code\[CAO\];](#)
 - (e) Upland Wildlife Habitat Analysis Map;
- (3) Other Information Sources. These are maps or other data sources, including special studies and management plans, which are neither produced or maintained by the Yakima County Public Services Department, which are used to indicate the presence of critical areas, importance or ranking of critical areas functions, or hazard or risk associated with critical areas. These information sources include, but are not limited to:
 - (a) Comprehensive flood hazard management plans and associated studies;

- (b) Soil survey of Yakima County;
- (c) Natural resource management plans, such as local and federal recovery plans, or forest plans prepared by the U.S. Forest Service;
- (d) Surficial geologic maps;
- (e) Historic and current aerial photo series;
- (f) Geohydraulic Studies. Geologic cross sections showing aquifers and confining units.

[\(g\) Priority Habitat and Species Maps \[CAO\].](#)

~~ARTICLE III~~—GENERAL DEVELOPMENT STANDARDS

~~16D.06.10~~[08.02.07\[SMP Scrub\]](#) Prohibited Uses.

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

- (1) Storage, handling, and disposal of material or substances that are dangerous or hazardous with respect to water quality and life safety;
- (2) Confinement feeding operations including livestock feedlots and dairy confinement areas;
- (3) The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;
- (4) The draining or filling of a wetland, lake or pond, except as provided for in Section ~~16D.06.21~~[05.06](#) (Filling);
- (5) The removal and transport of material for fill outside of the stream corridor;
- (6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities. This provision does not include municipal wastewater lines or septic systems approved by a local or state agency with authority to permit such facilities;
- (7) Solid waste disposal sites;
- (8) Automobile wrecking yards;
- (9) Fill for the sole purpose of increasing land area within the shorelines;

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (10) Those uses located within the floodway fringe that are listed in [the Flood Hazard Ordinance 16D.05.32.020](#)— (new and expanded mobile or manufactured home parks);
- (11) Those uses located within the floodway that are listed in [the Flood Hazard Ordinance 16D.05.36.020](#) (dwellings, filling wetlands, landfills, junkyards, storage of vehicles and material, damming streams, and any use causing flood impacts);
- (12) [Construction or placement of an inhabitable structure within an identified landslide hazard area, landslide run-out area, or their buffers \[CAO\]](#)
- ~~(12)~~ (13) Within shoreline jurisdiction, those uses not allowed in particular shoreline environments as provided in Section 16D.~~10.05~~[03.05](#) (Shoreline Land Use Table).

**16D.~~06.11~~[08.02.08](#)[SMP Scrub] General Policies and
Standards.**

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

- (1) The ordinary high water mark of a stream or lake, the edge of a wetland, and the outside edges of stream and/or wetland buffers shall be marked on the ground before any development, construction, or use is initiated.
- (2) [Any disturbance to E](#)existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the stream corridor shall be [mitigated according to the standards set forth in Subsection 16D.04.02\(2\)](#)~~disturbed to the minimum extent possible~~[\[CAO\]](#).
- (3) [Any disturbance to N](#)esting areas and other sensitive wildlife habitat identified within a stream corridor shall be [mitigated according to the standards set forth in Subsection 16D.04.02\(2\)](#)~~disturbed to the minimum extent possible~~[\[CAO\]](#).
- (4) Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered.

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by a local, state or federal agency, and transportation projects using stormwater manuals that are deemed equivalent to the ~~Eastern Washington~~ Yakima Regional Stormwater Manual, ~~are exempt from the requirements below.~~ are considered to have met the following required development standards that apply to all projects:[CAO]
- (a) Excavation, grading, cut/fills, compaction, and other modifications which contribute to erosion of upland soils shall be confined to the minimum necessary to complete the authorized work and avoid increased sediment load.
 - (b) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for periods when soils are the least vulnerable to erosion, compaction and movement unless suitable protective measures are used to prevent erosion.
 - (c) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to ensure the minimal duration of exposed, unprotected soils.
 - (d) Increases in impervious surface area, compaction of soil, changes in topography, and other modifications of land within a stream corridor which are determined will permanently increase stormwater and meltwater runoff into stream channels, drainage ways, and conduits, shall provide on-site or off-site facilities for the detention, control, and filtration of such increases.
 - (e) The discharge point for controlled stormwater and meltwater runoff and other outfall shall be designed and constructed to avoid causing erosion through the use of native riparian vegetation where possible or by reducing velocity, use of rock spillways, riprap, splash plates, or other demonstrably effective means.
 - (f) Matting or approved temporary ground cover shall be used to control erosion until natural vegetative ground cover is successfully established.
- (6) Development, construction, and uses shall not directly or indirectly degrade surface water and groundwater through the introduction of nutrients, fecal coliform, toxins, and other biochemical substances.
- (7) Prior to the approval of development, construction, or uses within a designated stream corridor, any existing source of biochemical or

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

thermal degradation identified as originating on the project property or on contiguous properties of the same ownership shall be corrected.

- (8) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk products, application schedules, and other protective methodology to minimize the surface and subsurface transfer of biochemical materials into the stream corridor.
- (9) Modifications to natural channel gradient, channel morphology, drainage patterns, and other stream features shall not permanently alter or obstruct the natural volume or flow of surface waters.
- (10) Development, construction, or uses within the stream corridor shall not alter or divert flood flows causing channel shift or erosion, increase or accelerate the flooding of upstream or downstream flood hazard areas, or otherwise threaten public or private properties.
- (11) Wells located within a stream corridor shall be protectively lined and installed in a deep aquifer with an acceptable minimum hydraulic continuity with either surface waters or a shallow aquifer.
- (12) Structures placed in close proximity to the outer edge of bends in stream channels identified as having a high potential to meander shall be located to minimize the hazard from stream undercutting and stream bank erosion stemming from potential future stream migration.
- (13) Adjacent communities and the Department of Ecology shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Emergency Management Agency.
- (14) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (15) Development, construction, or uses within the hydrologically related critical area that would contribute to the degradation of the functions and values shall be avoided or mitigated using mitigation sequencing as outlined in ~~Section~~ Subsection 16D.03.1004.02(2) (Mitigation ~~Requirements~~Sequencing).
- (16) Development shall not obstruct, cut off, or isolate stream corridor features.
- (17) Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon the rights of private ownership.

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (18) If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify Yakima County, the Washington State Office of Archaeology and Historic Preservation and any affected Indian tribes. Archaeological sites are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites and records), and development or uses that may impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit).
- (19) The provisions of the Flood Hazard Ordinance ~~Chapters 16D.05.20 through 16D.05.72 of this title~~ shall also apply to the development of lots and the placement, construction, or installation of structures in floodways and floodplains.
- (20) Any portion of the vegetative buffer temporarily damaged or disturbed as a result of construction activities (excluding approved permanent use areas) shall be repaired at the completion of construction using ~~reclamation~~ mitigation standards in Section 16D.~~06.23~~04.02 [SMP Scrub] (~~Reclamation~~ Ecological Protection and Critical Area Regulations).
- (21) Projects located within the floodway must meet the requirements of the Flood Hazard Ordinance ~~16D.05.36.010 (Floodway – Permitted Uses)~~.
- (22) Projects within a floodplain must meet the requirements of the Flood Hazard Ordinance ~~Section 16D.05.28 (Flood Hazard Protection Standards) and 16D.05.32 (Floodway Fringe Uses)~~.
- (23) Changing from an existing use or development which does not meet the provisions of this Chapter to a new use shall be reviewed in light of the following:
- (a) The conversion will demonstrably reduce impacts to stream corridor and other hydrologically related critical area features; and
 - (b) The conversion will restore and/or enhance the functional properties outlined in Section 16D.~~06.05~~08.02.04 [SMP Scrub] (Functional Properties).
- (24) ~~Additional~~ [SMP Scrub] General Shoreline Standards. The requirements below shall apply to all activities within shoreline jurisdiction.
- (a) Individual projects or actions that, if continued as a pattern, would accumulatively result in the degradation or impairment of the shoreline environment shall be avoided.
 - (b) Individual projects or actions shall provide for no net loss of shoreline ecological functions.

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (c) Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.
- (d) Outdoor advertising signs must conform to size, spacing and lighting provisions of the Washington State Scenic Vistas Act of 1971, where applicable.
- (e) There shall be a thirty-five (35) foot maximum building height for all structures, except that utility towers and poles, dams, concrete and asphalt batching plants, water treatment towers, wastewater treatment facilities and bridges are not required to meet this standard, and specific height limitations for residential structures are as follows:
 - (i) Twenty-five feet above average grade level in the conservancy environment;
 - (ii) Twenty feet above average grade level in the natural environment;
 - (iii) Twenty-five feet above average grade level in the urban conservancy environment;
 - (iv) Twenty feet above average grade level in the floodway/channel migration zone.
- (f) New development within shoreline jurisdiction shall be located and designed to:
 - (i) Avoid the need for future shore stabilization, to the extent feasible;
 - (ii) Avoid or, if that is not possible, to minimize the need for new and maintenance dredging;
 - (iii) Assure that subdivision lots created will not require shore stabilization in order for reasonable development to occur. The standards should be accomplished using geotechnical analysis of the site and shoreline characteristics, as provided in ~~Section~~Subsection 16D.~~06.19~~05.14(11) (Additional Shoreline Standards for Shore Stabilization);
 - (iv) Setback new development on steep slopes or bluffs sufficiently to ensure that shore stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis, as provided in ~~Section~~Subsection 16D.~~06.19~~05.14(11) (Additional Shoreline Standards for Shore Stabilization);

- (v) New development that would require shore stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

16D.06-1608.02.09[SMP Scrub] Vegetative Buffers.

- (1) Establishment. There is hereby established a system of vegetative buffers that are necessary to protect and maintain [CAO] the ecological functions and values of shorelines, and certain hydrologically related critical areas including wetlands. The buffer for shoreline streams and lakes, the vegetative buffer shall be 100 feet. For wetlands, ~~based on a review of the best available science,~~ buffers are listed in ~~table~~ Table 6-1 16D.08.03.05-1. [SMP 2021]
- (a) Vegetative buffers shall be measured from the Ordinary High Water Mark (OHWM) for streams, lakes and ponds, and from the wetland edge for wetlands, as identified in the field. The width of the wetland buffer shall be determined according to the wetland type, specified in Table ~~6-~~ +16D.08.03.05-1. (SMP 2021)
- (b) Buffer width may be reduced through the Variance (16D.~~03.22~~07.15) permit process.
- (c) The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation is degraded, then no adjustment to the buffer width should be granted and re-vegetation should be considered. Where the use is being intensified, a degraded buffer should be re-vegetated to maintain the standard width.

Table **6-1**

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

Chapter ~~16D.07~~08.03[SMP Scrub] Wetlands.

16D.~~07.01~~08.03.01[SMP Scrub] Purpose and Intent.

The purpose and intent of the provisions protecting wetland critical areas are equivalent to the purpose and intent for ~~Chapter Section~~ 16D.~~06.01~~08.02.01 (Purpose and Intent)[SMP Scrub].

16D.~~07.02~~08.03.02[SMP Scrub] Designating and Mapping.

- (1) Wetlands are those areas that meet the definition found in Section 16D.02.425 as provided in RCW 36.70A.030(~~2028~~) [SMP Scrub]. 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 nonregulated, artificial wetland.~~[SMP Scrub]

- (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 U.S. 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.The actual presence of wetlands shall govern the applicability of these provisions.[SMP Scrub]

16D.~~07.03~~08.03.03[SMP Scrub] Protection Approach.

- (1) Wetlands will be protected using the protection approach for hydrologically related critical areas found in 16D.~~06.02~~08.02.02 (Protection Approach), which accommodates issues affecting wetlands.
- (2) Wetlands and their functions will be protected using the standards found in the Stream Corridor ~~Chapter Section~~ (16D.~~06~~08.02.02), which includes provisions to:

- (a) Follow mitigation sequencing as outlined in ~~Section~~ Subsection 16D.04.02(2)03.10 (Mitigation ~~Requirements~~ Sequencing);
- (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.

16D.07.0408.03.04[SMP Scrub] Wetland Functions and Rating.

- (1) Wetlands are unique landscape features that are the interface between the aquatic and terrestrial environments. Wetlands provide the following functions:
 - (a) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed such as: nutrient retention and transformation, sediment retention, metals and toxics retention, and transformation.
 - (b) Hydrologic functions, which are related to maintaining the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, and groundwater recharge.
 - (c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians, anadromous fish, resident fish, birds, and mammals.
- (2) Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington: 2014 Update (Ecology Publication #14-06-030, <https://fortress.wa.gov/ecy/publications/documents/1406030.pdf>, or as revised and approved by Ecology.), which contains the definitions and methods for determining whether the criteria below are met. [SMP 2021] ~~Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Eastern Washington, revised August 2004 (Ecology Publication No. 04-06-15, <http://www.ecy.wa.gov/pubs/0406015.pdf>) as determined using the appropriate rating forms contained in that publication.~~ These categories are summarized as follows:

(a) Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible or too difficult to replace within a human lifetime, and provide a high level of functions. Generally, these wetlands are not common and make up a small percentage of the wetlands within Yakima County. The following types of wetlands are Category I:

- (i) Alkali wetlands are characterized by the presence of shallow saline water with a high pH and provide the primary habitat for several species of migrant shorebirds and are also heavily used by migrant waterfowl and small alkali bee that is used to pollinate alfalfa and onion for seed production [CAO];
- (ii) Wetlands of High Conservation Value (formerly called Natural Heritage Wetlands) - Wetlands that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as important ecosystems for maintaining plant diversity that represent rare plant communities or provide habitat for rare plants are uncommon in eastern Washington [CAO]~~Natural Heritage Wetlands. Wetlands that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as high quality, relatively undisturbed wetlands, or wetlands that support state threatened or endangered plant species;~~
- (iii) Bogs and calcareous fens [SMP 2021] are peat wetlands sensitive to disturbance and have not been successfully re-created through compensatory mitigation. Bogs are wetlands with peat soils and a low pH, usually a pH <5. Calcareous fens are a type of alkaline, rather than acidic wetland, maintained by groundwater that have a neutral or high pH and high concentrations of calcium and other alkaline minerals [CAO];
- (iv) Mature and old-growth forested wetlands over ¼ acre [SMP 2021] with native slow growing trees, which include Western Red Cedar (*Thuja plicata*), Alaska Yellow Cedar (*Chamaecyparis nootkatensis*), pine species (mostly White pine – *Pinus monticola*), Western Hemlock (*Tsuga heterophylla*), Oregon White Oak (*Quercus garryana*) and Englemann Spruce (*Picea engelmannii*);
- (v) Forested wetlands with stands of aspen contribution as a priority habitat far exceeds the small acreage of these stands and relatively small number of stems (Hadfield & Magelssen, 2004). Furthermore, mature stand of aspen and its underground root

system may be difficult to reproduce. Regeneration of aspen stands by sexually produced seeds is an unusual phenomenon (Romme et al., 1997) [CAO];

- (vi) Wetlands scoring ~~70 points or more (out of 100)~~ between 22 and 27 points in the Washington State Wetland Rating System for Eastern Washington~~Eastern Washington Wetland Rating System~~. [SMP 2021]
- (b) Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:
- (i) Forested wetlands in the floodplains of rivers are an important resource in the floodplains of rivers, especially in the areas through which the river may flow regularly (often called the channel migration zone). Trees in the Floodplains are critical to the proper functioning and the dynamic processes of rivers. They influence channel form, create pools, riffles, and side channels that are essential habitat for many fish and other aquatic species. These trees also create localized rearing and flood refuge areas, and contribute to the stabilization of the main river channel (NRC, 2002) [CAO];
 - (ii) Mature and old-growth forested wetlands over ¼ acre [SMP 2021] with native fast growing trees, which include alders (Red – *Alnus rubra*, Thin leaf – *A. tenuifolia*), cottonwoods (Narrow leaf – *Populus angustifolia*, Black – *P. balsamifera*), willows (Peach leaf – *Salix amygdaloides*, Sitka – *S. sitchensis*, Pacific – *S. lasiandra*); aspen (*Populus tremuloides*); or Water Birch (*Betula occidentalis*);
 - (iii) Vernal pools, also called rainpools, are ecosystems located in a landscape with other wetlands that retain water until the late spring when they dry out to allow some strictly aquatic organisms to flourish, and provide areas where migrating waterfowl can find food and pair bonding [CAO];
 - (iv) Wetlands scoring between ~~51-19~~ and ~~69-21~~ points ~~(out of 100)~~ in the Washington State Wetland Rating System for Eastern Washington~~Eastern Washington Wetland Rating System~~. [SMP 2021]
- (c) Category III wetlands are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands include:
- (i) Vernal pools that are isolated; and

- (ii) Wetlands ~~with a moderate level of functions~~ (scoring between ~~30~~ 16 and ~~50~~ 18 points) in the Washington State Wetland Rating System for Eastern Washington~~Eastern Washington Wetland Rating System~~. [SMP 2021]
- (d) Category IV wetlands have the lowest levels of functions, scoring less than ~~30~~ 16 points in the Washington State Wetland Rating System for Eastern Washington~~Eastern Washington Wetland Rating System~~, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases be improved. These wetlands may provide some important functions, and also need to be protected. However, experience has shown that replacement cannot be guaranteed in any specific case.[SMP 2021]
- (3) The wetland rating categories as described in Section (2), above, shall be applied to projects which are submitted on or after the date of adoption of these provisions. The wetlands shall be rated as they exist on the day of project application submission, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. However, illegal modifications to wetlands which have been made since the amended Critical Areas Ordinance (YCC Title 16A, ~~1995~~^[TV13]) shall not be considered when rating the wetland. Information regarding the original condition of illegally modified wetlands that cannot be discerned from aerial photographs or other reliable information sources, which is needed to complete the Washington State Wetland Rating System for Eastern Washington~~Eastern Washington Wetland Rating System~~ data sheets, shall use the highest appropriate points value within each missing data field of the rating sheet to complete the rating.

