CITY OF YAKIMA

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City of Yakima
Shoreline Master Program

Planning Commission-Recommended Draft

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SMP SECTION 1: SHORELINE ELEMENT

Purpose and Relationship of the Shoreline Management Act to the Growth Management Act

The Growth Management Act (GMA) was amended in 1995 to add the goals and policies of the state Shoreline Management Act (SMA) as one of the goals of the GMA. The purpose of the SMA is stated in RCW 90.58.020 as follows:

> *"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*
>
> *It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. ****
>
> *In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands*

of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

The Shoreline Management Act policy has been refined to include provisions for uses along the shoreline, public access to shorelines, preservation and restoration of the shoreline resources and ecology, promotion of long-term over short-term benefit, and other actions to promote the state-wide interest of appropriate use of shoreline over local interest.

In addition to incorporating the state SMA goals and policies, the Growth Management Act also provides that "the goals and policies of a shoreline master program for a county or city…shall be considered an element of the county or city's comprehensive plan." The City of Yakima's Shoreline Master Program (SMP) was originally approved by the Washington State Department of Ecology in June 1974. In 2013, the SMP was updated consistent with Washington Administrative Code (WAC) Chapter 173-26, State master program approval/amendment procedures and master program guidelines (Guidelines). The Guidelines are administered by the Washington State Department of Ecology (Ecology). The SMP becomes effective 14 days after conclusion of both the City's SMP development and adoption process followed by Ecology's review and approval process.

Profile of Shoreline Jurisdiction in Yakima

The entire shoreline jurisdiction within the City limits and Urban Growth Area (UGA), including unincorporated territory and the waterbodies themselves, amounts to approximately 1,696 acres (818 acres non-UGA, 878 acres UGA). The City of Yakima has two rivers, one stream, and three lakes which are identified as "shorelines of the state": the Yakima River, the Naches River, Cowiche Creek, Willow Lake, Lake Aspen, and Rotary Lake. Buchanan Lake and its shorelands (approximately 76 acres) will be considered part of the City's shoreline jurisdiction when the Washington Department of Natural Resources Surface Mine Reclamation Permit lapses or is terminated, or when the City receives a permit application for new development on or uses of Buchanan Lake.

In accordance with state law, the jurisdiction of Yakima's Shoreline Master Program encompasses the shoreline waterbodies; land within 200 feet of the ordinary high water mark of these waterways; and their floodways, certain portions of 100-year floodplains and channel migration zones, and associated wetlands.

Development of Goals and Policies

The goals and policies presented here are categorized according to Master Program elements as mandated by the Shoreline Management Act (SMA). The elements are identified in the SMA as generic classes of activities for which goals and policies shall be developed and systematically applied to different shoreline uses in these classes, when deemed appropriate by the local jurisdiction.

The general goal and policy statements found within each element of the Master Program are intended to provide the policy basis for administration of the City of Yakima Shoreline Master Program. All elements are equal in their importance and no element has a greater standing or relevance than any other element. The Master Program Elements are as follows.

A. **Shoreline use element** for considering:

1. The proposed general distribution and general location and extent of the use on shorelines and adjacent land areas, including, but not limited to, housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;
2. The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation, and transportation; and
3. Establishing the importance of locating water-oriented uses, particularly those that are water-dependent, within the shoreline jurisdiction area.

B. **Economic development element** for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

C. **Public access element** for provision for public access to shorelines, particularly publicly owned areas;

D. **Recreational element** for preserving and enlarging recreational opportunities including but not limited to parks, beaches, and recreational areas;

E. **Circulation element** consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

F. **Conservation element** for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and critical areas' functions and values, fisheries and wildlife protection, and shoreline ecological functions;

G. **Historical/cultural/scientific/and educational element** for protecting and restoring buildings, sites and areas having historic, archaeological, cultural, scientific, or educational values; and

H. **Flood control element** for giving consideration to the state-wide interest in the prevention and minimization of flood damages, and construction, modification, and restoration of flood-damaged structures consistent with FEMA Standards.

General Shoreline Planning Sub-element

10.3.1. Implement the general policies and goals of the Shoreline Management Act as listed below (WAC 173-26-176(3)):

10.3.1.1. Utilize Shorelines for economically productive uses that are particularly dependent on Shoreline location or use.
10.3.1.2. Utilize Shorelines and the waters they encompass for public access and recreation.
10.3.1.3. Protect and restore the ecological functions of Shorelines.
10.3.1.4. Protect the public right of navigation and corollary uses of waters of the state.
10.3.1.5. Protect and restore buildings and sites having historic, cultural, and educational value.
10.3.1.6. Plan for public facilities and uses correlated with other shoreline uses.
10.3.1.7. Prevent and minimize flood damages.
10.3.1.8. Recognize and protect private property rights.
10.3.1.9. Preferentially accommodate single-family uses.

10.3.1.10. Coordinate shoreline management with other relevant local, state, and federal programs.

10.3.2. Protection measures for Shorelines of Statewide Significance should follow the Shoreline Management Act principles in order of preference as listed below (RCW 90.58.020):

10.3.2.1. Recognize and protect the state-wide interest over local interest;
10.3.2.2. Preserve the natural character of the shoreline;
10.3.2.3. Result in long term over short term benefit;
10.3.2.4. Protect the resource and ecology of the shoreline;
10.3.2.5. Increase public access to publicly owned areas of the shorelines;
10.3.2.6. Increase recreational opportunities for the public in the shoreline;
10.3.2.7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

10.3.3. Establish a system of shoreline uses that:

10.3.3.1. Gives preference to uses with minimal impacts that are dependent upon their proximity to the water;
10.3.3.2. Is consistent with the control of pollution and prevention of damage to the natural environment;
10.3.3.3. Protects the public's health, safety, and welfare; ecological functions; and property rights; and
10.3.3.4. Establishes conditional uses to provide extra protection for the shoreline.

10.3.4. Assure that new shoreline development in the City of Yakima is consistent with a viable pattern of use suitable to the character and physical limitations of the land and water.
10.3.5. Encourage sound management of renewable and nonrenewable natural resources.
10.3.6. In general when determining the order of preference between conflicts of shoreline uses the following order should be observed:

10.3.6.1. Water-dependent commercial uses are preferred over nonwater-dependent commercial uses;
10.3.6.2. Water-related and water-enjoyment commercial uses are preferred over nonwater-oriented commercial uses; and
10.3.6.3. Nonwater-oriented commercial uses should only be allowed in limited situations.

Shoreline Environment Designations

10.3.7. The City of Yakima's Shorelines are classified into specific environment designations based on existing and future land use patterns, as well as the biological and the physical character of the shoreline. Land uses and activities which are permitted within these environment designations should be limited to those land uses that are consistent with the character of the identified environment designation.

High Intensity Environment Policies

10.3.8. High Intensity Environment: The purpose of the "High Intensity" 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.

10.3.9. Specific criteria for designation of the High Intensity environment include areas or properties that:

10.3.9.1. Presently support high intensity land uses including commercial, industrial, urban recreational, transportation, or high-intensity water-oriented uses.

10.3.9.2. Are planned to accommodate urban expansion of uses listed in 10.3.9.1.

10.3.10. Water-oriented commercial, industrial, and recreation uses should be given high priority in the High Intensity environment. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Public benefits such as ecological restoration or public access may be required in association with nonwater-oriented development.

10.3.11. New stand-alone residential uses in the High Intensity environment should be discouraged.

10.3.12. When considering shoreline environment designation amendment proposals, full utilization of existing high intensity areas should be achieved before further expansion of intensive development is allowed.

10.3.13. Development in the High Intensity designation should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

10.3.14. Where feasible, visual and physical public access should be required as part of development in the High Intensity designation unless it already exists to serve the development or other safety, security, or fragile environmental conditions apply.

10.3.15. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative separation.

Essential Public Facilities Policies

10.3.16. The purpose of the Essential Public Facilities environment is to support planning and maintenance of existing essential public facilities.

10.3.17. Assign an “Essential Public Facilities” environment designation to lands containing those facilities that are typically difficult to site or relocate, such as state or regional transportation facilities and waste water handling facilities.

10.3.18. Essential public facilities and their accessory or supporting uses are allowed in the Essential Public Facilities environment.

10.3.19. Allowed new development in the Essential Public Facilities designation should assure no net loss of shoreline ecological functions.

10.3.20. Where applicable, new and expanded development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

10.3.21. Expansion and improvement of existing facilities should be allowed, with mitigation sequencing applied to avoid and then minimize adverse impacts to the extent consistent with the specific facility and public needs, with mitigation required for any remaining adverse impacts.

Shoreline Residential Environment Policies

10.3.22. The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with the SMP. An additional purpose is to provide appropriate public access and recreational uses.

10.3.23. Assign a "Shoreline Residential" environment designation to areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.

10.3.24. Development standards addressing the development envelope, water quality, and vegetation should assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

10.3.25. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

10.3.26. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

10.3.27. Commercial development should be limited to water-oriented uses and allowed only when the underlying zoning permits such uses.