16D.08.03.05 Wetland Buffers.

- (1) Buffer Requirements. The following buffer widths (see Table 16.08.03.05-1) have been established in accordance with the best available science. They are based on the category of wetland, as determined by a qualified wetland professional using the Washington State Wetland Rating System for Eastern Washington: 2014 Update (Ecology Publication #14-06-030, <https://fortress.wa.gov/ecy/publications/documents/1406030.pdf>, or as revised and approved by Ecology), and the intensity of the proposed adjoining land use (see Table 16.08.03.05-2).

Table 16D.08.03.05-1 Wetland Buffer Width^{[BG14]s}

<u>Category of Wetland</u>	<u>Low Impact</u>	<u>Moderate Impact</u>	<u>High Impact</u>
<u>I</u>	<u>100 ft</u>	<u>150 ft</u>	<u>200 ft</u>
<u>II</u>	<u>50 ft</u>	<u>75 ft</u>	<u>100 ft</u>
<u>III</u>	<u>35 ft</u>	<u>50 ft</u>	<u>75 ft</u>
<u>IV</u>	<u>25 ft</u>	<u>35 ft</u>	<u>50 ft</u>

Table 16D.08.03.05-2 Level of Impact from Proposed Change in Land Use

<u>Low</u>
• <u>Forestry (cutting of trees only)</u>
• <u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</u>
• <u>Unpaved trails</u>
• <u>Utility corridor without a maintenance road and little or no vegetation management.</u>

<u>Moderate</u>
• <u>Residential (1 unit/acre or less, based on zoning [SMP Scrub])</u>
• <u>Moderate-intensity open space (parks with biking, jogging, etc.)</u>
• <u>Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</u>
• <u>Paved trails</u>
• <u>Building of logging roads</u>
• <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u>

<u>High</u>
• <u>Commercial</u>
• <u>Urban</u>
• <u>Industrial</u>
• <u>Institutional</u>
• <u>Retail sales</u>
• <u>Residential (more than 1 unit/acre, based on zoning [SMP Scrub])</u>
• <u>Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</u>
• <u>High-intensity recreation (golf courses, ball fields, etc.)</u>

• Hobby farms

(a) Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Shoreline Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

- (i) The wetland is used by a state or federally listed plant or animal species or has essential or outstanding habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- (ii) The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- (iii) The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

(b) Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

- (i) The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.
- (ii) The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
- (iii) The total area of the buffer after averaging is equal to the area required without averaging.
- (iv) The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I, 50 feet for Category II, 35 feet for Category III and 25 feet for Category IV, whichever is greater.

(c) Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

- (i) There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
 - (ii) The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.
 - (iii) The total buffer area after averaging is equal to the area required without averaging.
 - (iv) The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I, 50 feet for Category II, 35 feet for Category III and 25 feet for Category IV, whichever is greater.
- (d) When a wetland buffer contains an existing legally established public road or private access road, the Shoreline Administrator may allow development on the landward side of the road provided that the development will not have a detrimental impact to the wetland. The applicant may be required to provide a critical areas report to describe the potential impacts. In determining whether a critical areas report is necessary, the Shoreline Administrator may consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption. [SMP Scrub][BG16][BG17][BG18]
- (2) To facilitate long-range planning using a landscape approach, the Shoreline Administrator may identify and pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Shoreline Administrator will prepare maps of wetlands that have been pre-assessed in this manner.
- (3) Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Buffers must be fully vegetated in order to be included in buffer area calculations. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.
- (4) Buffers on Mitigation Sites. All wetland mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

- (5) Buffer Maintenance. Except as otherwise specified or allowed in accordance with this Title, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond.
- (6) Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in Section 16D.08.03.06.
- (7) Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.
- (8) Signs and Fencing of Wetlands and Buffers.
- (a) Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Shoreline Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
- (b) Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Shoreline Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.
- (i) Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) every fifty (50) feet, [TV19] or one (1) per lot if the lot is less than fifty (50) feet wide, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Shoreline Administrator [TV20][TV21]:

Table 16D.08.03.05-3 Permanent Sign Language

<u>Protected Wetland Area</u>
<u>Do Not Disturb</u>
<u>Contact Yakima County Public Services - Planning Division</u> <u>Regarding:</u>
<u>Uses, Restrictions, and Opportunities for Stewardship</u>

- (ii) The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features or wildlife.

(c) Fencing

- (i) The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.
- (ii) Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat. [SMP 2021]

16D.07.0508.03.06[SMP Scrub] Compensatory Mitigation Requirements.

Projects that propose to compensate for wetland acreage and/or functions are subject to state and federal regulations. Compensatory mitigation for alterations to wetlands shall provide no net loss of wetland functions and values, and must be consistent with the mitigation plan requirements in ~~Section~~ Subsection 16D.03.1716D.08.01.03 (13) (Compensatory Mitigation Plans). The following guidance documents were developed to assist applicants in meeting the regulations and requirements.

(1) Requirements for Compensatory Mitigation

- (a) Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1, (Ecology Publication #06-06-011b, Olympia, WA, March 2006, <https://fortress.wa.gov/ecy/publications/documents/0606011b.pdf>, or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication #10-06-007, November 2010, <https://fortress.wa.gov/ecy/publications/documents/1006007.pdf>). [SMP 2021]
~~(1) Compensatory mitigation plans must be consistent with Guidance on Wetland Mitigation in Washington State Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals or~~

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

~~as revised (Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology publication number 04-06-013B, http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html).~~

(b) Mitigation ratios shall be consistent with Subsection (7) of this Chapter.

(c) Mitigation requirements may also be determined using the credit/debit tool described in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report (Ecology Publication #11-06-015, August 2012, <https://fortress.wa.gov/ecy/publications/documents/1106015.pdf>), consistent with Subsection (7) of this Chapter.

(2) Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

(a) The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

(b) Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the County, such as replacement of historically diminished wetland types.

(3) Approaches to Compensatory Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on the approaches listed below.

~~(a) (a) Wetland mitigation banks. **16D.07.06 Wetland Mitigation Banks.**~~

~~(a) (1) Credits from a certified wetland mitigation bank may be used approved for use as to compensation for unavoidable compensate~~

for impacts located within the service area specified in the mitigation bank instrument.~~to wetlands when:~~

~~(a) The Use of credits from a wetland mitigation bank is~~ certified under ~~RCW 90.84 and its administrative rules WAC Chapter~~ 173-700 WAC is allowed if:

(i) The Shoreline Administrator~~administrative official~~ determines that ~~the wetland mitigation bank provides~~it would provide appropriate compensation for the ~~authorized~~proposed impacts; and

(ii) The impact site is located in the service area of the bank;

(iii) The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument~~bank's certification.~~

~~(2iv)~~ Replacement ratios for projects using bank credits ~~shall be~~is consistent with replacement ratios specified in the ~~bank's certification~~certified mitigation bank instrument.

~~(3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.~~

(b) In-Lieu Fee (ILF) Mitigation: Credits from an approved in-lieu-fee program may be used when all of the following apply: [BG22][BG23]

(i) The Shoreline Administrator determines that it would provide environmentally appropriate compensation for the proposed impacts.

(ii) The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

(iii) Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method specified in the approved instrument for the in-lieu-fee program.

(iv) The impacts are located within the service area specified in the approved in-lieu-fee instrument.

(c) Permittee-responsible mitigation. In this situation, the permittee performs the mitigation after the permit is issued and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. Permittee-responsible mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the Shoreline Administrator's satisfaction that the proposed approach is ecologically preferable to use of a bank or ILF program, consistent with the criteria in this Section.

(4) Types of Compensatory Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on a type listed below in order of preference. A lower-preference form of mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the Shoreline Administrator's satisfaction that all higher-ranked types of mitigation are not viable, consistent with the criteria in this Section.

(a) Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

(i) Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

(ii) Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

(b) Establishment (Creation): The manipulation of the physical, chemical, or biological characteristics of a site to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations

that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

- (i) If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the Shoreline Administrator may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland professional that:

 - (A) The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
 - (B) Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
 - (C) The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.
- (c) Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities. Applicants proposing to enhance wetlands or associated buffers shall demonstrate how the proposed enhancement will increase the wetland's/buffer's functions, how this increase in function will adequately compensate for the impacts, and how existing wetland functions at the mitigation site will be protected.
- (d) Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, or repairing water control structures or fences. This term also includes activities commonly associated with the term preservation.

Preservation does not result in a gain of wetland acres. Permanent protection of a Category I or II wetland and associated buffer at risk of degradation can be used only if:

- (i) The Shoreline Administrator determines that the proposed preservation is the best mitigation option;
- (ii) The proposed preservation site is under threat of undesirable ecological change due to permitted, planned, or likely actions that will not be adequately mitigated under existing regulations;
- (iii) The area proposed for preservation is of high quality or critical for the health of the watershed or basin due to its location. Some of the following features may be indicative of high-quality sites:
 - (A) Category I or II wetland rating (using the wetland rating system for eastern Washington)
 - (B) Rare or irreplaceable wetland type (for example, bogs, mature forested wetlands, estuarine wetlands) or aquatic habitat that is rare or a limited resource in the area;
 - (C) The presence of habitat for priority or locally important wildlife species; or ~~also list has~~ provides biological and/or hydrological connectivity;
 - (D) Provides biological and/or hydrological connectivity;
 - (E) Priority sites in an adopted watershed plan.
- (iv) Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by an appropriate natural land resource manager, such as a land trust.
- (v) The Shoreline Administrator may approve other legal and administrative mechanisms in lieu of a conservation easement if it determines they are adequate to protect the site.
- (vi) Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being impacted and the quality of the wetlands being preserved. Ratios for preservation as the sole means of mitigation generally start at 20:1.

- (5) Location of Compensatory Mitigation. Compensatory mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. The following criteria will be evaluated when determining whether the proposal is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu-fee program, or advance mitigation.
- (a) There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
- (b) On-site mitigation would require elimination of high-quality upland habitat.
- (c) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
- (d) Off-site locations shall be in the same sub-drainage basin unless:
- (i) Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the County and strongly justify location of mitigation at another site; or
 - (ii) Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;
 - (A) Fees are paid to an approved in-lieu fee program to compensate for the impacts.
 - (iii) The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland.

(6) Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

(a) The Shoreline Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the County.

(7) Wetland Mitigation Ratios

TABLE 16D.08.03.06-1 Compensatory Mitigation Ratios

<u>Category and Type of Wetland</u>	<u>Creation or Re-establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
<u>Category I:</u> <u>Bog, Natural Heritage site</u>	<u>Not considered possible</u>	<u>Case by case</u>	<u>Case by case</u>
<u>Category I:</u> <u>Mature Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>
<u>Category I:</u> <u>Based on functions</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

2—Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1, (Ecology Publication #06-06-011a, Olympia, WA, March 2006.

<https://fortress.wa.gov/ecy/publications/documents/0606011a.pdf>, or as revised). See also Subsection (4)(d) for more information on using preservation as compensation.

- (8) Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006, <https://fortress.wa.gov/ecy/publications/documents/0606011a.pdf> and <https://fortress.wa.gov/ecy/publications/documents/0606011b.pdf>), the Shoreline Administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report” (Ecology Publication #11-06-015, August 2012, <https://fortress.wa.gov/ecy/publications/documents/1106015.pdf>, or as revised).
- (9) Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:
 - (a) Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in Minimum Standards for Critical Area Reports (16D.08.01.03) and Supplemental Report Requirements for Specific Critical Areas (16D.08.01.04(3)) of this Title.
 - (b) Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in Wetland Mitigation in Washington State– Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia, WA, March 2006, <https://fortress.wa.gov/ecy/publications/documents/0606011b.pdf>, or as revised).
 - (i) The written report must contain, at a minimum:
 - (A) The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and

proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.

- (B) Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
- (C) Description of the existing wetland and buffer areas proposed to be impacted. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on Wetland Ratings (16D.08.03.04) of this Chapter.
- (D) Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?).
- (E) Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Include illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.
- (F) A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
- (G) A description of the proposed mitigation construction activities and timing of activities.
- (H) Performance standards (measurable standards for years post-installation) for upland and wetland communities, a monitoring schedule, and a maintenance schedule and actions proposed by year.

- (I) A discussion of ongoing management practices that will protect wetlands after the development project has been implemented, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).
 - (J) A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.
 - (K) Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.
- (ii) The scaled plan sheets for the compensatory mitigation must contain, at a minimum:
 - (A) Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.
 - (B) Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also, existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.
 - (C) Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.
 - (D) Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.
 - (E) A planting plan for the compensation area, including all species by proposed community type and water regime,

size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, and timing of installation.

- (10) Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a minimum 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.
- (11) Protection of the Mitigation Site. The area where the mitigation occurred and any associated buffer shall be located in a critical area tract or a conservation easement.
- (12) Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.
- (13) Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-015, Olympia, WA, December 2012, <https://fortress.wa.gov/ecy/publications/documents/1206015.pdf>).
- (14) Alternative Mitigation Plans. The Shoreline Administrator may approve alternative wetland mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of wetland functions and values than would be provided by the strict application of this Chapter.

The Shoreline Administrator shall consider the following for approval of an alternative mitigation proposal:

- (a) The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Ecology Publication #10-06-07, November 2010, <https://fortress.wa.gov/ecy/publications/documents/1006007.pdf>).

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (b) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
- (c) Mitigation according to Section (4) is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
- (d) There is clear potential for success of the proposed mitigation at the proposed mitigation site.
- (e) The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in Section (9).
- (f) The plan shall be reviewed and approved as part of overall approval of the proposed use.
- (g) A wetland of a different type may be justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.
- (h) Mitigation guarantees shall meet the minimum requirements as outlined in Section (9)(b)(i)(H).
- (i) Qualified professionals in each of the critical areas addressed shall prepare the plan.
- (j) The County may consult with agencies with expertise and jurisdiction over the critical areas during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

~~(2) — Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent with Wetlands in Washington State — Volume 2: Guidance for Protecting and Managing Wetlands — Appendix 8-D — Section 8-D3 or as revised (Washington State Department of Ecology, Publication number 05-06-008, http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html).~~

16D.08.03.07 Unauthorized Alterations and Enforcement.

In addition to the Enforcement and Penalties identified in 16D.07.21 and 16D.07.22, the following apply to unpermitted activities within a wetland or its buffer.

- (1) When a wetland or its buffer has been altered in violation of this Title, all ongoing development work shall stop and the critical area shall be restored. The County shall have the authority to issue a "stop work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Chapter.
- (2) Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared and approved by the County. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in Subsection (3). The Shoreline Administrator shall, at the applicant or other responsible party's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.
- (3) Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the applicant or other responsible party can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:
 - (a) The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
 - (b) The historic soil types and configuration shall be restored to the extent practicable.
 - (c) The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
 - (d) Information demonstrating compliance with other applicable provisions of this Chapter shall be submitted to the Shoreline Administrator.

(4) Site Investigations. The Shoreline Administrator is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. The Shoreline Administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The County may coordinate its preservation or restoration activities with other cities in the watershed to optimize the effectiveness of the restoration action. [SMP 2021][BG24]

~~Chapter~~ 16D.08.04[SMP Scrub] Geologically Hazardous Areas.

16D.08.04.01[SMP Scrub] Purpose and Intent.

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

16D.08.04.02[SMP Scrub] Mapping and Designation.

- (1) Geologically hazardous areas are areas that are susceptible to one or more of the following types of hazards and are designated as critical areas, based on WAC 365-190-~~120(3)080(4)(b) through (h)~~ [CAO]:
 - (a) Erosion hazards;
 - (b) Landslide hazards, ~~which in the Yakima County inventory includes:~~ [CAO]
 - (i) Oversteepened slope hazards;
 - (ii) Alluvial fan/flash-flooding hazards;
 - (iii) Avalanche hazards; and
 - (iv) Stream undercutting hazards;
 - (c) Seismic hazards (referred to below as earthquake hazards); and [CAO]
 - (d) Volcanic hazards;
- (2) The approximate location and extent of **Erosion h**Hazard a**Areas** [CAO] are shown on the County's critical area map titled "Erosion Hazard Areas of Yakima County." Erosion hazard areas were identified by using the "Soil Survey of Yakima County Area, Washington" and the "Soil Survey of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County." The analysis utilized the general soil map unit descriptions of severe and very severe hazard of water erosion.
- (3) The approximate location and extent of the remaining g**Geologically h**Hazardous a**Areas** [CAO] 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 mapped and classified using the stated criteria based on WAC 365-190-~~120(3)080(4)(b) through (h)~~ [CAO]:
 - (a) Landslide Hazard Areas (LS). These include places where landslides, debris flows, or slumps have already occurred. Where sliding is presumed to have occurred within 10,000 years or less is shown as high risk (LS3) on the map. Slides thought to be older than 10,000 years but still capable of movement are shown as intermediate risk (LS2). Areas where slides are absent are unlabeled and combined with other low risk areas.
 - (i) Oversteepened Slope Hazard Areas (OS). These include areas with slopes steep enough to create potential problems. High risk areas (OS3) have a high potential to fail, and include slopes greater than

40%, and consist of areas of rock fall, creep, and places underlain with unstable materials. Intermediate risk areas (OS2) are less likely to fail but are still potentially hazardous. This category also includes some slopes between 15 and 40%. Low risk areas, unlikely to fail, are unlabeled and combined with other low risk categories.

- (ii) Alluvial Fan/Flash-Flooding Hazard Areas (AF). These are areas where flash flooding can occur, and are often associated with inundation by debris from flooding. They include alluvial fans, canyons, gullies, and small streams where catastrophic flooding can occur. They do not include all areas where flash flooding may occur with Yakima County. Flooding may also occur in larger streams and rivers, but these are depicted in the "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, rather than on the Geologically Hazardous Areas Map. High risk areas (AF3) are those most likely to experience flooding. These areas usually involve larger drainage areas, easily eroded sediments, and steeper gradients. Intermediate risk areas (AF2) have some potential for flash flooding but involve smaller drainages and flatter slopes. Low risk areas are where flash flooding is unlikely, are unlabeled and combined with other low risk areas on the map.
- (iii) Avalanche Risk Hazard Areas (AR). Areas of avalanche hazards are limited (within the mapped boundaries) to areas near the Cascade Crest. High risk areas (AF3) are those in areas of high snowfall where avalanche scars are visible and slopes are steep to moderately steep. These areas could also be rated OS3. Intermediate risk areas (AF2) are usually adjacent to AF3 areas but where vegetation is still in place and slopes are moderate. AF2 and AF3 areas are mapped on the basis of aerial photography and observed scars. Climatic data (snowfall, wind direction, etc.) are necessary for more detailed mapping. Low risk areas, where avalanches are unlikely, are unlabeled and combined with other low risk geologic hazards.
- (iv) Stream Undercutting Hazard Areas (SU). These areas are confined to banks near main streams and rivers where undercutting of soft materials may result. High risk areas (SU3) include steep banks of soft material adjacent to present stream courses. Intermediate risk areas (SU2) are banks along the edge of a flood plain but away

from the present river course. Low risk areas are unlabeled and combined with other low risk areas on the maps.

- (b) Earthquake Activity Hazard Areas (EA). Recorded earthquake activity in Yakima County is mostly marked by low magnitude events and thus low seismic risk. One exception is an area along Toppenish Ridge where Holocene faulting may have produced earthquakes of as much as magnitude 7. Zones of surficial fault scarps are shown on high risk areas (EA3) while areas adjacent to the scarps are assigned intermediate risk (EA2). The rest of the county is low risk, are unlabeled, and combined with other low risk hazards.
 - (c) Suspected Geologic Hazard Areas (SUS). These are areas for which detailed geologic mapping is lacking but preliminary data indicate a potential hazard. No risk assessment (1-2-3) is given for these areas. Most are probably OS or LS hazards.
 - (d) Risk Unknown Hazard Areas (UNK). In these areas geologic mapping is lacking or is insufficient to make a determination. All of these areas are associated with other classified geologic hazards, and most are located in remote areas of Yakima County.
- (4) Volcanic hazard areas are not mapped but are defined as areas subject to pyroclastic (formed by volcanic explosion) flows, lava flows and inundation by debris flows, mudflows or related flooding resulting from volcanic activity. Volcanic hazard areas in Yakima County are limited to pyroclastic (ash) deposits. While Yakima County contains a portion of Mt. Adams and is in close proximity to Mt. Rainier and Mt. St. Helens, the threat of volcanic hazards is minimal and limited to ash deposition. The more devastating effects of volcanic activity such as lava flows and lahars (volcanic landslide or mudflow) are not possible due to intervening ridges. No specific protection requirements are identified for volcanic hazard areas.
- (5) This Chapter does not imply that land outside mapped geologically hazardous areas or uses permitted within such areas will be without risk. This Chapter shall not create liability on the part of Yakima County, any officer, or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

16D.08.04.03[SMP Scrub] Geologically Hazardous Areas Protection Approach.

- (1) Erosion Hazard Areas. Protection measures for erosion hazard areas will be accomplished by implementing the regulatory standards for erosion and drainage control required under YCC Title 13 (Building Code). Any future stormwater program erosion control measures that may be formally adopted by the Board of County Commissioners shall supersede YCC Title 13 erosion control requirements. Standards to meet YCC Title 13 requirements can be met by the application of the best management practices (BMPs) in the ~~Eastern Washington~~ [Yakima Regional \[CAO\]](#) Stormwater Manual (WDOE Publication No. 04-10-076) or equivalent manual adopted by Yakima County, or any other approved manual deemed appropriate by the Building Official, including but not limited to applicable Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) BMPs and the Washington State Department of Transportation Highway Runoff Manual. Application of the Environmental Protection Agency (EPA) Construction Rainfall Erosivity Waiver is at the discretion of the Building Official on a case-by-case basis.
- (2) Landslide Hazard Areas. Protection measures for landslide hazard areas will be accomplished through the review process of 16D.08.04.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16D.08.04.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; and Appendix J, Grading).
- (3) Alluvial Fan/Flash-Flooding Hazard Areas. Protection measures for alluvial fan/flash-flooding hazard areas will be accomplished through the review process of 16D.08.04.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16D.08.04.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; Appendix J, Grading; and Flood Resistant Design and Construction (ASCE-24-9814)).
- (4) Stream Undercutting Hazard Areas. Protection measures for stream undercutting hazard areas will be accomplished by Critical Areas review for flood hazards, streams, and shoreline jurisdiction, in addition to implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (Flood Resistant Design and Construction (ASCE-24-9814)).

- (5) Avalanche Hazard Areas. Protection measures for avalanche hazard areas will be accomplished through the review process of 16D.08.04.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16D.08.04.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; and Appendix J, Grading).
- (6) Oversteepened Slope Hazard Areas. Protection measures for oversteepened slope hazard areas will be accomplished through the review process of 16D.08.04.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16D.08.04.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; and Appendix J, Grading).
- (7) Earthquake/Seismic Hazard Area Protection Standards. Protection measures for earthquake/Seismic hazard areas will be accomplished by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; and Appendix J, Grading).
- (8) Suspected Geologic Hazard Areas and Risk Unknown Hazard Areas. Protection measures for suspected geologic hazard areas and risk unknown hazard areas will be accomplished through the review process of 16D.08.04.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of 16D.08.04.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; and Appendix J, Grading).

16D.08.04.04[SMP Scrub] Development Review Procedure for Geologically Hazardous Areas.

- (1) The Shoreline Administrator~~administrative official~~ shall make a determination of hazard to confirm whether the development or its associated facilities (building site, access roads, limits of grading/excavation/filling, retaining walls, septic drainfields, landscaping, etc.):
 - (a) Are located within a mapped geologically hazardous area;

- (b) Are within 500 feet of a mapped landslide hazard area; [CAO]
 - ~~(b)~~(c) Are abutting, or adjacent to any other ~~a~~ [CAO] mapped geologically hazardous area and may result in or contribute to an increase in hazard, or pose a risk to life and property on or off the site;
 - ~~(c)~~(d) Are located within a distance from the base of an adjacent landslide hazard area ~~equal to the vertical relief that has been determined to be within the runout area~~ [CAO] of said hazard area;
 - ~~(d)~~(e) Are located within the potential run-out path of a mapped avalanche hazard.
- (2) Developments that receive an affirmative determination of hazard by the Shoreline Administrator~~administrative official~~ under (1) above must conduct a geologic hazard report as provided in 16D.~~03.18~~08.01.04(4) (Supplemental Report Requirements – Geologically Hazardous Areas), which may be part of a geotechnical report required under additional review below.
- (a) If the geologic hazard report determines no hazard exists or that the project area lies outside the hazard, then no geologic hazard review is needed.
 - (b) The Shoreline Administrator~~administrative official~~ is authorized to waive further geologic hazard review for oversteepened slope hazards on a determination that the hazards identified in the geologic hazard report will be adequately mitigated under grading or construction permits.
- (3) Developments that receive an affirmative determination of hazard, but do not meet the provisions of paragraph 2a or 2b above, must:
- (a) Obtain a critical areas development authorization under 16D.07~~3~~3 (Application and Review Procedures);
 - (b) Submit a geotechnical report that is suitable for obtaining the grading and construction permits that will be required for development. The geotechnical report should incorporate the submitted assessment, include the design of all facilities and include a description and analysis of the risk associated with the measures proposed to mitigate the hazards, ensure public safety, and protect property and other critical areas; and
 - (c) Be consistent with the general protection requirements of Section 16D.08.04.05 (General Protection Requirements).

16D.08.04.05[SMP Scrub] General Protection Requirements.

- (1) Grading, construction, and development and their associated facilities shall not be located in a geologically hazardous area, or any associated setback for the project recommended by the geotechnical report, unless the applicant demonstrates that the development is structurally safe from the potential hazard, and that the development will not increase the hazard risk on site or off site.
- (2) Development shall be directed toward portions of parcels, or parcels under contiguous ownership, that are at the least risk of hazard in preference to lands with higher risk, unless determined to be infeasible in the geotechnical report.
- (3) The geotechnical report shall recommend methods to ensure the information and education about the hazard and any recommended buildable area for future landowners over the long term.
- (4) The applicable requirements of grading and construction permits for developments in hazardous areas must be included in the development proposal and geotechnical report.
- (5) Mining, as defined by this title, that is carried out under a Washington Department of Natural Resources reclamation permit is not subject to the geologically hazardous areas provisions of this title for erosion hazard areas, oversteepened slope hazard areas, landslide hazard areas and suspected geologic hazard areas. Other critical areas provisions continue to apply.

~~Chapter 16D.09~~08.05[SMP Scrub] Critical Aquifer Recharge Areas (CARA).

~~16D.09~~08.05.01[SMP Scrub] Purpose and Intent.

- (1) The Growth Management Act (RCW 36.70A) requires local jurisdictions to protect, through designation and protection, areas with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water. These areas are referred to as critical aquifer recharge areas (CARA) in this title.
- (2) Potable water is an essential life sustaining element. Much of Yakima County's drinking water comes from groundwater supplies. Once groundwater is

contaminated it can be difficult, costly, and sometimes impossible to clean up. In some cases, the quality of groundwater in an aquifer is inextricably linked to its recharge area.

(3) The intent of this Chapter is to:

- (a) Preserve, protect, and conserve Yakima County's CARA from contamination;
- (b) Establish a protection approach that emphasizes the use of existing laws and regulations, and minimizes the use of new regulations.

(4) It is not the intent of this Chapter to:

- (a) Regulate everyday activities (including the use of potentially hazardous substances that are used according to State and Federal regulations and according to label specifications);
- (b) Enforce or prevent illegal activities;
- (c) Regulate land uses that use or store small volumes of hazardous substances (including infield agricultural chemical storage facilities, which do not require permits, or are already covered, under existing state, federal, or county review processes and have detailed permit review);
- (d) Establish additional review for septic systems, which are covered under existing County review processes and have detailed permit review by another agency;
- (e) Establish additional review for stormwater control, which are covered under existing County review processes and have detailed permit review; or
- (f) Require review for uses that do not need building permits and/or zoning review.

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

16D.0908.05.02[SMP Scrub] Mapping.

- (1) Mapping Methodology. The CARA are depicted in the map titled "Critical Aquifer Recharge Areas of Yakima County." The CARA map was developed through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology "Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances" (Publication No. 97-30).

<https://fortress.wa.gov/ecy/publications/documents/0510028.pdf>. Yakima County has determined this analysis to be the best available science at the time the analysis was conducted. This analysis was at a coarse, countywide scale, rather than a site specific assessment. The approximate location and extent of critical aquifer recharge areas are shown on the map, and are 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. The CARA map estimates areas of moderate, high and extreme susceptibility to contamination, in addition to wellhead protection areas. To characterize hydrogeologic susceptibility of the recharge area to contamination, the GIS analysis used the following physical characteristics:

- (a) Depth to ground water;
 - (b) Soil (texture, permeability, and contaminant attenuation properties);
 - (c) Geologic material permeability;
 - (d) Recharge (amount of water applied to the land surface, including precipitation and irrigation).
- (2) Wellhead Protection Areas. The CARA map includes those wellhead protection areas for which the County has maps. Wellhead protection areas are required for all Class A public water systems in the state of Washington. The determination of a wellhead protection area is based upon the time of travel of a water particle from its source to the well. Water purveyors collect site specific information to determine the susceptibility of the water source to surface sources of contamination. Water sources are ranked by the Washington State Department of Health with a high, moderate or low susceptibility to surface contamination. Wellhead protection areas are defined by the boundaries of the ten (10) year time of ground water travel, in accordance with WAC 246-290-135. For purposes of this Chapter, all wellhead protection areas shall be considered highly susceptible.