Floodway / Channel Migration Zone (CMZ) Environment Policies

10.3.28. The Floodway/CMZ environment is intended to protect the water areas; islands, associated overflow channels, and channel migration areas. This environment provides for the movement of the river within its floodplain, and emphasizes preservation of the natural hydraulic, geologic and biological functions of the City's shorelines that are constrained by biophysical limitations.

10.3.29. The Floodway/CMZ designation is assigned to shoreline areas that are within a mapped Channel Migration Zone and/or within a designated FEMA Floodway. The extent of the Floodway/CMZ designation should never extend beyond the limitations of the Shoreline CMZ found in WAC 173-26-221(3)(b). Areas separated from the active river channel by existing legal artificial channel constraints should not be considered as part of the CMZ.

In addition, areas that are separated from the active channel by legally existing artificial structure(s) including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, should also not be considered part of the CMZ.

10.3.30. 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.

10.3.31. Activities that may degrade the value of the Floodway/CMZ environment should be limited, and development in hazardous areas should be restricted.

10.3.32. Modifications that harden or fix stream banks and channels should be discouraged.

Urban Conservancy Environment Policies

10.3.33. 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.

10.3.34. Specific criteria for designation of the Urban Conservancy environment include areas or properties that:

10.3.34.1. Lie in the city limits and urban growth areas;

10.3.34.2. Are planned for development that is compatible with the principals of maintaining or restoring the ecological functions of the area;

10.3.34.3. Are suitable for water-enjoyment uses;

10.3.34.4. Are open space or floodplains, or;

10.3.34.5. Are areas that retain important ecological functions which should not be more intensively developed.

10.3.35. 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. Uses allowed under this designation should focus on recreation. Commercial, industrial and residential uses should be limited, and when allowed result in restoration of ecological functions. Public access and recreation objectives should be implemented whenever feasible and significant ecological impacts mitigated.

Aquatic Environment – Lakes

10.3.36. The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark of shoreline lakes.

10.3.37. Specific criteria for the Aquatic designation are lands waterward of the ordinary high water mark of shoreline lakes.

10.3.38. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

10.3.39. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

10.3.40. Uses that could adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of the Shoreline Management Act, and then only when their impacts are mitigated according to mitigation sequencing as necessary to assure no net loss of ecological functions.

10.3.41. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

10.3.42. When considering development or activities in the Aquatic environment, the City should favor development and activities associated with preferred uses of the Shoreline Management Act and apply development standards that consider water quality, navigation, presence of aquatic vegetation, existing critical habitats, aesthetics, public access, and views.

Economic Development Sub-element

Commercial and Service Development

10.3.43. Limit commercial and service development to those activities that are dependent upon a shoreline location. Nonwater-oriented commercial uses may be allowed when part of a mixed-use development including water dependent activities, or on sites separated from the shoreline, or when public benefits such as public access and ecological restoration are provided.

10.3.44. Commercial and service uses which are not shoreline dependent should be encouraged to locate upland.

Industrial Development

10.3.45. Allocate sufficient quantities of suitable land for water-related industry.

10.3.46. Discourage industries which have proven to be environmentally hazardous in shoreline areas.

Public Access and Recreation Sub-element

Public Access

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

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

10.3.49. Whenever possible shoreline development by public entities such as the City of Yakima, Yakima, County, Yakima Greenway, Washington State Department of Transportation, and Federal Highway Administration should incorporate both physical and visual public access to shoreline areas which are compliant with the various entities safety and security access plans. However, adopted public access plans as described in WAC 173-26-221(4)(c) that more effectively allow public access thru alternative means may be accepted in lieu of the above site specific access requirements.

10.3.50. Development standards for dedicated and improved public access to the shoreline and visual quality should be required for public and private developments, with few exceptions, except where it is demonstrated to be infeasible due to reasons of safety, security, or impact to the shoreline environment, or constitutional or legal limitations.

10.3.51. Promote and enhance diversified types of public access to shorelines in the City of Yakima that accommodate intensified uses without significantly impacting natural areas, and do not infringe upon property rights.

10.3.52. Access to recreational areas should emphasize multiple points of access (parking areas, trails or bicycle paths).

10.3.53. 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.

10.3.54. When considering shoreline issues where there is a conflict between water dependent uses, public access, or maintenance of an existing view from adjacent properties, public access or water dependent use should have priority unless there is a compelling reason to the contrary.

10.3.55. Road and railroad facilities should be properly designed, to provide to the greatest extent practical, scenic corridors, rest areas, view points, and other public oriented facilities.

10.3.56. Wherever feasible, utilities should be placed underground.

Recreational Development

10.3.57. Assure preservation and expansion of diverse, convenient recreational opportunities along shorelines for public use, consistent with the capacity of the land 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. This policy may be accomplished 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.

10.3.58. Land uses designated for a specific shoreline recreational area should be planned to satisfy a diversity of demands, and must be compatible with each other and the environment.

10.3.59. Where feasible, encourage the use of public lands for recreational facilities as an economical alternative to new acquisitions by local agencies.

10.3.60. Locate, design, construct and operate recreational facilities to prevent undue adverse impacts to natural resources and adjacent or nearby private properties.

Circulation Sub-element (Transportation & Parking)

10.3.61. Encourage a transportation network capable of delivering people, goods, and services, and resulting in minimal disruption of the shorelines' natural system.

10.3.62. When major highways, freeways and railways are required to be located along stream drainages or lake shores, the facilities should be sufficiently setback, and minimal land area consumed so that a useable shoreline area remains.

10.3.63. Access roads and parking areas should be located upland, away from the shoreline whenever possible, and access to the water should be provided by pathways or other methods.

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

10.3.65. Proper design, location, and construction of road and railroad facilities should be exercised to:

10.3.65.1. Minimize erosion and permit the natural movement of water;

10.3.65.2. Use existing topography and preserve natural conditions to the greatest practical extent.

10.3.66. Loops or spurs of old highways with high aesthetic quality or bicycle route potential should be kept in service.

Shoreline Uses and Modifications Sub-element

Agriculture

10.3.67. Allow lawfully established agricultural activities occurring on agricultural lands to continue.

10.3.68. 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.

10.3.69. Prohibit concentrated feeding operations in shoreline jurisdiction.

Aquaculture

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

10.3.71. Ensure that aquaculture 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.

10.3.72. Protect spawning areas designated by the Washington Department of Fish and Wildlife from conflicting uses.

Boating and Private Moorage Facilities

10.3.73. Ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.

10.3.74. 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.

10.3.75. Applications for new piers and docks must show a specific need and must be the minimum size necessary.

10.3.76. Encourage the cooperative use of shared docks.

Dredging and Dredge Material Disposal

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

10.3.78. The deposition of spoils in water areas should only be allowed for habitat improvement or when the alternative is more detrimental than depositing in water areas.

Fill

10.3.79. Normal and reasonable land grading and filling should be allowed where necessary to develop a land area for a permitted use provided:

10.3.79.1. There is no substantial changes made in the natural drainage patterns; and

10.3.79.2. There is no reduction of flood water storage capacity that might endanger other areas.

10.3.79.3. Filling within the ordinary high water mark should only be allowed 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).

10.3.80. 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.

10.3.81. Shoreline fills or cuts should be located and designed to avoid creating hazards to adjacent life, property, natural resources systems, and to ensure that the perimeters of the fill incorporate appropriate mechanisms for erosion prevention.

In-Water Structures

10.3.82. Location and planning of in-water structures should consider the full range of public interests, watershed functions and processes, and environmental concerns, with a special emphasis on protecting and restoring priority habitats and species.

10.3.83. All in-water structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and wildlife, water resources, shorelines, critical areas, hydrogeological processes, and natural scenic vistas.

Mining

10.3.84. Removal of sand, gravel, and minerals should be allowed from only the least sensitive shoreline areas and should comply with the below policies:

10.3.84.1. Due to the risk of avulsion and mine pit capture by the rivers, mining within the stream channel and channel migration zones should not be allowed; and

10.3.84.2. Restoration or enhancement of ecological functions is encouraged.

10.3.85. Require land reclamation plans of any mining venture proposed within a shoreline.

10.3.86. Mining reclamation plans shall incorporate this SMP's restoration goal to the greatest extent feasible, and shall be done in conformance with the Washington State Surface Mining Act (RCW 78.44).

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

10.3.88. Ensure that proposed subsequent uses of mined property and the reclamation of disturbed shoreline areas are consistent with the applicable environment designation and that appropriate ecological functions are required within the reclamation plan.

Residential Development

10.3.89. Design subdivisions at a density, level of site coverage, and occupancy that is compatible with the physical capabilities of the shoreline, and ensure proposals are located to prevent the need for new shore stabilization or flood hazard reduction measures.