16D.0908.05.03[SMP Scrub] Protection Approach.

- (1) Maps shall be used only as an informational resource to communicate with applicants on potential problems with meeting the applicable laws on a particular site. The maps indicate that high susceptibility areas tend to be located in the valley bottoms and follow along floodplain and stream corridors, with the extreme susceptibility locations being largely within floodplains, and along streams and wetlands.

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

- (2) Land uses are subject to many existing federal, state, local, or tribal laws regarding the handling of substances that may contaminate CARAs. Additional regulatory standards by Yakima County are not needed. Disclosure, educational information, and coordination of existing laws during existing review processes can accomplish the requirement to protect Critical Aquifer Recharge Areas. Consequently, Yakima County's protection of CARA shall be accomplished through normal project permit review under various Yakima County Codes, especially the stream protection standards in [Chapter Section 16D.0608.02](#) (Fish and Wildlife Habitat and the Stream Corridor System), including Section 16D.06-1008.02.07 (Prohibited Uses); the Shoreline Use Table in Section 16D.1003.05 and YCC Title 13 (Building and Construction Code), which provides detailed construction, use, and fire/life-safety standards for the storage and handling of dangerous and hazardous substances to a greater extent than most existing state and federal laws.
- (3) The [Shoreline Administrator](#)~~administrative official~~ shall develop and maintain a list of the relevant laws noted above. This list shall be informational, and is intended to be used in coordination with development permit review. This list shall be periodically reviewed and updated so as to provide the most comprehensive list possible to inform project applicants of the requirements of other agencies.
- (4) The [Shoreline Administrator](#)~~administrative official~~ shall also develop and maintain a table of land uses with the potential of being subject to the relevant laws noted above. The table shall be generated and maintained using the intent stated in 16D.09.0108.05.01 (4) (Purpose and Intent).
- (5) The [Shoreline Administrator](#)~~administrative official~~ and Building Official shall cooperatively develop questionnaires, to be filled out by new development permit applicants, which comprehensively establish the potential use, storage, and handling methods within the project for substances that have the potential to contaminate groundwater. The questionnaires are intended to ensure full application of existing building and construction codes related to such substances in order to forestall new regulations.
- (6) The [Shoreline Administrator](#)~~administrative official~~ and Building Official shall develop technical assistance and information materials to assist landowners and developers with understanding and meeting relevant existing federal, state, and local laws relating to CARAs.

16D.08.05.04 CARA Hydrogeological Report Requirement.

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

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

~~Chapter 16D.11~~ 08.06 [SMP Scrub] Upland Wildlife Habitat Conservation Areas.

~~16D.11.010~~ 08.06.01 [SMP Scrub] Purpose and Intent.

- (1) Fish and ~~W~~wildlife habitat conservation means land management for maintaining population of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordinationed to help assure long term population viability. Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs and use planning is critically important (WAC 365-190-~~080~~130(~~51~~)). [CAO and SMP Scrub]
- (2) It is the intent of these provisions to classify seasonal ranges and habitat elements with which federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
- (3) It is the purpose of these provisions to designate, protect, and conserve natural habitats of upland wildlife species within shoreline jurisdiction as provided in the Shoreline Management Act (RCW 90.58) and as defined in ~~16D.1003.03.~~ [CAO]

16D.11.02008.06.02[SMP Scrub] Protection Approach.

- (1) To maintain viable populations of upland wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include fragmentation, the presence of essential resources such as food, water, nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. As a method of linking large habitat areas, migration corridors offer a means by which to connect publicly protected lands and other intact habitat areas. Yakima County protects habitat for upland species using the Upland Wildlife Habitat Conservation Area and associated protection measures described below.
- (2) Yakima County has a very high proportion of federal, state and other publicly and tribally owned land. ~~These lands are generally managed for the conservation of wildlife habitat~~Conservation of wildlife habitat is among the various goals for these public lands. ~~Consequently, one of~~ Yakima County's approaches to protecting all wildlife habitat types on public lands [CAO] is to rely on the management of these lands by the responsible entity (i.e. US Forest Service, US Bureau of Land Management, US Department of Defense, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, ~~Yakima~~Yakama Nation, etc.). The protection of Larch mountain salamander (*Plethodon larselli*) (State Sensitive, Federal Species of Concern) and Spotted Owl (*Strix occidentalis*) (State Endangered, Federal Threatened) habitat is accomplished through this approach, since their habitat of primary association is located within Federal ownership.
- (3) To aid in upland wildlife protection on private lands, Yakima County ~~followed a methodology utilizing Gap Analysis Program (GAP) data to map~~will utilize current WDFW data and maps to identify [CAO] wildlife habitat. Comparison of the map to public lands shows that a small percentage of the mapped area is within private ownership. An analysis of the privately owned lands showed that they are largely in remote areas that are undeveloped with no cultivated agriculture. The predominant land use on these private lands is forest and rangeland. Consequently, part of Yakima County's approach to protect upland wildlife on private land is to rely on the large lot/low density provisions of the Remote (40 acre minimum), Forest (80 acre minimum) and Agriculture (40 acre minimum) zoning districts.
- (4) Through the wildlife habitat analysis, habitat for listed state and federal threatened, endangered, and sensitive species was assessed and incorporated for upland species. Consequently, Yakima County's approach to protect habitat for listed state and federal threatened, endangered, and

sensitive upland species is to require approval of a substantial development permit, the submittal of a habitat assessment from a qualified professional, and where necessary, development of a management plan as outlined in Sections ~~16D.11.060~~08.06.06 and ~~16D.11.070~~08.06.07 below. Where appropriate, agencies will be consulted early in the process to determine potential impacts from the development on wildlife habitat. [CAO] Protection measures for Bull Trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and Steelhead (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the standards in ~~Chapter~~Section ~~16D.06~~08.02.

~~16D.11.030~~08.06.03[SMP Scrub] Functional Properties.

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

- (1) Reproduction and/or nesting;
- (2) Resting and refuge;
- (3) Foraging for food;
- (4) Dispersal and migration.

~~ARTICLE I~~—DESIGNATION AND MAPPING

~~16D.11.040~~08.06.04[SMP Scrub] Upland Wildlife Habitat Conservation Areas.

- (1) Upland wildlife habitats are identified in the Shoreline Inventory and Characterization prepared as required in WAC 173-26-~~210~~201 (2) [SMP Scrub], and (3)(c), (d), for the comprehensive update of the Yakima County ~~Regional~~ SMP [SMP Scrub].
- (2) Upland Wildlife Habitat Conservation Areas are those areas within which state or federally designated endangered, threatened, or sensitive species have a primary association and are designated critical areas [CAO]. State listed species are those native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or Sensitive (WAC 232-12-011) by the Washington Fish and Wildlife Commission. Federal

CHAPTER 16D.08
CRITICAL AREAS REGULATIONS

listed Threatened, Endangered or Sensitive species means all species of wildlife listed as such by the United States Secretary of the Interior or Commerce.

- (3) Pursuant to the provision of the Growth Management Act: Upland Wildlife Habitat Conservation Areas include State Natural Area Preserves and Natural Resource Conservation Areas.
- (4) Upland Wildlife Habitat Conservation Areas include Species and Habitats of Local Importance. These are habitats or species that due to their declining population, sensitivity to habitat manipulation or other values make them important on a local level. Habitats of Local Importance may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
 - (a) Species and Habitats of Local Importance may be identified, for protection under this title. State or local agencies, individuals or organizations may identify and nominate for consideration specific species and habitats, or a general habitat type, including streams, ponds or other features.
 - (b) Review of a Species and/or Habitat of Local Importance application is a legislative action, and shall be processed during the Comprehensive Plan amendment cycle.
 - (c) Species and/or Habitat of Local Importance applications shall be docketed for official action with the Planning Commission in accordance with the Procedures Section (16B.10.100—040) of (Development Regulation—Amendments)Chapter 16B.10 (Comprehensive Plan and Regulatory Amendment Procedures) with no fee requirements.[SMP Scrub]
 - (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~~is adopted as ~~appendices Appendix B of to this title~~ Title 16C – Critical Areas Ordinance of the Yakima County Code. [CAO]
 - (f) Species and/or Habitat of Local Importance applications shall be reviewed for conformance with Subsections (g) and (h) below.
 - (g) Applicants for Species and/or Habitat of Local Importance shall present evidence concerning the criteria set forth in Subsection (h) below,

including maps to illustrate the proposal and habitat management recommendations for use in the administration of this Chapter, and/or:

- (h) The review of nominated habitats, and habitats for species of local importance shall consider the following:
 - (i) 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) Areas of high relative density or species richness, breeding habitat, winter range, and movement corridors;
 - (iii) Habitat with limited availability or high vulnerability to alteration;
 - (iv) Whether these habitats are already identified and protected under the provisions of this or other county ordinances or state or federal law.

16D.11.0508.06.05[SMP Scrub] 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 and may be updated as more detailed data becomes available. This map is an [initial reference](#) and does not provide a final critical area designation. [Wildlife resource agencies shall be consulted for their expertise on location of habitat conservation areas when insufficient information exists for an area. \[CAO\]](#) Upland Wildlife Habitat Conservation Areas when within shoreline jurisdiction are subject to the requirements of this Title.
- (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;
- (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 [help \[CAO\]](#) test accuracy, and;
- (g) Covers threatened endangered and sensitive species on public lands.

16D.11.06008.06.06[SMP Scrub] Permit and Critical Areas Report Requirement.

- (1) Developments proposed within shoreline jurisdiction in 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 ~~a Critical Areas Identification Form~~[Pre-application Site Visit Request](#) and ~~site plan~~ as per 16D.03.02(1)~~07.08~~. The [Shoreline Administrator](#)~~Administrative Official~~ ~~may shall~~ [\[CAO\]](#) require a habitat assessment to be submitted if it is determined that the development proposal could impact the UWHCA within shoreline jurisdiction. 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 16D.03.1708.01.03, habitat assessments and habitat management plans must be prepared by a qualified professional. 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 substantial development permit and management plan are required, as determined by the habitat assessment, it ~~may shall~~ follow [management recommendations](#) published ~~by~~ federal, ~~or~~ state [agencies](#), ~~or local management recommendations, as applicable, that have been~~ [\[CAO\]](#) 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 [Shoreline Administrator](#)~~Administrative Official~~ may

consult with the appropriate agency and consider their comments through the review process.

16D.~~11.070~~08.06.07[SMP Scrub] Upland Wildlife Habitat Conservation Area Development Standards.

Projects located within an Upland Wildlife Habitat Conservation Area in shoreline jurisdiction as designated in Section 16D.~~11.040~~08.06.04 shall meet the following standards listed below, rather than the development standards in 16D.~~06.10~~08.02.07 (Prohibited Uses), 16D.08.02.08 (General Policies and Standards), 16D.05.01.01 (Use Classifications) through 16D.05.01.04 (Water-Enjoyment and Nonwater-Oriented Uses), 16D.08.02.09 (Vegetative Buffers), 16D.05.05 (Dredging and Excavation), 16D.05.06 (Filling), 16D.05.08 (Mining), 16D.05.13 (Transportation and Parking), 16D.05.14 (Shore Stabilization), and 16D.05.15 (Utility Transmission Lines and Facilities) ~~16D.06.23~~ for Hydrologically Related Critical Areas, unless review is also needed for Hydrologically Related Critical Areas.

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^[TV25].

APPENDIX BA: YAKIMA COUNTY SHORELINE LAKES AND PONDS AND THEIR ENVIRONMENTAL DESIGNATIONS.

This list is based on information from "Lakes of Washington Volume II Eastern Washington." 1973 (Water Supply Bulletin No. 14. Washington Department of Ecology). It is possible that some lakes could have been missed through the inventory process. If lakes are found in wilderness areas or the Yakama Nation Closed Area, they shall receive a natural shoreline environmental designation. If lakes are found in areas with a majority of public ownership they shall receive a conservancy shoreline environmental designation. All other lakes shall receive a rural shoreline environmental designation. If new lakes are created that meet the shoreline designation criteria in RCW 90.58.030(2)(ee), they shall receive a rural designation. Note that Yakima County has no jurisdiction within the Yakama Nation Closed Area, and very little jurisdiction within federal ownership. Shoreline environments are listed in the "Designation" column, except that those parts of any lake and its shoreline jurisdiction lying within a stream floodway/CMZ stream shoreline environment shall also be designated floodway/CMZ. Lakes identified with a "#" are partially or completely within the floodway/CMZ stream shoreline environmental designation.

Shoreline Environmental Designation Table Legend:

U – Urban	R – Rural
C – Conservancy	UC – Urban Conservancy
N – Natural	T#N – Township#North R#E – Range#East
*Shoreline of Statewide Significance as defined per RCW 90.58.030(2)(e f), generally being lakes 1,000 acres or greater. [SMP Scrub]	
Shoreline designations where Yakima County has little or no jurisdiction: † USFS Wilderness Area ‡ Federal Ownership	

APPENDIX A
SHORELINE LAKES AND PONDS

- Yakama Nation Closed Area
- ◇ Yakama Nation Trust Lands that are not under Yakima County jurisdiction

LAKES	LOCATION	DESIGNATION
Byron Ponds	Sec. 12, T8N, R23E	Conservancy
Horseshoe Pond	Sec. 21, 22, T9N, R22E	Conservancy#
Morgan Pond	Sec. 25, T9N, R22E	Conservancy#
Horseshoe Lake ◇	Sec. 25, 26, 35, 36, T9N, R22E	Rural#
Giffin Lake	Sec. 22, 23, 26, 27, T9N, R22E	Conservancy#
Freeway Lake	Sec. 7, T13N, R19E	Urban Conservancy#
Wenas Lake	Sec. 2, T15N, R17E	Conservancy
Priest Rapids Pool ‡*	Sec. 2/3, T13N, R23E	Conservancy
Rimrock Lake ‡*	T13/14, R12, 13, 14E	Conservancy
Clear Lake	Sec. 1/2/11/12, T13N, R12E	Conservancy
Lake Aspen	Sec. 11/14, T13N, R18E	Urban
Willow Lake	Sec. 11/14, T13N, R18E	Urban
Big Elton Pond	Sec. 31, T14N, R19E	Rural
Bumping Lake ‡*	T16N, R12E	Conservancy
Unnamed Lake (CB-E-301)	Sec. 35, T12N, R19E	Conservancy#
Unnamed Lake (CB-E-300)	Sec. 21, T11N, R20E	Rural
Unnamed Lake (PS-E-311)	Sec. 17, T11N, R20E	Rural#
Mt. Adams Lake □	Sec. 20, T9N, R12E	Natural
Two Lakes – Upper □	Sec. 8, T10N, R11E	Natural
Two Lakes – Lower □	Sec. 15, T10N, R11E	Natural

APPENDIX A
SHORELINE LAKES AND PONDS

LAKES	LOCATION	DESIGNATION
Fish Lake □	Sec. 7, T10N, R12E	Natural
Mud Lake ◇	Sec. 27, T10N, R18E	Conservancy
Howard Lake □	Sec. 31, T11N, R12E	Natural
Leech Lake ‡	Sec. 2, T13N, R11E	Conservancy
Twin Sisters lakes †	Sec. 3, T14N, R12E	Natural
Pear Lake †	Sec. 3, T14N, R12E	Natural
Dog Lake ‡	Sec. 32, T14N, R12E	Conservancy
Cougar Lake †	Sec. 4, T15N, R11E	Natural
Dewey Lake †	Sec. 30, T16N, R11E	Natural
Swamp Lake †	Sec. 33, T16N, R11E	Natural
Slaughterhouse Lake ◇	Sec. 25, 26 T9N, R22E	Rural#
Unnamed Lake ◇	Sec. 20, T9N, R22E	Rural#
Unnamed Lakes X4 ◇	Sec. 6/7/8/17/18, T9N, R22E	Rural#
Buchanan Lake	Sec. 20, T13N, R19E	Urban#
Unnamed Lake ◇ (Parker Pits)	Sec. 20, T12N, R19E	Rural#
Unnamed Lake (Selah Gravel Pits)	Sec. 30, 31, T14N, R19E Sec. 6, T13N, R19E	Rural#
Unnamed Lake (Grandview WWTP x3)	Sec. 2, T8N, R23E	Rural
Unnamed Lake ◇ (Graham & Morris pits)	Sec. 32, T11N, R20E	Rural
Unnamed Lake (Cowiche Reservoir)	Sec. 11, T14N, R16E	Rural

APPENDIX ~~C~~B: YAKIMA COUNTY SHORELINE STREAMS AND THEIR ENVIRONMENTAL DESIGNATIONS.