10.3.90. Restrict subdivisions in areas subject to flooding.

10.3.91. Encourage cluster development wherever feasible to:

10.3.91.1. Maximize use of shorelines by residents,

10.3.91.2. Maximize both on-site and off-site aesthetic appeal, and

10.3.91.3. Minimize disruption of the natural shorelines.

Shoreline Stabilization

10.3.92. Shoreline modifications should only be allowed 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.

10.3.93. Shoreline modifications should be limited 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.

10.3.94. New structural stabilization measures should only be allowed:

10.3.94.1. When they are necessary to protect an existing primary structure,

10.3.94.2. Are in support of new and existing development, or

10.3.94.3. Are necessary to protect projects where restoration of ecological functions or hazardous substance remediation projects is taking place.

10.3.95. Flood protection and stabilization measures which result in or tend toward channelization of streams such as, hardening of stream banks, or fixing channel locations should be avoided.

10.3.96. All shore stabilization activities should be designed and constructed to accepted engineering standards.

Signs

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

Utilities

10.3.98. New utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-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 impacts as much as possible.

10.3.99. 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, utilities should be confined in a single corridor or within an existing right-of-way or underground consistent with policy 10.3.50.

10.3.100. New sewage treatment, water reclamation, and power plants should be located where they do not interfere with and are compatible with recreational, residential or other public uses of the shoreline.

10.3.101. New waste water treatment ponds for industrial uses should be located upland when feasible.

Existing Uses

10.3.102. The SMP should recognize existing uses and developments in the shoreline, and allow them to continue consistent with their lawfully established condition.

10.3.103. The City should apply applicable SMP provisions to the shoreline use or development proposed in shoreline jurisdiction, considering the size, location, duration and scope of the proposal where appropriate.

Redevelopment, Repair, and Maintenance

10.3.104. The SMP should recognize existing uses and developments in the shoreline, and allow them to continue consistent with their lawfully established condition.

10.3.105. The City should apply applicable SMP provisions to the shoreline use or development proposed in shoreline jurisdiction, considering the size, location, duration and scope of the proposal where appropriate.

Conservation Sub-element

Environmental Protection

10.3.106. 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.

Critical Areas & Vegetation Conservation

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

10.3.108. New structural flood hazard reduction measures in shoreline jurisdiction should only be allowed when the following can be demonstrated:

10.3.108.1. The structural flood hazard reduction measure is necessary to protect an existing development,

10.3.108.2. Nonstructural measures are not feasible,

10.3.108.3. Impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss of ecological functions, and

10.3.108.4. Appropriate vegetation conservation actions are undertaken.

10.3.109. Protect all shorelines of the state so that there is no net loss of ecological functions from both individual permitted or exempt development.

10.3.110. Evaluate and consider cumulative impacts of development on shoreline ecological functions to ensure no net loss of ecological function.

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

10.3.112. Provide, where feasible and desirable, restoration of degraded areas along the City's shorelines.

10.3.113. Critical areas within shoreline jurisdiction are protected through the critical area policies and standards of the City of Yakima's Shoreline Master Program and Comprehensive Plan Natural Environment Chapter.

10.3.114. Protect shoreline streams, lakes, ponds, and wetlands through the application of vegetative buffers.

10.3.115. Existing agriculture should be encouraged to provide through voluntary means:

10.3.115.1. Maintenance of a permanent vegetative buffer between tilled areas and associated water bodies,

10.3.115.2. Reduction of bank erosion,

10.3.115.3. Reduction of surface runoff,

10.3.115.4. Reduction of siltation,

10.3.115.5. Improvement of water quality, and

10.3.115.6. Habitat for fish and wildlife.

10.3.116. Buffer requirements for new agriculture uses on non-agricultural lands should be applied.

10.3.117. Provide a permitting process which allows government agencies, and public and private groups to submit and gain approval for long-term maintenance plans which comply with the requirements of the City of Yakima Shoreline Master Program.

10.3.118. Natural vegetation within shoreline jurisdiction should be retained to the greatest extent feasible by applying the stream corridor and wetland buffer requirements.

10.3.119. Selective pruning of trees for safety and view protection, and the removal of noxious weeds is allowed.

10.3.120. Shoreline construction/maintenance projects which disturb areas of the shoreline should be restored to a state which is equal or greater than the original project condition. When replanting is required, native species should be planted and maintained until new vegetation is established.

Shoreline Habitat and Natural Systems Enhancement Projects

10.3.121. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.

10.3.122. Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, Yakama Nation, National Marine Fisheries Service, and/or U.S. Fish and Wildlife Service.

10.3.123. The City should, and private entities are encouraged to, seek funding from State, Federal, private and other sources to implement restoration, enhancement, and acquisition projects, particularly those that are identified in the Restoration Plan of this SMP or the local watershed plans.

10.3.124. The City should develop processing guidelines that will streamline the review of restoration-only projects.

10.3.125. Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

Water Quality, Stormwater Management, and Nonpoint Pollution

10.3.126. Shoreline water quality should be protected as follows:

10.3.126.1. Rely on the City's stormwater program and Ecology's Stormwater Management Manual for Eastern Washington which meet state and federal stormwater control requirements where possible;

10.3.126.2. Utilize Critical Aquifer Recharge Area protection measures;

10.3.126.3. Control drainage and surface runoff from all facilities requiring large quantities of fertilizers and pesticides to prevent contamination of water areas;

10.3.126.4. All developments should comply with Yakima County Health regulations, when applicable;

10.3.126.5. Handle and dispose of pesticides in accordance with provisions of the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Act (RCW 14.47);

10.3.126.6. Proper design, location, and construction of all facilities should be exercised to prevent the entry of pollutants or waste materials into waterbodies;

10.3.126.7. When earthen materials are moved within shoreline areas, measures to adequately protect water quality should be provided;

10.3.126.8. Water quality protection measures should not impact recreation opportunities;

10.3.126.9. New development and redevelopment proposals should be connected to city sewer; and

10.3.126.10. New development and redevelopment proposals should provide adequate stormwater handling and possibly pre-treatment facilities.

10.3.127. Agricultural erosion control measures should conform to standards established by the Conservation Districts of Yakima County and those agreed upon in USDA conservation plans.

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

10.3.128.1. Fuel handling and storage facilities to minimize accidental spillage,

10.3.128.2. Proper water depth and flushing action for any area considered for overnight or long-term moorage facilities, and

10.3.128.3. Adequate facilities to properly handle wastes from holding tanks.

10.3.129. Sanitary landfills along shoreline areas should be prohibited. The disposal of all solid wastes should be disposed of in accordance with the Yakima County Inter-local and Moderate Risk Solid Waste Management Plan.

Historic, Cultural, Scientific, and Educational Resources Sub-element

10.3.130. Require the protection and restoration of areas and sites in the City of Yakima having historic, archaeological, cultural, educational or scientific value consistent with local, state and federal laws.

10.3.131. Development along shorelines should include consultation with professional archaeologists, historians, biologists, the Washington Department of Archaeology and Historic Preservation, and the Yakama Nation to identify areas containing potentially valuable data, and to establish procedures for salvaging the data or maintaining the area in an undisturbed condition.

10.3.132. Shoreline permits should contain conditions of approval which require developers to immediately stop work and notify local governments, the Office of Archaeology and Historic Preservation, and the Yakama Nation, if any archaeological or historic resources are uncovered during excavation.

10.3.133. Development which would destroy archaeological or historical sites or data may be delayed for a reasonable time to allow the appropriate agency or organization to purchase the site or to recover the data.

Flood Hazard Management Sub-element

10.3.134. The City should ensure public and private development applications site and design flood control measures consistent with appropriate engineering principles, including guidelines of the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, Yakima County Flood Hazard Management Plan, watershed plans, restoration plans, critical area regulations, floodplain regulations, and stormwater management plans and regulations in order to prevent flood damage, maintain the natural hydraulic capacity of floodways, and conserve limited resources such as fish habitat, water, and soil.

10.3.135. Where feasible, non-structural methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural flood control works. Non-structural methods may include, but are not limited to, shoreline buffers, land use controls, use relocation, wetland restoration, dike removal, biotechnical measures, stormwater management programs, land or easement acquisition, voluntary protection and enhancement projects, or incentive programs.

10.3.136. New or expanding development or uses in shoreline jurisdiction, including subdivision of land, that would likely require structural flood control works, such as dikes, levees, revetments, floodwalls, channel realignment, gabions or rip-rap, within a river, floodway, or lake should not be allowed.

10.3.137. New structural flood control works should only be allowed in shoreline jurisdiction when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, that appropriate vegetation conservation actions are undertaken, and where non-structural flood hazard reduction measures are infeasible.

10.3.138. Flood control works and shoreline uses, development, and modifications should be located, designed, constructed and maintained so their resultant effects on geo-hydraulic shoreline processes will not cause significant damage to other properties or shoreline resources, and so that the physical integrity of the shoreline corridor is maintained.

SMP SECTION 2: SHORELINE REGULATIONS

TITLE 17 - SHORELINE MASTER PROGRAM REGULATIONS

CHAPTER 17.01 PURPOSE AND GENERAL PROVISIONS

17.01.010 Authority

A. Title 17 of the Yakima Municipal Code is established pursuant to RCW Chapter 90.58 (Shoreline Management Act), WAC 173-26 (State master program approval/amendment procedures and master program guidelines), and WAC 173-27 (Shoreline management permit and enforcement procedures). This title shall be known as the “Shoreline Master Program Regulations."