Introduction

This appendix is not intended to be easily understood by the casual reader, but is intended to accurately create maps and resolve jurisdictional questions. The list of streams is based on data from Determination of Upstream Boundary Points on Southeastern Washington Streams and Rivers Under Requirements of the Shoreline Management Act of 1971 (2003, Water-Resources Investigations Report 03-4042, U.S. Geological Survey prepared in cooperation with the Washington Department of Ecology). It is possible that some shorelines could have been missed through the inventory process. If shorelines are found in wilderness areas or the Yakama Nation Closed Area, they shall receive a natural shoreline environmental designation. All other shorelines shall receive a conservancy shoreline environmental designation.

The designation of shoreline environments is based on the criteria in Section 16D.1003.04 (Shoreline Environments). Seven shoreline streams are designated with the floodway/CMZ environment. Where a floodway/CMZ environment has been designated, the right bank and left bank designation shall fall outside the floodway/CMZ environment, where applicable. Where there is no floodway/CMZ environment, the thalweg^[TV26] of the stream shall be the line separating the right bank from the left bank.

The floodway/CMZ environment^[TV27] is designated for the:

- Yakima River – From the SW 1/4 of the SE 1/4 of Sec. 8, T14N, R19E, to the east line of Sec. 34, T9N, R23E.
- Naches River – From the confluence of the Bumping River and the Little Naches River to the confluence with the Yakima River.
- Ahtanum Creek – From the confluence of the North and South Forks of the Ahtanum, to the confluence with the Yakima River.
- Ahtanum Creek North Fork – From the NW 1/4 of the NE 1/4 of Sec. 2, T12N, R15E, downstream to the confluence with the S. Fork Ahtanum Creek.

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

- Ahtanum Creek South Fork – From the NE 1/4 of the SE 1/4 of Sec. 23, T12N, R15E downstream to the confluence with the N. Fork Ahtanum Creek.
- Rattlesnake Creek – From the south section line of Sec. 4, T15N, R15E downstream to the confluence with the Naches River.
- Bumping River – From the NE 1/4 of the NW 1/4 of Sec. 23, T16N, R12E downstream to the confluence with the Little Naches River.

Wetlands and river deltas associated with a shoreline that lie outside of the floodway/CMZ environment, shall have an environmental designation the same as the nearest adjacent left bank or right bank shoreline environment.

Right bank and left bank determinations are ascertained by looking downstream.

Shoreline Environmental Designation Table Legend

U – Urban	R – Rural
C – Conservancy	UC – Urban Conservancy
N -Natural	
Floodway/CMZ Environment: Yes – present No – Not present	T#N – Township#North R#E – Range#East
Shoreline designations where Yakima County has little or no jurisdiction: † USFS Wilderness Area ‡ Federal Ownership □ Yakama Nation Closed Area ◇ Yakama Nation Trust Lands – Not under Yakima County jurisdiction	Sections and portions of sections: <ul style="list-style-type: none"> • Sec. – Section • NW – Northwest • NE – Northeast • SW – Southwest • SE – Southeast
*Shoreline of Statewide Significance as defined per RCW 90.58.030(2)(f), generally being streams with flows of two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade	

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

range [Cascade Range](#) downstream from the first three hundred square miles of drainage area.

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Ahtanum Creek Basin				
Ahtanum Creek – N. Fork	From Lat. 46° 30' 51", Long. 120° 03' 30" (NW 1/4 of the SE of 1/4 of Sec. 22, T12N, R10E) downstream to the east section line of Sec. 2, T12N, R15E. The floodway/CMZ environment begins in the NW 1/4 of the NE 1/4 of Sec. 2, T12N, R15E and runs downstream.	C	Yes	C
Ahtanum Creek – N. Fork	From the east section line of Sec. 2, T12N, R15E, downstream to the east section line of Sec. 18, T12N, R16E (the confluence with the Ahtanum Creek South Fork).	R	Yes	R
Ahtanum Creek – S. Fork ◻◇	From Lat. 46° 30' 31" Long. 120° 55' 06" (the NE 1/4 of the NW 1/4 of Sec. 26, T 12N, R10E) downstream to the east section line of Sec. 13, T12N, R15E and Sec. 24, T12N, R15E. The floodway/CMZ environment begins in the NE 1/4 of the SE 1/4 of Sec. 23, T12N, R15E and runs downstream.	C	Yes	C
Ahtanum Creek – S. Fork ◻◇	From the east sec. line of Sec. 13, T12N, R15E and Sec. 24, T12N, R15E downstream to the east section line of Sec. 18, T12N, R16E (the confluence with the Ahtanum Creek North Fork).	C	Yes	R

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Ahtanum Creek ◻◇	From east section line of Sec. 18, T12N, R16E (the confluence of the North and South Forks Ahtanum Creek)) downstream to the east section line of Sec. 16, T12N, R17E, except the Ahtanum Mission Site.	C	Yes	R
Ahtanum Mission Site ◇	Beginning at a point on the north line of Government Lot 1, Sec. 13, T12N, R16E, 1,093.7 feet south 89° 45' east of the NW corner thereof; thence south 37° 35' west 119.4 feet; thence south 6° 30' west 123.6 feet; thence south 75° 46' west 138.2 feet; thence south 61° 40' west 182.6 feet; thence south 105.6 feet, more or less, to the NE corner of the existing old mission property; thence south 250 feet to the SE corner; thence west 350 feet to the SW corner of the said old mission property; thence north 666 feet, more or less, to the south right-of-way line of the Yakima County road; thence northeasterly along said right-of-way line to the north line of said Lot 1; thence easterly along the north line of said Lot 1 to the point of beginning	N	Yes	N
Ahtanum Creek ◇	From the east section line of Sec. 16, T12N, R17E downstream to the east section line of Sec. 4, T12N, R18E.	R	Yes	R

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Ahtanum Creek ◊	From the east section line of Sec. 4, T12N, R18E downstream to the Bakers Mill Race Canal right-of-way (in the SE 1/4 of Sec. 7, T12N, R19E).	R	Yes	U
Ahtanum Creek ◊	From the Bakers Mill Race Canal right-of-way downstream to the south sec. line of Sec. 8, T12N, R19E	UC	Yes	UC
Columbia River				
Columbia River *‡	From the Yakima/Kittitas County line (Sec. 5, T14N, R23E) downstream along the Grant-Yakima County line to the Yakima/Benton County line (Sec. 12, T13N, R23E)	C	No	
Cowiche Creek Basin				
Cowiche Creek – S. Fork	From Lat. 46° 39' 47", Long. 120° 49' 54" (the confluence of McDaniel's Canyon and the South Fork Cowiche Creek in the NW 1/4 of the NE 1/4 of Sec. 33, T14N, R16E) downstream to the west line of the east half of Sec. 31, T14N, R17E. (Snow Mt. Ranch)	C	No	C
Cowiche Creek – S. Fork and Mainstem	From the west line of the east half of Sec. 31, T14N, R17E downstream to the south line of the NE 1/4 of the NW 1/4 of Sec. 11, T13N, R17E	R	No	R

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Cowiche Creek	From the south line of the NE 1/4 of the NW 1/4 of Sec. 11, T13N, R17E downstream to the west line of Secs. 8 and 17, T13N, R18E (Cowiche Canyon)	C	No	C
Cowiche Creek	From the west line of Secs. 8 and 17, T13N, R18E downstream to the southeastern right-of-way boundary of West Powerhouse Rd.	U	No	R
Cowiche Creek	From the southeastern right-of-way boundary of West Powerhouse Rd. downstream to the northerly boundary line of the Burlington Northern railroad right-of-way in the NE 1/4 of the SE 1/4 of Sec. 9, T13N, R18E.	U	No	U
Cowiche Creek	From the northerly boundary line of the Burlington Northern railroad right-of-way in the NE 1/4 of the SE 1/4 of Sec. 9, T13N, R18E downstream to the confluence with the Naches River (the NW 1/4 of the SW 1/4 of Sec. 10, T13N, R18E).	UC	Yes	UC
Bumping River Basin				
Bumping River †	From Lat. 46° 46' 06", Long. 121° 24' 55" (in the NE 1/4 of the NW 1/4 of Sec. 27, T15N, R10E) downstream to the William O. Douglas Wilderness boundary (in the SW 1/4 of Sec. 36, T16N, R11E).	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Bumping River†	From the William O. Douglas Wilderness boundary (in the SW 1/4 of Sec. 36, T16N, R11E) downstream to the confluence with Bumping Lake (the NE 1/4 of the NE 1/4 of Sec. 36, T16N, R11E).	C	No	C
Bumping River†	From the mouth of Bumping Lake (the NE 1/4 of the NW 1/4 of Sec. 23, T16N, R12E) downstream to the U.S.G.S. Gaging Station (Lat. 46° 52' 23", Long. 121° 17' 48", Sec. 23, T16N, R12E). The floodway/CMZ environment begins in the NE 1/4 of the NW 1/4 of Sec. 23, T16N, R12E and runs downstream.	C	Yes	C
Bumping River*†	From the U.S.G.S. Gaging Station (Lat. 46° 52' 23", Long. 121° 17' 48" Sec. 23, T16N, R12E) downstream to the William O. Douglas Wilderness boundary on the right bank (in the SW 1/4 of the SE 1/4 of Sec. 12, T16N, R12E).	C	Yes	C
Bumping River*††	From the William O. Douglas Wilderness boundary on the right bank (in the SW 1/4 of the SE 1/4 of Sec. 12, T16N, R12E) downstream to the east section line of Sec. 14, T17N, R13E.	N	Yes	C
Bumping River*†	From the east section line of Sec. 14, T17N, R13E downstream to the confluence with the Little Naches	C	Yes	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	River (in the NW 1/4 of the SE 1/4 of Sec. 4, T17N, R14E).			
Deep Creek†	From Lat. 46° 45' 27", Long. 121° 20' 54" (in the SW 1/4 of the SE 1/4 of Sec. 29, T15N, R10E) downstream to the William O. Douglas Wilderness boundary on the right bank (in the NW 1/4 of the SW 1/4 of Sec. 15, T15N, R12E).	N	No	C
Deep Creek†‡	From the William O. Douglas Wilderness boundary on the right bank (in the NW 1/4 of the SW 1/4 of Sec. 15, T15N, R12E) downstream to the confluence with Bumping Lake (the SW 1/4 of Sec. 27, T16N, R12E).	C	No	C
Cougar Creek†	From Lat. 46° 49' 42", Long. 121° 22' 35" (in the SW 1/4 of the SW 1/4 of Sec. 36, T16N, R10E) downstream to the confluence with the Bumping River (SW 1/4 of the SW 1/4 of Sec. 36, T16N, R10E). (William O. Douglas Wilderness)	N	No	N
Naches River Basin				
Little Naches Middle Fork‡	From Lat. 47° 05' 04", Long. 121° 18' 04" (in the SE 1/4 of the SE 1/4 of Sec. 35, T19N, R10E) downstream to the confluence with the North Fork Little Naches River (the NE 1/4 of the SE 1/4 of Sec. 36, T19N, R12E)	C	No	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Little Naches South Fork†	From Lat. 47° 02' 57", Long. 121° 20' 35" (in the SW 1/4 of the NE 1/4 of Sec. 16, T18N, R10E) downstream to the Norse Peak Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 15, T18N, R12E).	N	No	N
Little Naches South Fork‡	From the Norse Peak Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 15, T18N, R12E) downstream to the confluence with the Little Naches River (the SW 1/4 of the NE 1/4 of Sec. 9, T18N, R13E).	C	No	C
Crow Creek†	From Lat. 46° 59' 41", Long. 121° 22' 26" (in the NW 1/4 of the NE 1/4 of Sec. 2, T17N, R10E) downstream to the Norse Peak Wilderness boundary (SE 1/4 of the SE 1/4 of Sec. 29, T18N, R13E).	N	No	N
Crow Creek‡	From the Norse Peak Wilderness boundary (SE 1/4 of the SE 1/4 of Sec. 29, T18N, R13E) downstream to the confluence with the Little Naches River (the SW 1/4 of the SW 1/4 of Sec. 30, T18N, R14E).	C	No	C
Little Naches River‡	From the confluence of the North and Middle Fork, Little Naches River (the NE 1/4 of the SE 1/4 of Sec. 36, T19N, R12E) downstream to the confluence with the Little Naches River South Fork (Lat. 47° 03' 57", Long. 121° 13' 27" in the	C	No	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	SW 1/4 of the NE 1/4, of Sec. 9, T18N, R13E).			
Little Naches River*‡	From the confluence with the Little Naches River South Fork (Lat. 47° 03' 57", Long. 121° 13' 27" in the SW 1/4 of the NE 1/4 of Sec. 9, T18N, R13E) downstream to the confluence with the Bumping River (NW 1/4 of the SE 1/4 of Sec. 4, T17N, R14E).	C	No	C
Naches River*‡	From the confluence of the Little Naches River and the Bumping River (NW 1/4 of the SE 1/4 of Sec. 4, T17N, R14E) downstream to the south line of Sec. 21, T16N, R15E. The floodway/CMZ environment begins at the confluence of the Bumping River and the Little Naches River and runs downstream.	C	Yes	C
Naches River*	From the south line of Sec. 21, T16N, R15E, downstream to the south line of the north 1/2 of the NE 1/4 of Sec. 3, T15N, R15E (the Nile Valley).	R	Yes	R
Naches River*	From the south line of the north 1/2 of the NE 1/4 of Sec. 3, T15N, R15E, downstream to the centerline of State Route 12 within the NE quarter of Sec. 35, T15N, R16E.	C	Yes	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Naches River*	From the centerline of State Route 12 downstream to the east section line of Sec. 5, T14N, R17E.	C	Yes	R
Naches River*	From the east section line of Sec. 5, T14N, R17E downstream to the south line of the north 1/2 of the north 1/2 of Sec. 10, T14N, R17E (City of Naches).	R	Yes	U
Naches River*	From the south line of the north 1/2 of the north 1/2 of Sec. 10, T14N, R17E downstream to the east line of the NW 1/4 and the SW 1/4 of the SW 1/4 of Sec. 11, T14N, R17E. (Naches Community Park)	R	Yes	UC
Naches River*	From the east line of the NW 1/4 and the SW 1/4 of the SW 1/4 of Sec. 11, T14N, R17E downstream to the east line of the west 1/2 of Sec. 9, T13N, R18E.	R	Yes	R
Naches River*	From the east line of the west 1/2 of Sec. 9, T13N, R18E, downstream to the east line of the NW 1/4 of the SW 1/4 of Sec. 12, T13N, R18E.	UC	Yes	C
Naches River*	From the east line of the NW 1/4 of the SW 1/4 of Sec. 12, T13N, R18E downstream to the confluence of the Naches River and Yakima River (in the SE 1/4 of the NE 1/4, of Sec. 12, T13N, R18E).	UC	Yes	UC

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Rattlesnake Creek†	From Lat. 46° 43' 52", Long. 121° 14' 04" (in the NE 1/4 of the SW 1/4 of Sec. 5, T14N, R10E) downstream to the William O. Douglas Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 17, T15N, R14E).	N	No	N
Rattlesnake Creek‡	From the William O. Douglas Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 17, T15N, R14E) downstream to the confluence with the Naches River (the SE 1/4 of the NE 1/4 of Sec. 3, T15N, R15E). The floodway/CMZ environment begins in the NE 1/4 of the NE 1/4 of Sec. 9, T15N, R15E and runs downstream.	C	Yes	C
Tieton River Basin				
Conrad Creek†	From Lat. 46° 30' 01", Long. 121° 20' 53" (in the NW 1/4 of the NW 1/4 of Sec. 29, T12N, R10E) downstream to the confluence with the South Fork Tieton River (in the SE 1/4, of the NW 1/4 of Sec. 28, T12N, R12E).	N	No	N
Tieton River S. Fork†	From the confluence of Conrad Creek and the South Fork Tieton River (in the SE 1/4 of the NW 1/4 of Sec. 28, T12N, R12E) downstream the Goat Rocks Wilderness Area boundary (the east section line of Sec. 28, T12N, R12E).	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Tieton River S. Fork†	From the Goat Rocks Wilderness Area boundary (the east section line of Sec. 28, T12N, R12E) downstream to the mouth at Rimrock Lake, Sec. 17 T13N, R14E.	C	No	C
Tieton River N. Fork†	From Lat. 46° 30' 51", Long. 121° 03' 30" (in the SW 1/4 of the NW 1/4 of Sec. 14, T12N, R10E) downstream to the Goat Rocks Wilderness Boundary on the right bank (in the NE 1/4 of the NW 1/4 of Sec. 32, T13N, R12E).	N	No	N
Tieton River N. Fork††	From the Goat Rocks Wilderness Boundary on the right bank (in the NE 1/4 of the NW 1/4 of Sec. 32, T13N, R12E) downstream to the Goat Rocks Wilderness Boundary on the right bank (in the SE 1/4 of the SW 1/4 of Sec. 21, T13N, R12E).	N	No	C
Tieton River N. Fork†	From the Goat Rocks Wilderness Boundary on the right bank (in the SE 1/4 of the SW 1/4 of Sec. 21, T13N, R12E) downstream to the confluence with Clear Lake (in the SE 1/4 of the SW 1/4 of Sec. 11, T13N, R12E).	C	No	C
Tieton River N. Fork†	From the mouth of Clear Lake (in the NW 1/4 of the SE 1/4 of Sec. 12, T13N, R12E) downstream to Lat. 46° 37' 47", Long. 121° 16' 04".	C	No	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Tieton River N. Fork*†	From Lat. 46° 37' 47", Long. 121° 16' 04" to the confluence with Rimrock Lake (in the SW 1/4 of the NE 1/4 of Sec. 12, T13N, R12E).	C	No	C
Clear Creek†	From Lat. 46° 39' 06", Long. 121° 20' 22" (in the NE 1/4 of the NW 1/4 of Sec. 4, T13N, R10E) downstream to the confluence with Clear Lake (in the NW 1/4 of the NW 1/4 of Sec. 12, T13N, R12E).	C	No	C
Indian Creek†	From Lat. 46° 41' 04", Long. 121° 18' 03" (in the SW 1/4 of the SW 1/4 of Sec. 23, T14N, R10E) downstream to the William O. Douglas Wilderness boundary (in the SW 1/4 of the SE 1/4 of Sec. 26, T14N, R12E).	N	No	N
Indian Creek†	From the William O. Douglas Wilderness boundary (in the SW 1/4 of the SE 1/4 of Sec. 26, T14N, R12E) downstream to the confluence with Rimrock Lake (the NW 1/4 of the SE 1/4 of Sec. 6, T13N, R13E).	C	No	C
Tieton River*†	From the Rimrock Dam (in the NE 1/4 of the SW 1/4 of Sec. 31, T14N, R14E) downstream to the confluence with the Naches River (in the SE 1/4 of the NW 1/4 of Sec. 35, T15N, R16E).	C	No	C
Yakima River Basin				

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Yakima River*	From the Yakima/Kittitas County line (in the NE 1/4 of Sec. 4, T14N, R19E) downstream to the west line of the Roza Canal right-of-way (in the NE 1/4 of the NW 1/4 of Sec. 17, T14N, R19E). The floodway/CMZ environment begins in the SW 1/4 of the SE 1/4 of Sec. 8, T14N, R19E.	C	Yes	C
Yakima River*	From the west line of the Roza Canal right-of-way (in the NE 1/4 of the NW 1/4 of Sec. 17, T14N, R19E) downstream to the south line of Sec. 18, T14N, R19E.	C	Yes	R
Yakima County River*	From the south line of Sec. 18, T14N, R19E downstream to the south line of Sec. 31, T14N, R19E and Sec. 36, T14N, R18E. (City of Selah)	R	Yes	R
Yakima River*	From the south line of Sec. 31, T14N, R19E and Sec. 36, T14N, R18E downstream to the south line of Sec. 7 and 8, T13N, R19E. (City of Yakima)	UC	Yes	R
Yakima River*	From the south line of Sec. 7 and 8, T13N, R19E downstream to the south section line of Sec. 17, T13N, R19E.	UC	Yes	UC
Yakima River*	From the south section line of Sec. 17, T13N, R19E downstream to the south right-of-way line of Terrace	U	Yes	U

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	Heights Drive in Sec. 20, T13N, R19E			
Yakima River*	From the south right-of-way line of Terrace Heights Drive in Sec. 20, T13N, R19E downstream to the south line of the NE 1/4 of the SE 1/4 of Secs. 20 and 21, T13N, R19E.	UC	Yes	U
Yakima River*	From the south line of the NE 1/4 of the SE 1/4 of Secs. 20 and 21, T13N, R19E downstream to the southerly right-of-way line of State Route 24 in Sec. 28 T13N, R19E, except also see Blue Slough below.	UC	Yes	UC
Yakima River*	From the southerly right-of-way line of State Route 24 in Sec. 28, T13N, R19E downstream to the south line of the north 1/2 of Secs. 4 and 5, T12N, R19E, except also see Blue Slough below.	UC	Yes	C
Yakima River* Blue Slough	From where Blue Slough exists the main river's shoreline jurisdiction (in the NE 1/4 of the NW 1/4 of Sec. 28, T13N, R19E) downstream to the south line of the NW 1/4 of the NE 1/4 of Sec. 33, T13N, R19E, except that where the main river's shoreline environment overlays the Blue Slough shoreline environment, it shall supersede the Blue Slough environment.	U	No	U

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Yakima River* Blue Slough	From the south line of the NW 1/4 of the NE 1/4 of Sec. 33, T13N, R19E, downstream to where it enters Yakima River shoreline jurisdiction (in the SW 1/4 of the SE 1/4 of Sec. 33, T13N, R19E), except that where the main river's shoreline environment overlays the Blue Slough shoreline environment, it shall supersede the Blue Slough environment.	R		R
Yakima River*	From the south line of the north 1/2 of Secs. 4 and 5, T12N, R19E downstream to the south line of Sec. 8, T12N, R19E.	U	Yes	C
Yakima River*	From the south line of Sec. 8, T12N, R19E downstream to the south line of Sec. 17, T12, R19E.	C	Yes	C
Yakima River*	From the south line of Sec. 17, T12, R19E downstream to the south line of Secs. 1, 2 and 3 of T11N, R13E.	R	Yes	C
Yakima River*	From the south line of Secs. 1, 2 and 3 of T11N, R13E downstream to the north line of the south 1/2 of the south 1/2 of Secs. 11, 12, T11N, R17E, and Secs. 7 and 8 of T11N, R20E. (City of Wapato)	U	Yes	C
Yakima River*	From the south 1/2 of the south 1/2 of Secs. 11, 12, T11N, R17E, and Secs. 7 and 8 of T11N, R20E	R	Yes	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	downstream the east section line of Secs. 28 and 33, T11N, R20E.			
Yakima River*	From the east section line of Secs. 28 and 33, T11N, R20E downstream to the east line of Sec. 36, T11N, R20E and Secs. 1 and 12 of T10N, R20E. (City of Zillah)	R	Yes	U
Yakima River*	From the east line of Sec. 36, T11N, R20E and Secs. 1 and 12 of T10N, R20E downstream to the north line of the south 1/2 of the south 1/2 of Secs. 7 and 8, T10N, R21E.	R	Yes	R
Yakima River*	From the north line of the south 1/2 of the south 1/2 of Secs. 7 and 8, T10N, R21E downstream to the east line of the SE 1/4 of Sec. 17, T10N, R21E and the east line of Sec. 20, T10N, R21E. (Granger UGA)	R	Yes	UC
Yakima River*	From the east line of the SE 1/4 of Sec. 17, T10N, R21E and the east line of Sec. 20, T10N, R21E downstream to the south right-of-way line for State Route 223 within the SE 1/4 of Sec. 21, T10N, R21E. (City of Granger)	R	Yes	U
Yakima River*	From the south right-of-way line for State Route 223 within the SE 1/4 of Sec. 21, T10N, R21E	R	Yes	R

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	downstream to the east line of Secs. 20 and 29, T9N, R22E			
Yakima River*	From the east line of Secs. 20 and 29, T9N, R22E downstream to the east line of Secs. 25 and 36, T9N, R22E.	R	Yes	C
Yakima River*	From the east line of Secs. 25 and 36, T9N, R22E downstream to the Yakima/Benton County line in the NE 1/4 of Sec. 12, T8N, R23E.	R	Yes	R
American River Basin				
American River†	From Lat. 46° 51' 30", Long. 121° 26' 37" (in the SW 1/4 of the SW 1/4 of Sec. 21, T16N, R10E) downstream to the confluence with the Rainier Fork (in the NE 1/4 of the SE 1/4 of Sec. 9, T16N, R11E).	N	No	N
American River†‡	From the confluence with the Rainier Fork (in the NE 1/4 of the SE 1/4 of Sec. 9, T16N, R11E) downstream to the William O. Douglas Wilderness boundary on the right bank in the NE 1/4 of the SE 1/4 of Sec. 34, T17N, R11E.	N	No	C
American River†‡	From the William O. Douglas Wilderness boundary on the right bank in the NE 1/4 of the SE 1/4 of Sec. 34, T17N, R11E downstream to the William O. Douglas Wilderness boundary on the left	C	No	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	bank in the NE 1/4 of the SE 1/4 of Sec. 35, T17N, R11E.			
American River††	From the William O. Douglas Wilderness boundary on the left bank in the NE 1/4 of the SE 1/4 of Sec. 35, T17N, R11E downstream to the William O. Douglas Wilderness boundary on the left bank in the SW 1/4 of the SW 1/4 of Sec. 26, T17N, R11E.	C	No	N
American River††	From the William O. Douglas Wilderness boundary on the left bank in the SW 1/4 of the NW 1/4 of Sec. 26, T17N, R11E downstream to the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 25, T17N, R11E.	C	No	C
American River††	From the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 25, T17N, R11E downstream to Lat. 46° 56' 05", Long. 121° 20' 27".	N	No	C
American River*††	From the Lat. 46° 56' 05", Long. 121° 20' 27" downstream to the William O. Douglas Wilderness boundary on the right bank in the SW 1/4 of the NE 1/4 of Sec. 18, T17N, R13E.	N	No	C
American River*††	From the William O. Douglas Wilderness boundary on the right bank in the SW 1/4 of the NE 1/4	C	No	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	of Sec. 18, T17N, R13E downstream to the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 17, T17N, R13E.			
American River*†‡	From the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 17, T17N, R13E downstream to the William O. Douglas Wilderness boundary on the right bank in the SE 1/4 of the NE 1/4 of Sec. 11, T17N, R13E.	N	No	C
American River*†‡	From the William O. Douglas Wilderness boundary on the right bank in the SE 1/4 of the NE 1/4 of Sec. 11, T17N, R13E downstream to the confluence with the Bumping River (the NW 1/4 of the SW 1/4 of Sec. 12, T17N, R13E).	C	No	C
Rainier Fork*†‡	From Lat. 46° 53' 29", Long. 121° 27' 15" (in the NW 1/4 of the SE 1/4 of Sec. 8, T16N, R10E) downstream to the confluence with the American River (the NE 1/4 of the SE 1/4 of Sec. 9, T16N, R11E).	N	No	C
Union Creek†	From Lat. 46° 56' 57", Long. 121° 22' 45" (in the NE 1/4 of the NW 1/4 of Sec. 23, T17N, R10E) downstream to the Norse Peak Wilderness boundary (in the SW	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	1/4 of the SW 1/4 of Sec. 24, T17N, R10E).			
Union Creek†	From the Norse Peak Wilderness boundary (in the SW 1/4 of the SW 1/4 of Sec. 24, T17N) downstream to the confluence with the American River (in the SE 1/4 of the NW 1/4 of Sec. 25, T17N, R11E).	C	No	C
Cowlitz River Basin				
Muddy Fork†	From Lat. 46° 16' 26", Long. 121° 28' 32" (in the NW 1/4 of the northwest 1/4 of Sec. 17, T9N, R11E) downstream to the Mt. Adams Wilderness boundary (in the NW 1/4 of Sec. 6, T9N, R11E).	N	No	N
Muddy Fork†	From the Mt. Adams Wilderness boundary (in the NW 1/4 of Sec. 6, T9N, R11E) downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 35, T10N, R10E).	C	No	C
White Salmon Basin				
Morrison Creek†	From Lat. 46° 07' 40", Long. 121° 31' 02" (in the NE 1/4 of the NW 1/4 of Sec. 2, T7N, R10E) downstream to the County line (the NE 1/4 of the SW 1/4 of Sec. 2, T7N, R10E).	C	No	C