B. The Shoreline Master Program Regulations shall, for the purposes of 36.70A.480 (GMA and 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 (State master program approval/amendment procedures and master program guidelines). These regulations are intended to be substantive legal rules and procedures used to implement the goals and policies of the Master Program (these goals ad policies are contained in the City of Yakima Comprehensive Plan, Chapter 10, Section 3 – General Shoreline Planning Sub-element). These regulations shall be applied and interpreted in a manner consistent with the remainder of the Master Program or the Act.

17.01.020 Applicability

A. The provisions of this title shall apply to any new development, construction or use within the incorporated portion of the City of Yakima. However, this title does not apply to the situations below:

1. Interior building improvements that do not change the use or occupancy are not subject to this title;
2. Exterior structure maintenance activities, including painting and roofing, as long as such activities do not expand the existing footprint of the structure or impervious area;
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding;
4. Maintenance of the following existing facilities that do not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections;
5. Changing agricultural crops within an existing farming operation is not considered new development, construction or use. SMP regulations do apply to the following: 1) new agricultural activities on land not meeting the definition of agricultural land, 2) conversion of agricultural lands to other uses, and 3) other development on agricultural land that does not meet the definition of agricultural activities (e.g. processing plants); and
6. 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.).

B. The following subsections guide the determination of applicability of SMP regulations on federal lands:

1. Federal development on federally owned land is not subject to this SMP nor required to obtain a Shoreline permit unless otherwise required by federal law, or unless the state by statute has ceded all regulatory authority over the federal ownership;
2. Federal development on a federally owned lease is not subject to this SMP nor required to obtain a Shoreline permit unless otherwise required by federal law, or unless the state by statute has ceded all regulatory authority over the federal ownership as long as the development is consistent with the purpose of the lease;
3. Development on federally owned land under a federal lease or easement for a non-federal activity is subject to this SMP and must obtain a Shoreline permit; for example, the SMP applies to private activities on federal land such as leases where the private citizen owns the structure but the federal government owns the land;
4. Non-federal development or use on federally owned land is subject to this SMP and must obtain a Shoreline permit; and
5. Development on non-federal land is subject to this SMP and 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 unless the state by statute has ceded all regulatory authority over the federal ownership.

C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this Master Program whether or not a permit is required.

17.01.030 Findings

A. The Yakima River Greenway consists of extensive trails along the Yakima River and Naches River providing regional shoreline public access that draws significant numbers of persons.

B. All jurisdictional lakes, or pre-designated lakes associated with mining, are manmade, highly altered, and separated by levees and highways from the river courses.

C. Willow Lake and Lake Aspen are owned by homeowners associations, and Lake Aspen's residential community is governed by CC&Rs.

D. There is relatively limited development potential on lands in the city limits due to the historic urban developed character, and limited development potential in the city and UGA where there are channel migration zones, floodways, and concentrations of critical areas.

E. There are several essential public facilities in shoreline jurisdiction such as highways of statewide significance and the City's wastewater treatment plant. Another significant public use includes a state park providing active and passive recreation.

F. The CMZ and floodway areas are largely in public ownership and are managed for flood hazard protection, water processes, and habitat value.

G. SMP environments and regulations recognize the current and future preferred uses, altered and natural character, and shoreline ecological functions.

H. The current shoreline conditions, anticipated development, and proposed SMP use and environmental regulations are demonstrated in the CIA Addendum to result in no-net-loss of shoreline ecological function.

17.01.040 Purpose

The purpose of YMC Title 17 is to establish a single, uniform system of procedures and standards to be applied to development within Shoreline jurisdiction of the City of Yakima. The SMP regulations are intended to carry out the responsibilities imposed on the City of Yakima 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:

A. Promote reasonable and appropriate use of the shorelines that will protect the public and private interest;

B. Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within the City of Yakima;

C. Protect public rights of navigation;

D. Recognize and protect private property rights consistent with public interest;

E. Promote a high quality of environment along the shorelines;

F. Preserve and protect fragile natural resources and culturally significant features;

G. Increase public access to publicly owned areas of the shorelines where increased use levels are desirable;

H. Protect public and private properties from adverse effects of improper development in hazardous shorelines areas;

I. Recognize and protect the statewide interest;

J. Give preference to uses that result in long-term over short-term benefits; and

K. Provide for no net loss of ecological functions cumulatively from both individual permitted development and individual exempt development.

L. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

17.01.050 Relationship to Other Codes, Ordinances and Plans

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction. At the time of application or initial inquiry, the Shoreline Administrator shall inform the applicant/proponent of other local laws and rules that may be applicable to the project. The responsibility for determining applicable federal, state or special district statutes and regulations and complying with the same rests with the applicant/proponent or responsible person carrying out the activity, use, or development in question.

B. This SMP includes critical areas regulations applicable only in the shoreline jurisdiction, and shall control within shoreline jurisdiction over other City critical area regulations adopted pursuant to the Growth Management Act.

C. Other rules and regulations, including but not limited to the City of Yakima development regulations addressing subdivision, zoning, building and construction shall remain in full force and effect as they apply to a designated Shoreline.

D. Wherever the requirements of this Title 17 conflict with the requirements of City rules or regulations, the most restrictive standards shall govern.

17.01.060 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.

17.01.070 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.

17.01.080 Effective Date

The SMP is hereby adopted on the XX date of XX, 2013. This SMP and all amendments thereto shall become effective 14 days from the date of the Washington Department of Ecology's written notice of final approval.

17.01.090 Definitions

Whenever the words and terms set forth in this section appear in this title, they shall be given the meaning attributed to them by this section. Definitions established by RCW 90.58.030 and WAC 173

have been incorporated herein and should these definitions in the RCW or WAC be amended, the most current RCW or WAC definition shall apply. Except where specifically defined in this section, the RCW or the WAC, all words used in this Shoreline Master Program shall carry their customary meanings.

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.

“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.

“Accessory” means any use or development incidental to and subordinate to a primary use of a shoreline use or development. See also Appurtenance, Residential.

"Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

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

"Shoreline Administrator" means the duly appointed City of Yakima Director of Community Development, whichever is appropriate, or their designee.

"Adoption by rule" means an official action by the Department of Ecology to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state 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 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.

"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.

"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.

“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.

"Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

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

"Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the Department of Ecology for review and official action pursuant to this chapter; or an official action by the Department of Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

Appurtenance, residential” includes 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.

"Aquaculture" means the culture and/or farming of fish, shellfish, or other aquatic plants and animals. When dependent on the use of the water area and when consistent with control of pollution and prevention of damage to the environment, aquaculture is a preferred use of the water area. Commercial aquaculture is conducted to produce products for market with the objective of earning a profit. Non-commercial aquaculture is conducted for the benefit of native fish recovery, education and interpretation, or other public benefit or use.

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

"Bank" means the land surface above the ordinary high water mark that abuts a body of water and contains it to the 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 hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.

“Barb” is a structure used primarily in streams. It is a low relief projection from a bank, angled upstream, to redirect flow away from the bank towards the center of the channel. As opposed to groins or jetties, barbs are not barrier types of structures; they function by re-directing flows that pass over the top of the structure.

“Base Flood” for purposes of administering Section 17.09.020 means the flood having a 1-percent chance of being equaled or exceeded in any given year. (Ref. IBC 1612.2)

“Base flood elevation” for purposes of administering Section 17.09.020 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)

“Basement” for purposes of administering Section 17.09.020 means any area of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2)

"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.

"Bedrock" means in-place solid rock.

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

"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.

"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.

“Boating facilities” means developments and uses that support access to shoreline waters for purposes of boating, including marinas, community docks serving more than four single-family residences or multi-family units, public piers, and community or public boat launch facilities. Docks serving four of fewer single-family residences are not boating facilities.

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

“Buffer averaging” means the regulatory alteration of the dimensions of a buffer that allows for increases and decreases in the buffer in discrete areas provided that the net area of buffer remains the same.

"Building Official" means the manager of the Offices of Code Administration or designee.

"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.

"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.

"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.

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

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

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

"Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the Department of Ecology’s Shoreline Master Program Guidelines effective January 17, 2004, as now or hereafter amended.

"Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

“Concentrated animal feeding operation” means a structure 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.

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

"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.

"Critical areas" as defined under chapter 36.70A RCW includes the following areas and ecosystems:

A. Wetlands;

B. Areas with a critical recharging effect on aquifers used for potable waters;

C. Fish and wildlife habitat conservation areas;

D. Frequently flooded areas; and

E. Geologically hazardous areas.

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

"Department" means the City of Yakima Community Development Department.

"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. See also Substantial Development. Development does not include the following activities:

A. Interior building improvements that do not change the use or occupancy;

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; and

D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; and individual utility service connections.

"Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

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

“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.

"Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

"Dredging" means removal of earth from the bed of a stream, lake, or pond for the purpose of flood control; navigation; utility installation (excluding on-site utility features serving a primary use, which are “accessory utilities” and shall be considered a part of the primary use); the construction or modification of essential public facilities and regional transportation facilities; restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose); and/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. Dredging, as regulated in this SMP under Section 17.07.060, is not intended to cover other excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement).

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

"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.

"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.

"Enhance" means to strengthen any of the basic functional properties listed in Chapter 17.09 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 or lake corridor.

“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.

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

“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 non-conforming 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.

"Excavation" means the mechanical removal of earth material.

"Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a Shoreline Substantial Development Permit, but which must otherwise comply with applicable provisions of the Act and the local master program.

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

"Feasible" means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

A. 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;

B. The action provides a reasonable likelihood of achieving its intended purpose; and

C. The action does not physically preclude achieving the project's primary intended legal use.

In cases where these Guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. 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 or restoration shall not be considered fill.

"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.

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

"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.

"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.

"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. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

"Flood-prone" means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by 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.

"Flood-proofing" for purposes of administering YMC Title 17 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.

"Floodway" means the area, as identified in a master program, that either:

A. Has been established in Federal Emergency Management Agency Flood Insurance Rate Maps or floodway maps; or

B. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

Regardless of the method used to identify the floodway, the floodway shall not include those 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.

"Floodway fringe" for purposes of administering YMC Title 17 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.

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

"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.

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes 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, 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 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. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

"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. “Average grade level” is the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"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

“Groin” means a barrier type of structure that extends from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Groins may serve a variety of functions, including bank protection, pool formation, and increased roughness, and may include rock structures, debris jams, or pilings that collect wood debris. See also Barb and Weir.

"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.

"Guidelines" means those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

“Hard structural shoreline stabilization” means shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, and similar structures.

“Hazardous materials” means any material, either singularly or in combination, that is a physical or health hazard as defined and classified in the International Fire Code, whether the materials are in usable or waste condition; any material that may degrade groundwater quality when improperly stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged; any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined or classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials

are in usable or waste condition; and petroleum or petroleum products that are in a liquid phase at ambient temperatures, including any waste oils or sludge.

"Height" is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the SMP specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation.

“Hydraulic dredging” is a minimally invasive dredging technique that utilizes suction to vacuum up sediments and other lake or riverbed material.

"Hydrologically Related Critical Areas (HRCA)" include all those areas identified in YMC 17.09.030.C within the City of Yakima which are important and deserving of protection by nature of their value for the functional properties found in YMC 17.09.030.E.

"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.

"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.

“In-water structures” are structures placed by humans within a stream, river or lake waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, recreation, or other purpose. Barbs, jetties, groins and weirs are all examples of in-water structures.

"Lake or pond" means an inland body of standing water.

"Limited master program amendment" means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

“Lowest floor" for purposes of administering YMC 17.09.020 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.

“Maintenance, Normal” means those usual acts to prevent a decline, lapse, or cessation from a legally established condition. See Repair, Normal.

"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.

"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 pursuant to YMC Title 15.

"Manufactured home park or subdivision, existing" means a manufactured home park or subdivision that was completed before December 15, 1981, the effective date of the floodplain management regulations.

"May" means the action is acceptable, provided it conforms to the provisions of this chapter.

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

"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.

“Must" means a mandate; the action is required.

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

"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.

"Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

"New construction," for purposes of administering YMC 17.09.020, means the start of construction after construction plans were submitted to the City and the building division reviewed and approved the construction plans to create a structure.

"Nonconforming structure" for purposes of administering YMC 17.09.020 means a structure which was lawful prior to the adoption or amendment of this chapter, but which fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located. In addition, the structure may not be permitted as a new structure under the terms of this chapter because the structure may not be in conformance with the applicable elevation and/or floodproofing requirements.

"Nonconforming use" for purposes of administering YMC 17.09.020 means a use of land or structure which was lawfully established and maintained prior to the adoption or amendment of this chapter, but does not conform to this chapter for the zoning district in which it is located. In addition, the use may not be permitted as a new use under the terms of this chapter because the use may not be in conformance with the applicable elevation and/or floodproofing requirements.

"Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

"Ordinary High Water Mark" (OHWM) 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.

"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.

"Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

“Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

“Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below:

A. State-listed or state proposed species. 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). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M- 6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate.

C. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

D. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

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

"Provisions" means policies, regulations, standards, guideline criteria or environment designations.

“Public access” means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

"Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

“Public Trust Doctrine” is a legal principle derived from English Common Law. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the water. It does, however, protect public use of navigable water bodies below the ordinary high water mark. See http://www.ecy.wa.gov/programs/sea/sma/laws_rules/public_trust.html.

"Qualified Professional" shall meet the following criteria:

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

B. A qualified professional for stream corridors must have a bachelors 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.

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

D. A qualified professional for critical aquifer recharge areas must be a professional hydrogeologist, or environmental engineer licensed in the state of Washington.

E. 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.

F. A qualified professional for flood studies must be a professional engineering geologist or civil engineer licensed in the state of Washington.

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

H. A qualified professional for habitat assessments and habitat management plans must have a bachelors degree or higher in biology and professional experience related to the subject species or habitat.

I. 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.

“Recreational development” means public or commercial activities or facilities that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, viewpoints, trails, public access facilities, and other low-intensity use outdoor recreation areas. Recreational uses that do not require a shoreline location, nor are related to the water, nor provide significant public access, are considered nonwater-oriented. For example, a recreation use solely offering indoor activities would be considered nonwater-oriented.

“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.

“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.

“Recreation, Moderate-Intensity” means use areas with minor structures and improvements, such as camp grounds, 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.

"Recreation vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Repair, Normal” means to restore a development or structure to a state comparable to its original, legally established 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 causes substantial adverse effects to 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 substantial adverse effects to shoreline resources or environment. See also Maintenance, Normal.

“Residential development” means construction or alteration, earth modification, subdivision and use of land primarily for human residence; including, but not limited to, single-family residences and multifamily dwellings, accessory uses, and structures normally associated with residential uses and structures. Residential development includes land divisions, including short plats, of residentially zoned land. It also includes all modifications to land and vegetation associated with construction, preparation, or maintenance of residential structures or accessory structures.

"Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions, such as those listed in YMC 17.09.030.E that have been lost or destroyed through natural events or human activity. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions.

"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.

“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.

"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.

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

"Shall" means a mandate; the action must be done

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river

deltas associated with the streams and lakes which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

"Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

"Shorelines of statewide significance" means the following shorelines of the state:

A. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

B. Those natural rivers or segments east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer; and

C. Those shorelands associated with A and B, above.

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state; "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

“Shoreline environment designations” are a classification of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

“Shorelines Hearings Board” means a six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by the City on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

“Shoreline stabilization” means structural or non-structural modifications to the existing shoreline intended to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. They are generally located parallel to the shoreline at or near the OHWM.

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

"Significant" means a reasonable likelihood of more than a moderate adverse impact on environmental quality. Significance involves context and intensity and does not lend itself to a formula or quantifiable

test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.

“Significant ecological impact” means an effect or consequence of an action if any of the following apply:

A. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.

B. Scientific evidence or objective analysis indicates the action could cause measurable or noticeable reduction or harm to those ecological functions or ecosystem-wide processes under foreseeable conditions.

C. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes as part of cumulative impacts, due to similar actions that are occurring or are likely to occur. Any project may have one or more significant ecological impacts, which can be either short-term or long-term. Projects with short-term significant ecological impacts may still be considered beneficial if the project improved ecological function over the long term, either due to mitigation or because of short-term impacts may be construction-related only.

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

“Single Improved Recreational Vehicle Site” means a site on which a recreational vehicle 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.

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

“Soft structural shoreline stabilization” means shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement. Linear, vertical faces are an indicator of Hard Structural Shoreline Stabilization (see above definition).

"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.

"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.

"Start of construction," for purposes of administering YMC 17.09.020, 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.

“State master program” is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

"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.

"Stream corridor," as used in this title, means those features listed and described in YMC 17.09.030.C.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels

"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 subsection (3)(e) 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.

"Substantial improvement" for purposes of administering YMC 17.09.020 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:

A. Before the improvement or repair is started; or

B. 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:

A. 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

B. Any alteration of a structure listed on the National Register or Historic Places or a state inventory of historic places.

"Substantially degrade" means to cause significant ecological impact.

“Unreasonable and disproportionate” means that locations outside of the floodway or CMZ would add more than 20% to the total project cost. Other methods to determine unreasonable and disproportionate cost may be used on a case-by-case basis with approval of the Shoreline Administrator.

"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.

"Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

"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 YMC 17.09.030.E (Functional Properties) and YMC 17.09.040.D (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.

"Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

"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.

"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.

"Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

"Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

"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:

A. 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

B. 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.

“Weir” means a structure generally built across a stream channel for the purpose of diverting water or trapping sediment or other moving objects transported by water.

“Wetland" or "wetlands" means that area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and 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 non-wetland 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, wetlands may include those artificial wetlands specifically intentionally created from non-wetland areas to mitigate conversion of wetlands.

"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).

"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.