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Hole in the Ground Creek ‡	From County line (in the SW 1/4 of the NW 1/4 of Sec. 26, T7N, R10E) downstream to the County line (in the SW 1/4 of the SE 1/4 of Sec. 35, T7N, R10E).	C	No	C
Gotchen Creek ‡	From Lat. 46° 04' 59", Long. 121° 29' 09" (in the SE 1/4 of the NE 1/4 of Sec. 24, T7N, R10E) downstream to the County line (in the SW 1/4 of the SE 1/4 of Sec. 35, T7N, R10E).	C	No	C
Unnamed tributary to Gotchen Creek ‡	From Lat. 46° 03' 47", Long. 121° 27' 31" (in the NE 1/4 of the SW 1/4 of Sec. 29, T7N, R10E) downstream to the County line (in the SE 1/4 of the SW 1/4 of Sec. 31, T7N, R11E).	C	No	C
Toppenish Creek Basin				
Simcoe Creek □◇	From Lat. 46° 26' 46", Long. 120° 51' 34" (in the NE 1/4 of the NE 1/4 of Sec. 18, T11N, R10E) downstream to the east section line of Sec. 3, T10N, R16E.	C	No	C
Simcoe Creek ◇	From the east section line of Sec. 3, T10N, R16E, downstream to the confluence with Toppenish Creek (in the SE 1/4 of the SW 1/4 of Sec. 6, T10N, R18E).	R	No	R
Toppenish Creek □	From Lat. 46° 15' 07", Long. 120° 57' 09" (in the SW 1/4 of the NW 1/4 of Sec. 21, T9N, R10E) downstream to the east line of	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	the west 1/2 of the west 1/2 of Sec. 25, T10N, R16E.			
Toppenish Creek ◻◊	From the east line of the west 1/2 of the west 1/2 of Sec. 25, T10N, R16E downstream to the east section line of Sec. 20, T10N, R18E.	R	No	R
Toppenish Creek ◊‡	From the east section line of Sec. 20, T10N, R18E downstream to the east section line of Sec. 22 and 27, T10N, R18E. (Toppenish Wildlife Refuge)	C	No	C
Toppenish Creek ◊	From the east section line of Sec. 22 and 27, T10N, R18E, downstream to the east section line of Sec. 25 and 36, T10N, R19E.	R	No	R
Toppenish Creek ◊‡	From the east section line of Sec. 25 and 36, T10N, R19E, downstream to the east line of the west 1/2 of Sec. 35, T10N, R20E. (Toppenish Wildlife Refuge)	C	No	C
Toppenish Creek ◊	From the east line of the west 1/2 of Sec. 35, T10N, R20E, downstream to the confluence with the Yakima River (the NE 1/4 of the SE 1/4 of Sec. 27, T10N, R21E).	R	No	R
Satus River Basin				
Satus Creek ◻	From the County line (in the SW 1/4 of the SW 1/4 of Sec. 33, T7N, R18E) downstream to the north	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	line of the south 1/2 of Sec. 35, T8N, R18E.			
Satus Creek ◊	From the north line of the south 1/2 of Sec. 35, T8N, R18E, downstream to the north line of Sec. 7, T8N, R19E.	C	No	C
Satus Creek □	From north line of Sec. 7, T8N, R19E downstream to the west line of Sec. 26, T9N, R19E.	N	No	N
Satus Creek ◊	From the west line of Sec. 26, T9N, R19E, downstream to the confluence with Dry Creek in the SW 1/4 of the NW 1/4 of Sec. 24, T9N, R19E.	C	No	C
Satus Creek *◊	From the confluence with Dry Creek in the SW 1/4 of the NW 1/4 of Sec. 24, T9N, R19E, downstream to the east line of Sec. 16, T9N, R20E.	C	No	C
Satus Creek *◊	From the east line of Sec. 16, T9N, R20E, downstream to the confluence with the Yakima River (the SW 1/4 of the SE 1/4 of Sec. 18, T9N, R22E).	R	No	R
North Fork Dry Creek □	From Lat. 46° 13' 46", Long. 120° 37' 17" (in the SW 1/4 of the SW 1/4 of Sec. 30, T9N, R10E) downstream to the southeast right-of-way line of U.S. Highway 97 (in the SE 1/4 of the NW 1/4 of Sec. 23, T9N, R19E).	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
North Fork Dry Creek ◊	From the southeast right-of-way line of U.S. Highway 97 (in the SE 1/4 of the NW 1/4 of Sec. 23, T9N, R19E), downstream to the confluence with the Satus Creek (in the SW 1/4 of the NW 1/4 of Sec. 24, T9N, R19E).	C	No	C
Logy Creek ◻	From Lat. 46° 08' 09", Long. 120° 38' 19" (in the NE 1/4 of the SE 1/4 of Sec. 35, T8N, R10E) downstream to the confluence with Satus Creek (in the NW 1/4 of the SE 1/4 of Sec. 6, T8N, R19E).	N	No	N
Klickitat River Basin				
Butte Meadows Creek ◊	From Lat. 46° 27' 41", Long. 121° 12' 34" (in the SE 1/4 of the SE 1/4 of Sec. 5, T11N, R10E) downstream to the confluence with the Diamond Fork (in the NE 1/4 of the SW 1/4 of Sec. 4, T11N, R13E).	C	No	C
Diamond Fork ◊	From the confluence of Butte Meadows Creek and Diamond Fork Creek (in the NE 1/4 of the SW 1/4 of Sec. 4, T11N, R13E) downstream to the north line of Sec. 14, T11N, R13E.	C	No	C
Diamond Fork ◻◊	From the north line of Sec. 14, T11N, R13E downstream to the confluence with the Klickitat River (in the SW 1/4 of the SE 1/4 of Sec. 4, T10N R13E).	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Huckleberry Creek □	From Lat. 46° 25' 21", Long. 121° 20' 00" (in the NE 1/4 of the SE 1/4 of Sec. 20, T11N, R10E) downstream to the confluence with the Klickitat River (in the NW 1/4 of the SE 1/4 of Sec. 21, T11N, R12E).	N	No	N
Piscoe Creek □	From Lat. 46° 21' 39", Long. 121° 09' 10" (in the SW 1/4 of the SE 1/4 of Sec. 11, T10N, R10E) downstream to the confluence with the Klickitat River (in the SW 1/4 of the NE 1/4 of Sec. 16, T10N, R13E).	N	No	N
McCreedy Creek □	From Lat. 46° 19' 54", Long. 121° 15' 10" (in the SW 1/4 of the SE 1/4 of Sec. 24, T10N, R10E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NE 1/4 of Sec. 25, T10N, R12E).	N	No	N
Fish Lake Creek □	From Lat. 46° 21' 57", Long. 121° 27' 29" (in the NE 1/4 of the SE 1/4 of Sec. 08, T10N, R10E) downstream to the confluence with Two Lakes Lower (in the NE 1/4 of the SE 1/4 of Sec. 08, T10N, R10E).	N	No	N
Fish Lake Creek □	From the mouth at Two Lakes Lower (Lat. 46° 21' 23", Long. 121° 26' 01") downstream to the confluence with the West Fork of	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	the Klickitat River (in the SE 1/4 of the SE 1/4 of Sec. 09, T9N, R12E).			
Clearwater Creek □	From Lat. 46° 18' 36", Long. 121° 23' 58" (in the SW 1/4 of the NE 1/4 of Sec. 35, T10N, R10E) downstream to the confluence with the Little Muddy Creek (in the SW 1/4 of the SW 1/4 of Sec. 9, T9N, R12E).	N	No	N
Trappers Creek □	From Lat. 46° 17' 17", Long. 121° 22' 11" (in the SW 1/4 of the SW 1/4 of Sec. 06, T9N, R10E) downstream to the confluence with Clearwater Creek (in the NW 1/4 of the SW 1/4 of Sec. 08, T9N, R12E).	N	No	N
Little Muddy Creek □	From Lat. 46° 16' 00", Long. 121° 23' 06" (in the SE 1/4 of the NW 1/4 of Sec. 13, T9N, R10E) downstream to the confluence with Clearwater Creek (in the SW 1/4 of the SW 1/4 of Sec. 9, T9N, R12E).	N	No	N
Crawford Creek □	From Lat. 46° 16' 38", Long. 121° 21' 07" (in the NW 1/4 of the SW 1/4 of Sec. 8, T9N, R10E) downstream to the confluence with the Little Muddy Creek (in the NW 1/4 of the SW 1/4 of Sec. 8, T9N, R10E).	N	No	N
West Fork Klickitat River □	From the confluence of the Little Muddy Creek and Clearwater Creek (in the SE 1/4 of the SE 1/4	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	of Sec. 9, T9N, R12E) downstream to Lat. 46° 16' 30", Long. 121° 18' 40" (in the SE 1/4 of the SE 1/4 of Sec. 9, T9N, R12E).			
West Fork Klickitat River* □	From Lat. 46° 16' 30", Long. 121° 18' 40" (in the SE 1/4 of the SE 1/4 of Sec. 9, T9N, R12E) downstream to the confluence with the Klickitat River (in the NW 1/4 of the NW 1/4 of Sec. 30, T9N, R13E).	N	No	N
Surveyors Creek □	From Lat. 46° 12' 27", Long. 121° 12' 45" (in the SW 1/4 of the SW 1/4 of Sec. 5, T8N, R10E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NW 1/4 of Sec. 14, T8N, R112E).	N	No	N
Swamp Creek □	From Lat. 46° 12' 58", Long. 121° 20' 20" (in the SW 1/4 of the SE 1/4 of Sec. 32, T9N, R10E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NW 1/4 of Sec. 14, T8N, R12E).	N	No	N
Rusk Creek/ Avalanche Valley □	From Lat. 46° 11' 33", Long. 121° 23' 48" (in the SE 1/4 of the SW 1/4 of Sec. 11, T8N, R11E) downstream to the confluence with the Big Muddy Creek (in the SW 1/4 of the SW 1/4 of Sec. 11, T8N, R11E).	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Big Muddy Creek □	From Lat. 46° 11' 11", Long. 121° 24' 36" (in the NW 1/4 of the NE 1/4 of Sec. 15, T8N, R11E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NW 1/4 of Sec. 3, T7N, R12E).	N	No	N
Hellroaring Creek □	From Lat. 46° 09' 35", Long. 121° 24' 56" (in the NE 1/4 of the NW 1/4 of Sec. 27, T8N, R11E) downstream to the confluence with the Big Muddy Creek (in the NE 1/4 of the SE 1/4 of Sec. 20, T8N, R12E).	N	No	N
Bird Creek □◇	From Lat. 46° 06' 36", Long. 121° 25' 45" (in the SE 1/4 of the NE 1/4 of Sec. 9, T7N, R10E) downstream to the east line of Sec. 22, T7N, R11E	N	No	N
Bird Creek □◇	From the east line of Sec. 22, T7N, R11E, downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 33, T7N, R12E).	C	No	C
Dry Creek ◇	From Lat. 46° 04' 26", Long. 121° 19' 41" (in the NW 1/4 of the NE 1/4 of Sec. 29, T7N, R10E) downstream to the confluence with Bird Creek (in the SE 1/4 of the SE 1/4 of Sec. 28, T7N, R12E)	C	No	C
Trout Creek □	From Lat. 46° 07' 59", Long. 121° 11' 26" (in the SW 1/4 of the SW 1/4 of Sec. 33, T8N, R10E)	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	downstream to the north sec. line of Sec. 29, T7N, R13E.			
Trout Creek ◊	From the north sec. line of Sec. 29, T7N, R13E, downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 32, T7N, R13E).	C	No	C
Tepee Creek □	From Lat. 46° 08' 55", Long. 121° 03' 24" (in the NW 1/4 of the SE 1/4 of Sec. 28, T8N, R10E) downstream to the confluence with White Creek (in the SE 1/4 of the NE 1/4 of Sec. 5, T7N, R14E).	N	No	N
Brush Creek □	From Lat. 46° 07' 59", Long. 120° 59' 40" (in the SW 1/4 of the SE 1/4 of Sec. 36, T8N, R10E), downstream to the confluence with White Creek (in the SE 1/4 of the NW 1/4 of Sec. 30, T7N, R14E).	N	No	N
White Creek □	From Lat. 46° 07' 37", Long. 121° 04' 30" (in the NW 1/4 of the NE 1/4 of Sec. 05, T7N, R10E) downstream to the County line (in the SW 1/4 of the SW 1/4 of Sec. 31, T7N, R14E).	N	No	N
Summit Creek □	From Lat. 46° 02' 41", Long. 120° 57' 56" (in the SW 1/4 of the SW 1/4 of Sec. 32, T7N, R15E) downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 31, T7N, R15E). (Note: Summit Creek exists and re-enters Yakima County.)	N	No	N

APPENDIX B
SHORELINE STREAMS AND DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Summit Creek □	From the County line in the SW 1/4 of the SW 1/4 of Sec. 36, T7N, R14E downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 35, T7N, R14E).	N	No	N
Klickitat River □	From Lat. 46° 27' 15", Long. 121° 23' 29" (in the SW 1/4 of the NW 1/4 of Sec. 12, T11N, R10E) downstream to the confluence with the Diamond Fork (Lat. 46° 22' 27", Long. 121° 11' 35").	N	No	N
Klickitat River* □	From the confluence with the Diamond Fork (Lat. 46° 22' 27", Long. 121° 11' 35") to the south line of the NE 1/4 of the NE 1/4 of Sec. 10, T7N, R12E.	N	No	N
Klickitat River* □	From the south line of the NE 1/4 of the NE 1/4 of Sec. 10, T7N, R12E, downstream to the County line (in the SW 1/4 of the SW 1/4 of Sec. 31, T7N, R13E).	C	No	C

**APPENDIX C: YAKIMA COUNTY SHORELINE
MAPS.**

DRAFT

Chapter 16D.05.20

FLOOD HAZARD AREAS—GENERAL PROVISIONS

Sections:

~~16D.05.20.010—Flood Hazard Areas Established.~~

~~16D.05.20.030—Principles.~~

~~16D.05.20.050—Applicability.~~

~~16D.05.20.060—Exemptions.~~

~~16D.05.20.070—Interpretations.~~

~~16D.05.20.080—Compliance.~~

~~16D.05.20.090—Warning and Disclaimer of Liability.~~

16D.05.20.010Flood Hazard Areas Established.

~~The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled “The Flood Insurance Study for Yakima County, Washington and Incorporated Areas” dated November 18, 2009, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of Chapters 16D.10.03, and Chapters 16D.05.20 through 16D.05.72 and are established as flood hazard areas. The flood insurance study and maps are on file at the Yakima County Courthouse Building, Yakima, Washington. The best available information for flood hazard area identification as outlined in 16D.05.44.060 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under 16D.05.44.060.~~

16D.05.20.030Principles.

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

16D.05.20.050 Applicability.

~~The guidelines and regulations set forth herein, in 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 or quasi-judicial processes within Yakima County.~~

- ~~(1) The provisions of Chapters 16D.05.20 through 16D.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 16D.05.20 through 16D.05.72 and other applicable local, state and federal regulations.~~
- ~~(3) Topographic, engineering and construction information necessary to evaluate the proposed project shall be submitted to the department for approval.~~
- ~~(4) The granting of a permit for any development or use shall not constitute a representation, guarantee or warranty of any kind or nature by Yakima County, or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result thereto.~~

16D.05.20.060 Exemptions.

~~The following uses and activities are exempt from the provisions of Chapters 16D.05.20 through 16D.05.72:~~

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

16D.05.20.070 Interpretations.

- ~~(1) In the interpretation and application of Chapters 16D.05.20 through 16D.05.72, the provisions shall be considered as minimum requirements, shall be liberally construed in favor of Yakima County, and deemed neither to limit or repeal any other powers granted under state statute. Its~~

~~provisions shall be applied in addition to and as a supplement to provisions of the Yakima County Codes (YCC), Title 13, Building and Construction, Title 19, Unified Land Development Code, and the Shoreline Master Program. Chapters 16D.05.20 through 16D.05.72 are not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these chapters and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent requirement shall prevail.~~

- ~~(2) In an interpretation as to an exact location of the boundaries of the special flood hazard areas (i.e., conflict between a mapped boundary and actual field conditions), the person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59, etc.) (Ref. IBC 104.1).~~

~~16D.05.20.080 Compliance.~~

~~No structure or land shall hereafter be used, constructed, located, extended, converted or altered without full compliance with the terms of Chapters 16D.05.20 through 16D.05.72 and other applicable regulations.~~

~~16D.05.20.090 Warning and Disclaimer of Liability.~~

~~The degree of flood protection required by Chapters 16D.05.20 through 16D.05.72 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. Chapters 16D.05.20 through 16D.05.72 do not imply that land outside the area of special flood hazards or uses permitted within such area will not be subject to flooding or flood damage.~~

Chapter 16D.05.28

FLOOD HAZARD PROTECTION STANDARDS

Sections:

~~16D.05.28.010 General Standards.~~

~~16D.05.28.020 Specific Standards.~~

16D.05.28.010 General Standards.