17.01.100 Shoreline Jurisdiction

Pursuant to the authority of RCW 90.58.030(2)(f) and WAC 173-22-040(2-3), the jurisdictional limits of the Shoreline Master Program within the City of Yakima for areas that are subject to these regulations, are listed below. The City of Yakima 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:

A. The following waterbodies in the City and, upon annexation, in the UGA:

1. Yakima River,
2. Naches River,
3. Cowiche Creek,
4. Willow Lake,
5. Lake Aspen, and
6. Rotary Lake.

B. Buchanan Lake shall be regulated under this SMP when the Washington Department of Natural Resources Surface Mine Reclamation Permit lapses or is terminated, or when the City receives a permit application for new development on or uses of Buchanan Lake. The original Shoreline Substantial Development and Conditional Use Permit (SH 84-3) issued by Yakima County for Buchanan Lake still governs.

C. Subject to subsection H below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shoreline jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.

D. Subject to subsection H 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, shoreline 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.

E. 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.

F. Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection C above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection D.

G. 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;

H. 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 waterbody, except that those portions of Buchanan Lake within 200 feet of the Yakima River are excluded from shoreline jurisdiction until Buchanan Lake is regulated as a shoreline waterbody.

CHAPTER 17.03 SHORELINE ENVIRONMENT DESIGNATIONS

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 some environment designation names, or the addition of new environment designations where such provides the City 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.

17.03.010 Floodway / Channel Migration Zone (CMZ)

A. Purpose: The "Floodway/CMZ" environment is intended to protect the water areas, islands, associated overflow channels, and channel migration areas. This environment provides for the movement of the river within its floodplain, and emphasizes preservation of the natural hydraulic, geologic and biological functions of the City's shorelines that are constrained by 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. The extent of the Floodway/CMZ designation should never extend beyond the limitations of the Shoreline CMZ found in WAC 173-26-221(3)(b). Areas separated from the active river channel by existing legal artificial channel constraints should not be considered as part of the CMZ. In addition, areas that are separated from the active channel by legally existing artificial structure(s) including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, should also not be considered part of the CMZ.

C. Management Policies:

1. 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.

2. Activities that may degrade the value of the Floodway/CMZ environment should be limited, and development in hazardous areas should be restricted.

3. Modifications that harden or fix stream banks and channels should be discouraged.

17.03.020 Urban Conservancy

A. Purpose: 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:

1. Lie in the city limits and urban growth areas;

2. Are planned for development that is compatible with the principals of maintaining or restoring the ecological functions of the area;

3. Are suitable for water-enjoyment uses;

4. Are open space or floodplains, or;
5. Are areas that retain important ecological functions which should not be more intensively developed.

C. Management Policies:

1. 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.
2. Uses allowed under this designation should focus on recreation.
3. Commercial, industrial and residential uses should be limited, and when allowed result in restoration of ecological functions.
4. Public access and recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

17.03.030 High Intensity

A. Purpose: The purpose of the "High Intensity" 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 High Intensity environment include areas or properties that:

1. Presently support high intensity land uses including commercial, industrial, urban recreational, transportation, or high-intensity water-oriented uses.
2. Are planned to accommodate urban expansion of uses listed in 1 above.

C. Management Policies:

1. Water-oriented commercial, industrial, and recreation uses should be given high priority in the High Intensity environment. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Public benefits such as ecological restoration or public access may be required in association with nonwater-oriented development.
2. When considering shoreline environment designation amendment proposals, full utilization of existing high intensity areas should be achieved before further expansion of intensive development is allowed.
3. New development in the High Intensity designation should assure no net loss of shoreline ecological functions. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
4. Where feasible, visual and physical public access should be required as part of development in the High Intensity designation unless it already exists to serve the development or other safety, security, or fragile environmental conditions apply.

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative separation.

17.03.040 Essential Public Facilities

A. Purpose: The “Essential Public Facilities” environment is intended to support planning and maintenance of existing essential public facilities.

B. Designation Criteria: The Essential Public Facilities designation is assigned to lands containing those facilities that are typically difficult to site or relocate, such as state or regional transportation facilities and waste water handling facilities.

C. Management Policies:

1. Essential public facilities and their accessory or supporting uses are allowed in the Essential Public Facilities environment.

2. Allowed new development in the Essential Public Facilities designation should assure no net loss of shoreline ecological functions.

3. Where applicable, new and expanded development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

4. Expansion and improvement of existing facilities should be allowed, with mitigation sequencing applied to avoid and then minimize adverse impacts to the extent consistent with the specific facility and public needs, with mitigation required for any remaining adverse impacts.

17.03.050 Shoreline Residential

A. Purpose: The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with the SMP. An additional purpose is to provide appropriate public access and recreational uses.

B. Designation Criteria: Assign a Shoreline Residential environment designation to areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.

C. Management Policies:

1. Development standards addressing the development envelope, water quality, and vegetation should assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

4. Commercial development should be limited to water-oriented uses and allowed only when the underlying zoning permits such uses.

17.03.060 Aquatic

A. Purpose: The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark of shoreline lakes.

B. Designation Criteria: The Aquatic designation applies to lands and waters waterward of the ordinary high water mark of shoreline lakes.

C. Management Policies:

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

2. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

3. Uses that could adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of the Shoreline Management Act, and then only when their impacts are mitigated according to mitigation sequencing as necessary to assure no net loss of ecological functions.

4. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

5. When considering development or activities in the Aquatic environment, the City should favor development and activities associated with preferred uses of the Shoreline Management Act and apply development standards that consider water quality, navigation, presence of aquatic vegetation, existing critical habitats, aesthetics, public access, and views.

17.03.070 Shoreline Use and Modification Matrix

Table 03.070-1 lists the uses and activities for each Shoreline Environment designation that are allowed by Substantial Development Permit and/or Conditional Use Permit, or are prohibited. Such uses shall be processed in accordance with YMC Chapter 17.13 (Administration and Enforcement). This table does not change those situations of when this title does not apply to a development (YMC 17.01.020 Applicability), or when a use or activity listed as needing a Shoreline Substantial Development P ermit may qualify for an exemption instead (YMC 17.13.050, Exemptions from Shoreline Substantial Development Permits). Definitions for some uses are provided in YMC 17.01.090. The provisions in Table 03.070-1 apply to specific common uses and types of development only to the extent they occur within shoreline jurisdiction.

Table 03.070-1. Shoreline Use and Modification Matrix

Shoreline Use or Modification Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	High Intensity	Essential Public Facilities	Shoreline Residential	Urban Conservancy	Floodway / Channel Migration Zone (CMZ)	Aquatic - Lakes
Agriculture						
Agricultural Activities	S	X	S	S	S	N/A
Agricultural Market, Agricultural Stand	S	X	X	S	X	N/A
Winery and Brewery	S	X	X	S	X	N/A
Agriculture-Industrial						
Agricultural Chemical Sales/Storage	S	X	X	X	X	N/A
Agricultural Related Industries & Storage	S	X	X	C	X	N/A
Concentrated Feeding Operation	X	X	X	X	X	N/A
Aquaculture						
Rearing						
Commercial	X	X	X	X	X	X
Non-commercial	S	S	X	C	C	S
Processing	X	X	X	X	X	X
Packing & Storage	See Industry/Manufacturing/Storage					
Boating and Private Moorage Facilities						
Boat Launches						
Private	S	X	C	X	X	See upland designation
Public/Community/Commercial	S	S	S	S	S	S
Pier/Dock						
Single-Family Residence Facility to Access Watercraft	N/A	X	S	X	X	S
Water-Dependent Commercial, Industrial, Aquaculture, Recreational, or Community Residential Use; or Public Access	S	X	S	X	X	S
Commercial and Service Development						
Retail, Trade, and Service						
Water-Oriented	S	X	X	S	X	C

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Nonwater-Oriented						
General	C	X	X	C	X	X
General + Public Benefit[1]	S	X	X	C	X	X
Separated from Shoreline	S	X	X	S	X	X
Mixed-use[4] project that includes a Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use	S	X	X	S	X	C
Outdoor manufacturing, processing and storage	S	X	X	X	X	X
Community Services and Institutional Uses						
Water-Oriented	S	S	X	S	X	C
Nonwater-Oriented						
General	C	C	X	C	X	X
Separated from Shoreline	S	S	X	S	X	N/A
Mixed-use[4] Project that Includes a Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use	S	S	X	S	X	C
Health and Social Service Facility	S	S	X	X	X	X
Mixed-Use Building[5]	S	X	X	X	X	X
Dredging and Dredge Material Disposal						
Dredging for Water-dependent Use and Public Access	N/A	C	N/A	N/A	C	C
Dredging for Existing Navigation Uses	N/A	X	N/A	N/A	X	C
Dredging for Habitat Restoration	N/A	S	N/A	N/A	S	S
Dredging, Other	N/A	X	N/A	N/A	X	X
Disposal of Dredged Material, General	S	S	X	X	X	X
Disposal of Dredged Material, General +Part of Restoration Plan	S	S	X	C	C	X
Dredging Maintenance Plan	N/A	S	N/A	N/A	S	S