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

~~(1) Anchoring and Construction Techniques.~~

~~(a) All new construction and substantial improvements shall be:~~

- ~~(i) Anchored to prevent flotation, collapse or lateral movement of the structure; and~~
- ~~(ii) Constructed using materials and utility equipment resistant to flood damage; and~~
- ~~(iii) Constructed using methods and practices that minimize flood damage; and~~
- ~~(iv) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional techniques). Anchoring shall meet the specifications set forth below for structures located within one hundred feet of a floodway or the ordinary high water mark if no floodway has been established.~~

~~(c) All new construction and any improvements or additions to existing floodproofed structures that would extend beyond the existing floodproofing located within one hundred feet of the floodway, or one hundred feet of the ordinary high water mark if no floodway has been established, shall be elevated to a height equal to or greater than the base flood, using zero-rise methods such as piers, posts, columns, or other methodology, unless it can be demonstrated that non-zero-rise construction methods will not impede the movement of floodwater or displace a significant volume of water. The size and spacing of any support devices used to achieve elevation shall be designed to penetrate bearing soil, and be sufficiently anchored, as specified above in subsection (1)(a) of this section.~~

~~(d) Except where otherwise authorized, all new construction and substantial improvements to existing structures shall require certification by a registered professional engineer, architect or surveyor that the design and construction standards are in accordance with adopted floodproofing techniques.~~

~~(2) Utilities. All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and on-site waste disposal systems~~

~~shall be located to avoid impairment to them or contamination from them during flooding.~~

~~(3) Subdivision Proposals. Subdivision proposals shall:~~

- ~~(a) Be consistent with the need to minimize flood damage;~~
- ~~(b) Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;~~
- ~~(c) Have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~(d) Include base flood elevation data.~~

~~(4) Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities, the Department of Ecology and FEMA of the proposed development.~~

16D.05.28.020 Specific Standards.

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

~~(1) Residential Construction. (Ref. IRC 323.2)~~

- ~~(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at a minimum to or above the base flood elevation.~~
- ~~(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~
 - ~~(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~
 - ~~(ii) The bottom of all openings shall be no higher than one foot above grade.~~
 - ~~(iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.~~
- ~~(c) Residential construction within one hundred feet of a floodway or the ordinary high water mark, if no floodway has been established, shall also meet the requirements of Section 16D.05.28.010(1)(c).~~

- ~~(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure, and any addition to an existing floodproofed structure that would extend beyond the existing floodproofing, shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~
- ~~(a) Be floodproofed so that below an elevation one foot above base flood level the structure is watertight, with walls substantially impermeable to the passage of water;~~
 - ~~(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
 - ~~(c) Be certified by a registered professional engineer or architect that the design and method of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official;~~
 - ~~(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 16D.05.28.020(1)(b) above;~~
 - ~~(e) Meet the special standards for structures set forth in Section 16D.05.28.010(1)(c) if within one hundred feet of a floodway or within one hundred feet of the ordinary high water mark and no floodway has been established; and~~
 - ~~(f) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below the level). Floodproofing the building an additional foot will reduce insurance premiums significantly. (Ref. IBC 1612.5)~~
- ~~(3) Agricultural Construction. New construction and substantial improvement of any agricultural structure shall either have the lowest floor, including basement, elevated at a minimum to or above the base flood elevation; or meet the floodproofing requirements of subsection (2) of this section. Agricultural construction or other accessory structures that constitute a minimal investment and comply with the floodway encroachment standards may be exempt from the floodproofing and elevation requirements of subsection (2) above when such structures, together with attendant utility sanitary facilities:~~
- ~~(a) Have a low potential for structural flood damage;~~
 - ~~(b) Are designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;~~
 - ~~(c) Ensure that all electrical and mechanical equipment subject to floodwater damage and permanently affixed to the structure be elevated a minimum of one foot above the base flood elevation or higher, or floodproofed;~~

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

~~(e) Will not be used for human habitation.~~

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

~~(4) Manufactured Homes.~~

~~(a) Manufactured homes shall be anchored in accordance with Section 16D.05.28.010(1)(b), shall have the lowest floor elevated to or above the base flood elevation; and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with Section 16D.05.28.010(1)(b).~~

Chapter 16D.05.32

FLOODWAY FRINGE USES

Sections:

~~16D.05.32.010 Permitted Uses.~~

~~16D.05.32.020 Prohibited Uses.~~

16D.05.32.010 Permitted Uses.

~~The following uses are permitted in the floodway fringe areas:~~

~~(1) Any use permitted in the zoning district in accordance with YCC Title 19 of the Yakima County Code, unless prohibited by Section 16D.05.32.020.~~

~~(2) Utility Transmission Lines. Utility transmission lines shall be permitted when consistent with YCC Title 19 and where not otherwise inconsistent with Chapters 16D.05.20 through 16D.05.72; except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area, such transmission line shall conform to the following:~~

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

- ~~(b) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of Section 16D.05.36.010(2)(c).~~
- ~~(c) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and nonhazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all other agricultural and nonagricultural floodway fringe or special flood hazard areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.~~
- ~~(d) Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of nonhazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity or passage. Such lines shall be adequately protected from flood damage.~~
- ~~(e) Aboveground utility transmission line appurtenant structures, including valves, pumping stations or other control facilities, shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available, or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, aboveground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately floodproofed.~~

16D.05.32.020 Prohibited Uses.

The following uses shall be prohibited in floodway fringe areas:

- ~~(1) New manufactured home parks and the expansion of manufactured home parks.~~

Chapter 16D.05.36

FLOODWAY USES

Sections:

~~16D.05.36.010 Permitted Uses.~~

~~16D.05.36.020 Prohibited Uses.~~

16D.05.36.010 Permitted Uses.

~~Permitted uses include any use permitted in the zoning district in accordance with YCC Title 19 of this code; provided, that said use is in compliance with the flood hazard protection standards of Chapter 16D.05.28 and other applicable provisions of this title, and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of Section 16D.05.36.020(2):~~

- ~~(1) Surface mining; provided, that the applicant can provide clear evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of YCC Title 19 and the Yakima County Shoreline Management Master Program Regulations (WAC 173-19-470);~~
- ~~(2) Utility transmission lines, unless otherwise prohibited by this division; except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:~~
 - ~~(a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;~~
 - ~~(b) Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed;~~
 - ~~(c) Buried utility transmission lines transporting hazardous and nonhazardous materials, including but not limited to crude and refined petroleum products and natural gas, water and sewage, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by Yakima County, shall assume the conditions of a one-hundred-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Yakima County Shoreline Management Master Program Regulations;~~
 - ~~(d) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and nonhazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural~~

~~areas requiring or potentially requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Yakima County soils. Burial depth in all other agricultural and nonagricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage;~~

- ~~(e) Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of nonhazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the one hundred-year flood, the transmission line shall be placed on the downstream side and protected from flood debris. In such instances, site-specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such aboveground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (2)(c) of this section;~~
 - ~~(f) Aboveground utility transmission line appurtenant structures, including valves, pumping stations, or other control facilities, shall not be permitted in the floodway;~~
 - ~~(g) Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified one hundred year flood event;~~
- ~~(3) Construction or reconstruction of residential structures only as authorized in Section 16D.05.36.020(3);~~
 - ~~(4) Improvements to existing residential structures that are not substantial improvements per Section 16D.02.395; provided, the improvement complies with the requirement set forth in Section 16D.05.36.020(2);~~
 - ~~(5) Water dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; floodwater and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structures and nonstructural uses and practices; provided, that the applicant shall provide evidence that a floodway location is necessary in view of the objectives of the proposal, and provided further that the proposal is consistent with other provisions of this title and the Shoreline Management Master Program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing and otherwise comply with subsection (2) above;~~

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

- ~~(a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;~~
- ~~(b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired;~~
- ~~(c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;~~

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

16D.05.36.020 Prohibited Uses.

The following uses/developments are prohibited in the floodway:

- ~~(1) Any structure, including manufactured homes, designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by Section 15.72.060);~~
- ~~(2) All encroachments, including fill, new construction and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge;~~
- ~~(3) Construction or reconstruction of residential structures within designated floodways, except for (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the assessed value of the structure either (i) before the repair, reconstruction or improvement is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. Work done on structures to correct existing violations of existing health, sanitary or safety codes, or to structures identified as historic places shall not be included in the fifty percent. If subsection (2) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapters 16D.05.20 through 16D.05.72, including those set forth in subsection (5) below;~~
- ~~(4) The construction or storage of any object subject to flotation or movement during flood level periods;~~

- ~~(5) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway, are specifically prohibited:~~
- ~~(a) The filling of wetlands, except as authorized under Chapter 16D.06 (Fish and Wildlife Habitat and the Stream Corridor System) and Chapter 16D.07 (Wetlands) of this title;~~
 - ~~(b) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;~~
 - ~~(c) Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge;~~
- ~~(6) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.~~

Chapter 16D.05.40

NONCONFORMING USES AND STRUCTURES

Sections:

- ~~16D.05.40.010 Generally.~~
- ~~16D.05.40.020 Nonconforming Uses of Land.~~
- ~~16D.05.40.030 Nonconforming Structures.~~
- ~~16D.05.40.040 Improvements.~~
- ~~16D.05.40.050 Restoration.~~
- ~~16D.05.40.060 Discontinuance.~~

16D.05.40.010 Generally.

- ~~(1) Within the special flood hazard areas established by Chapters 16D.05.20 through 16D.05.72 or amendments thereto, there may exist structures and uses of land and structures which were lawful before these chapters were adopted or amended, but which would be prohibited, regulated or restricted under the terms of Chapters 16D.05.20 through 16D.05.72 or future amendment.~~
- ~~(2) It is the intent of Chapters 16D.05.20 through 16D.05.72 to permit these lawful pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of said chapters.~~
- ~~(3) To avoid undue hardship, nothing in Chapters 16D.05.20 through 16D.05.72 shall be deemed to require a change in the plans, construction, or designated use of any building on which~~

~~actual construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program, and upon which actual building construction has been diligently carried on; namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction; provided, that work shall be diligently carried on until completion of the building involved. October 1, 1995, the effective date of the amended ordinance codified in YCC Title 16A, shall be used as it applies to all other critical areas requirements established under YCC Title 16A by Ordinance 8-1995.~~

~~16D.05.40.020 Nonconforming Uses of Land.~~

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

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

~~16D.05.40.030 Nonconforming Structures.~~

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

~~16D.05.40.040Improvements.~~

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

~~16D.05.40.050Restoration.~~

~~Nothing in Chapters 16D.05.20 through 16D.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.~~

~~16D.05.40.060Discontinuance.~~

~~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.~~

Chapter 16D.05.44

FLOOD HAZARD PROTECTION ADMINISTRATION

Sections:

- ~~16D.05.44.010—Administration.~~
- ~~16D.05.44.020—Authority.~~
- ~~16D.05.44.030—Permit Required.~~
- ~~16D.05.44.040—Permit Application.~~
- ~~16D.05.44.050—Permit Review.~~
- ~~16D.05.44.060—Use of Available Data.~~
- ~~16D.05.44.070—Limitations.~~
- ~~16D.05.44.080—Permit Expiration and Cancellation.~~
- ~~16D.05.44.090—Performance bonds.~~
- ~~16D.05.44.100—Appeals.~~

~~16D.05.44.110—Coordination.~~

~~16D.05.44.010Administration.~~

~~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 16D.05.20 through 16D.05.72 and may prepare and require the use of such forms as are essential to such administration.~~

~~16D.05.44.020Authority.~~

~~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 16D.05.20 through 16D.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.~~

~~16D.05.44.030Permit—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 16D.03 of this title.~~

~~16D.05.44.040Permit—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 16D.05.20 through 16D.05.72;~~
- ~~(6) Information required by other sections of Chapters 16D.05.20 through 16D.05.72.~~

16D.05.44.050 Permit—Review.

~~Flood hazard permit applications will be reviewed to determine:~~

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

16D.05.44.060 Use of Available Data.

~~When base flood elevation data has not been provided in accordance with Section 16D.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 Sections 16D.05.28.020, Specific Standards, and 16D.05.36.020, Prohibited Uses, and Chapter 16D.04, Enforcement and Penalties.~~

16D.05.44.070 Limitations.

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

~~16D.05.44.080 Permit—Expiration and Cancellation.~~

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

~~16D.05.44.090 Performance bonds.~~

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

~~16D.05.44.100 Appeals.~~

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

~~16D.05.44.110 Coordination.~~

~~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 Chapter 16D.05.20 through 16D.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 this title.~~

~~Chapter 16D.05.48~~

~~ELEVATION AND FLOODPROOFING CERTIFICATION~~

~~Sections:~~

~~16D.05.48.010—Applicability.~~

~~16D.05.48.020—Certification Form.~~

~~16D.05.48.030—Information to Be Obtained and Maintained.~~

~~16D.05.48.040—Certification Responsibility.~~

~~16D.05.48.010 Applicability.~~

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

~~16D.05.48.020 Certification Form.~~

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

~~16D.05.48.030 Information to Be Obtained and Maintained.~~

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

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

~~16D.05.48.040 Certification Responsibility.~~

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

Chapter 16D.05.52

VARIANCES

Sections:

- ~~16D.05.52.010—Procedure.~~
- ~~16D.05.52.020—Variance Limitations.~~
- ~~16D.05.52.030—Conditions for Authorization.~~
- ~~16D.05.52.040—Administrative Official's Decision.~~
- ~~16D.05.52.050—Notification and Final Decision.~~
- ~~16D.05.52.060—Power to Refer Decisions.~~
- ~~16D.05.52.070—Appeals.~~

16D.05.52.010Procedure.

~~Any person seeking a variance from the requirements of Chapters 16D.05.20 through 16D.05.72 authorized under Section 16D.05.52.020 shall make such request in writing to the department on forms supplied by the department. Upon receipt of a completed application and application fee for the variance, a notice of the variance request shall be forwarded to all landowners of adjacent property within twenty days of the receipt of completed application and fee. The notice shall solicit written comment on the variance request and specify a time period not less than ten days from the date of mailing, during which written comments may be received and considered. The notice shall also state that copies of the administrative official's final decision will be mailed upon request. The administrative official may also solicit comments from any other person or public agency he or she feels may be affected by the proposal.~~

16D.05.52.020Variance Limitations.

- ~~(1) Variances shall be limited solely to the consideration of:
 - ~~(a) Elevation requirements for lowest floor construction;~~
 - ~~(b) Elevation requirements for floodproofing;~~
 - ~~(c) The type and extent of floodproofing.~~~~
- ~~(2) Variances shall not be considered for any procedural or informational requirements or use prohibitions of Chapters 16D.05.20 through 16D.05.72.~~

16D.05.52.030Conditions for Authorization.

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

- ~~(1) There are special circumstances applicable to the subject property or to the intended use, such as size, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone; and~~
- ~~(2) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located; and~~
- ~~(3) Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and~~
- ~~(4) Failure to grant the variance would result in exceptional hardship to the applicant; and~~
- ~~(5) The granting of such a variance will not result in:
 - ~~(a) Increased flood heights;~~
 - ~~(b) Additional threats to public safety;~~
 - ~~(c) Creation of nuisances;~~
 - ~~(d) Extraordinary public expense;~~
 - ~~(e) Conflicts with other existing local laws or ordinances.~~~~

~~16D.05.52.040 Administrative Official's Decision.~~

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

~~16D.05.52.050 Notification and Final Decision.~~

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

~~16D.05.52.060 Power to Refer Decisions.~~

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

~~16D.05.52.070 Appeals.~~

~~Any decision by the administrative official to approve or deny a variance request may be appealed subject to the procedures set forth in Section 16D.03.13 (Development Authorization—Review Procedure).~~

~~Chapter 16D.05.72~~

~~Map Correction Procedures~~

~~Sections:~~

~~16D.05.72.010—Federal Flood Hazard Map Correction Procedures.~~

~~16D.05.72.010 Federal Flood Hazard Map Correction Procedures.~~

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