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Fill						
Waterward of the OHWM, General	N/A	C	N/A	N/A	C	C
Waterward of the OHWM, General + Part of Restoration Plan	N/A	S	N/A	N/A	S	S
Upland of the OHWM, General	S	S	S	S	C	N/A
Upland of the OHWM, Part of Restoration Plan	S	S	S	S	S	N/A
Flood Hazard Reduction Measures						
Modification of Existing Flood Hazard Facilities (including relocation farther landward)	S	S	S	S	S	N/A
New Facilities	C	C	C	C	C	N/A
Forest Practices						
Forest Practices	N/A	N/A	N/A	N/A	N/A	N/A
Industry / Manufacturing / Storage						
Water-Oriented	S	X	X	C	X	C
Nonwater-Oriented						
General	C	X	X	X	X	X
General + Part of Restoration Plan, Provides Other Public Benefit[1], or Located in Degraded Area[2]	S	X	X	X	X	X
Outdoor manufacturing, processing and storage	X	X	X	X	X	X
Separated from Shoreline	S	X	X	C	X	N/A
Mixed-use[4] project that includes a Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use	S	X	X	C	X	C
In-Water Structures						
To protect public facilities	C	C	C	C	C	C
To protect or restore ecological functions	S	S	S	S	S	S
To monitor flows, water quality, or other habitat characteristics	S	S	S	S	S	S
Other	C	C	C	X	X	C

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Mining						
Surface Mining	C	X	X	X	X	X
Underground Mining	X	X	X	X	X	X
Mining for Habitat Restoration	S	S	S	S	S	S
Recreational Development						
Water-Oriented						
High-Intensity, General	S	S	S	C	C	C
High Intensity, General + Part of Restoration Plan or Located in Degraded Area[2]	S	S	S	S	S	S
Moderate-Intensity, General	S	S	S	S	C	C
Moderate-Intensity, General + Part of Restoration Plan or Located in Degraded Area[2]	S	S	S	S	S	S
Low-Intensity	S	S	S	S	S	S
Trails	S	S	S	S	S	S
Recreation Maintenance Plan	S	S	S	S	S	S
Nonwater-Oriented						
General	C	X	X	C	X	X
Sites separated from shoreline	S	X	S	S	C	N/A
Indoor	See Commercial and Service Uses					
Residential Development						
Single-Family Dwelling	S	X	S	S	X	N/A
Accessory Dwelling Unit	S	X	S	S	X	N/A
Duplex	S	X	C	C	X	N/A
Multifamily Dwelling	S	X	X	X	X	N/A
Manufactured Home Park or Subdivision[3]	C	X	X	X	X	N/A
Houseboats and Over-Water Residential Uses	N/A	X	N/A	N/A	X	X
Residential Maintenance Plan	S	N/A	S	N/A	N/A	S

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Shoreline Habitat and Natural Systems Enhancement Projects						
Shoreline Habitat and Natural Systems Enhancement Projects	S	S	S	S	S	S
Shoreline Stabilization						
Hard Stabilization	C	C	C	C	C	C
Soft Stabilization	S	S	S	C	C	S
Repair and Replacement	S	S	S	S	S	S
Signs						
On-premise for Authorized Use	S	S	S	S	S	S
Off-premise	S	S	X	X	X	X
Informational (directional, landmark, trail marker, etc.)	S	S	S	S	S	S
Transportation and Parking						
New Access Roads Serving Permitted Uses	S	S	S	S	C	N/A
Expanded Access Roads Serving Permitted Uses	S	S	S	S	S	N/A
New Highways, Freeways, Arterials & Collectors	S	S	C	C	C	C
Expanded Highways, Freeways, Arterials & Collectors	S	S	S	S	S	S
New Bridges	S	S	C	C	C	C
Expanded Bridges	S	S	S	S	S	S
Transportation Maintenance Plan	S	S	S	S	S	N/A
Transportation Maintenance Facilities	C	S	X	C	X	X
New Railways	S	S	C	C	C	C
Expanded Railways	S	S	S	S	S	S
Parking for Authorized Use	Reviewed as part of authorized use.					
Park and Ride lots and Similar Stand Alone Parking	C	S	X	X	X	X
Utilities						
Utility Services Accessory to Individual Shoreline Projects	Reviewed as part of authorized use.					

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Utility Services to Projects outside Shoreline Jurisdiction	S	S	S	S	C	C
New Power Generating Facilities	C	C	X	C	X	C
Expanded Power Generating Facilities	S	S	X	C	X	C
Utility Transmission Lines	S	S	C	C	C	C
New Utility Services, General	C	C	C	C	C	C
Expanded Utility Services, General	S	S	S	S	C	C
Utility Maintenance Plan	S	S	S	S	S	S
Wastewater Treatment Facility	C	S	X	C	C	X
Wastewater Treatment Facility+ Part of Restoration Plan or Located in Degraded Area[2]	S	S	X	S	S	X

[1] Public benefit = public access for substantial numbers of persons or shoreline ecological restoration.

[2] Degraded Area = improved rights of way, levees, previously legally degraded land, or existing impervious area.

[3] Construction of a manufactured home on an existing lot is permitted as a "Single-family Dwelling."

[4] In this context, "mixed-use" means a shoreline development that includes and supports a water-dependent use.

[5] "Mixed-use building" means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

17.03.080 Development Standards

A. There shall be a thirty-five (35) foot maximum building height for all structures, except that utility towers and poles, water treatment towers, wastewater treatment facilities and bridges are not required to meet this standard. To exceed 35 feet, an applicant must apply for a Shoreline Variance, and comply with the following criteria in addition to standard Shoreline Variance criteria:

   1. Demonstrate overriding considerations of the public interest will be served

   2. Demonstrate that the proposal will not obstruct the view of a substantial number of residences on areas adjoining such shorelines or impair views from public lands or impair scenic vistas to the Yakima Greenway or Naches River or associated lakes.

B. Minimum shoreline lot frontage shall be consistent with underlying zoning and be no less in width than the following by shoreline environment:

1. High Intensity, Essential Public Facilities: 35 feet
2. Shoreline Residential: 50 feet
3. Urban Conservancy, Floodway/CMZ: 60 feet

C. Shoreline buffers: See YMC 17.09.030.

D. Minimum structures setback from side property lines in shoreline jurisdiction shall be consistent with the underlying zoning and no less than 5 feet.

17.03.090 Official Shoreline Maps and Unmapped or Undesignated Shorelines

A. The shoreline jurisdiction and environment designations established by this title are shown on the official Shoreline Jurisdiction and Environment Designations Map for the Yakima urban growth area. The official Shoreline Jurisdiction and Environment Designations Map, together with all the explanatory material thereon, is adopted by reference and declared to be a part of this SMP. The electronic files of the official map will be considered the official version and may be updated administratively or through an SMP amendment as indicated in YMC 17.03.090.B, C and D below. The Department of Ecology will be provided with electronic files of the official map when any updates are made. Minor mapping errors corrected administratively shall not be greater than 1.0 acre in size. If greater than 1.0 acre in size, a SMP amendment shall be completed within three years of finding the mapping error.

B. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline waterbody related to site-specific surveys of ordinary high water mark, floodway, channel migration zones, and/or floodplain are automatically assigned the category of the contiguous waterward shoreline environment designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall be assigned an Urban Conservancy environment designation. Correction of these minor mapping inaccuracies may be made and incorporated into the official Shoreline Jurisdiction and Environment Designations Map without an SMP amendment.

C. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned an Urban Conservancy designation until the shoreline can be redesignated through an SMP amendment process conducted consistent with WAC 173-26-100 and YMC 17.13.140.

D. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and ordinary high water mark determinations are valid for five years from the date they are assessed and flagged in the field. After five years has elapsed, the City shall determine whether a revision or additional assessment is necessary. Floodplain and floodway boundaries should be assessed using FEMA maps or the most current, accurate, and complete scientific and technical information available.

E. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction shall not be subject to the requirements of this SMP. Revisions to the official Shoreline Jurisdiction and Environment Designations Map may be made as outlined in this section E without an SMP amendment.

17.03.100 Pre-Designation

The City of Yakima has adopted shoreline environment pre-designations for shorelines located outside of city limits but within the City's urban growth area. In the event of annexation of a shoreline, the affected area shall be subject to the Yakima Shoreline Master Program upon the effective date of the annexation.

The City has also adopted shoreline environment pre-designations for Buchanan Lake and its future associated shorelands. In the event that the Washington Department of Natural Resources Surface Mine Reclamation Permit lapses or is terminated, or when the City receives a permit application for new development on or uses of Buchanan Lake, Buchanan Lake shall be considered a shoreline waterbody and will be subject to this SMP.

CHAPTER 17.05 GENERAL REGULATIONS

17.05.010 Archaeological and Historic Resources

A. The City shall require that permits issued in areas documented to contain archaeological resources or located within an area classified as "high risk and/or very high risk" for archaeological resources based on the Washington State Department of Archaeology and Historic Preservation (DAHP) predictive model require a site inspection or evaluation by a professional archaeologist. Auger tests may be required before construction and representatives of DAHP and Yakama Nation may be invited to observe any tests and construction work, and will be provided the results of such tests. If auger or historical data indicate probable presence of cultural resources which may be disturbed by excavation, the City shall meet the shoreline permit applicant and may impose conditions on any shoreline permit to assure that such resources are protected, preserved or collected.

B. Developers and property owners shall immediately stop work and notify the City, DAHP, and the Yakama Nation if archaeological resources are uncovered during excavation. Following such notification, the City may follow the provisions of subsection C.

C. Where a professional archaeologist or historian, recognized by the State of Washington, has identified an area or site as having significant value, or where an area or site is listed in national, state or local historical registers, or where the DAHP predictive model identifies the area as having "high risk and/or very high risk" for archaeological resources, the City shall require an evaluation of the resource, and appropriate conditions, which may include preservation and/or retrieval of data, proposal modifications to reduce impacts, or other mitigation authorized through the State Environmental Policy Act, or other local, state, or federal laws.

17.05.020 Environmental Protection

A. Ecological Functions. Uses and developments on City of Yakima shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. Uses and developments must not have an unmitigated significant adverse impact on other shoreline functions fostered by this SMP.

B. Protection of Critical Areas and Critical Areas Buffers. Critical areas, critical area buffers, and shoreline buffers must be protected in accordance with the provisions of Chapter 17.09, Critical Areas in Shoreline Jurisdiction.

C. Mitigation Requirement. If a proposed shoreline development, use or modification is entirely addressed by specific, objective standards (such as setback distances, pier dimensions, or materials requirements) contained in this SMP, only then is a mitigation sequencing analysis described in YMC 17.05.010.D not required. In the following circumstances, the applicant must provide the mitigation sequencing analysis described in YMC 17.05.020.D:

1. if a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action if feasible or requiring the minimization of development size) contained in this Chapter, then the mitigation sequencing analysis is required for the discretionary standard(s); or
2. when an action requires a Shoreline Conditional Use Permit or Shoreline Variance Permit; or
3. when specifically required by regulations contained in Chapters 17.05, 17.07 and 17.09 of this SMP.

D. Mitigation Sequence. In order to ensure that development activities contribute to meeting the no net loss of ecological functions provisions by avoiding, minimizing, and mitigating for adverse impacts to ecological functions or ecosystem-wide processes, an applicant required to complete a mitigation analysis pursuant to YMC 17.05.020.C must describe how the proposal will follow the sequence of mitigation as defined below:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;
4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitor the impact and the compensation projects and take appropriate corrective measures.

E. Mitigation Plan. All proposed alterations to shoreline jurisdiction that may have adverse effects on ecological functions require mitigation sufficient to provide for and maintain the functions and values of the shoreline area or to prevent risk from a critical areas hazard. The applicant must develop and implement a mitigation plan prepared by a qualified professional. Mitigation in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required by the City of Yakima, but may be voluntarily performed by an applicant. In addition to any requirements found in Chapter 17.09, Critical Areas in Shoreline Jurisdiction, a mitigation plan must include:

1. An inventory and assessment of the existing shoreline environment including relevant physical, chemical and biological elements;
2. A discussion of any federal, state, or local management recommendations which have been developed for critical areas or other species or habitats located on the site;

3. A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;
4. A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed;
5. Scaled drawings of existing and proposed conditions, materials specifications, and a minimum three-year maintenance and monitoring plan, including performance standards;
6. A contingency plan if mitigation fails to meet established success criteria; and
7. Any additional information necessary to determine the adverse impacts of a proposal and mitigation of the impacts.

F. Alternative Mitigation. To provide for flexibility in the administration of the ecological protection provisions of this SMP, alternative mitigation approaches may be approved within shoreline jurisdiction where such approaches provide increased protection of shoreline ecological functions and processes over the standard provisions of this SMP and are scientifically supported.

17.05.030 Shoreline Vegetation Conservation

A. Vegetation conservation standards do not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

B. Vegetation within shoreline buffers, other stream buffers, wetlands and wetland buffers, WDFW-mapped priority habitats and species areas, and other critical areas must be managed consistent with YMC Chapter 17.09 - Critical Areas in Shoreline Jurisdiction. Regulations specifying establishment and management of shoreline buffers (buffers associated with Type 1 streams and shoreline lakes) are located in YMC 17.09.030, Fish and Wildlife Habitat and the Stream Corridor System.

C. Other vegetation within shoreline jurisdiction, but outside of shoreline buffers, other stream buffers, wetlands and wetland buffers, and other WDFW-mapped priority habitats and species areas, must be managed according to YMC 17.05.010, Environmental Protection, and any other regulations specific to vegetation management contained in this SMP and City of Yakima Code.

D. Vegetation clearing must be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP and City of Yakima Code. Mitigation sequencing per YMC 17.05.020.D must be applied unless specifically excluded by this SMP, so that the design and location of the structure or development minimizes native vegetation removal. The City may approve modifications or require minor site plan alterations to achieve maximum tree retention.

E. Where vegetation removal conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations are required to develop and implement a supplemental mitigation plan. Adverse impacts are assumed to result from:

1. removal of native trees and shrubs,
2. removal of non-native trees or shrubs that overhang aquatic areas or stabilize slopes, or

3. removal of native or non-native trees or shrubs that disrupts an existing vegetation corridor connecting the property to other critical areas or buffers.

Mitigation plans must be prepared by a qualified professional and must contain information required in YMC 17.05.010.E. Mitigation measures must be maintained over the life of the use or development, and must include compensation for temporal loss of function and the restoration of specific functions adversely impacted by the vegetation removal. Removal of invasive species does not require mitigation, but the removal site must be managed as outlined in YMC 17.05.030.I below to avoid and minimize potential adverse impacts.

F. Shoreline vegetation may be removed to accommodate a temporary staging area when necessary to implement an allowed use or modification, but mitigation sequencing must be utilized and the area must be immediately stabilized and restored with native vegetation once its use as a staging area is complete.

G. Where a tree poses a safety hazard, it may be removed or converted to a wildlife snag if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. If a safety hazard cannot be easily determined by the City, a written report by a certified arborist or other qualified professional is required to evaluate potential safety hazards.

H. Selective pruning of trees for views is allowed. Selective pruning of trees for views does not include removal of understory vegetation, and must not compromise the health of the tree.

I. Hand removal or spot-spraying of invasive species or noxious weeds on shorelands outside of steep or unstable slope areas is encouraged. Where noxious weeds and invasive species removal results in bare soils that may be subject to erosion or recolonization by invasive species, the area must be stabilized using best management practices and replanted with native plants.

J. Aquatic weed control may only be permitted where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent recreational use. Aquatic weed control efforts must comply with all applicable laws and standards. Removal using mechanical methods is preferred over chemical methods.

17.05.040 Water Quality, Stormwater, and Nonpoint Pollution

A. Do not degrade ecological functions. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that there is no net loss of ecological functions.

B. Do not degrade views and recreation opportunities. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that significant impacts to aesthetic qualities or recreational opportunities do not occur. A significant impact to aesthetics or recreation would occur if a stormwater facility and appurtenant structures such as fences or other features have the potential to block or impair a view of shoreline waters from public land or from a substantial number of residences per RCW 90.58.320, or if water quality were visibly degraded such that the color and character were unattractive and discouraged normal uses such as swimming, fishing, boating, or viewing.

C. Requirements for new development.

1. New development and re-development shall manage short-term and long-term stormwater runoff to avoid and minimize potential adverse affects on shoreline ecological functions through compliance with the latest edition of the Stormwater Management Manual for Eastern Washington or approved local equivalent if applicable to the project. If certain thresholds are not met by a development that trigger compliance with the Stormwater Management Manual or approved local equivalent, best management practices (BMPs) must still be employed to avoid and minimize potential adverse effects.
2. When the Stormwater Management Manual applies, deviations from the standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

D. Chemical applications. Pesticides, herbicides, and fertilizers should be applied in a manner which minimizes direct or indirect entrance into nearby waters. Application of pesticides intended to abate mosquitoes or similar water-related infestations should be administered in accordance with Environmental Protection Agency standards.

E. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.

1. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to an existing municipal sewer service system if feasible, or make system corrections approved by Yakima Public Health.
2. Any new development, business, single-family or multi-family unit will be required to connect to an existing municipal sewer service system if feasible, or install an on-site septic system approved by Yakima Public Health.

F. Materials requirements. All materials that may come in contact with water shall be untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals.

G. Low Impact Development (LID). Use of the most current version of the Yakima Region Low Impact Development (LID) Stormwater Design Manual throughout the various stages of development, including site assessment, planning and design, site preparation, construction, and ongoing management, is encouraged.

17.05.050 Public Access

A. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.

B. The City shall not vacate any road, street, or alley abutting a body of water except as provided under RCW 35.79.035.

C. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality. Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be compatibly designed to meet needs of affected parties including, but not limited to, the landowner and the public.

D. Applications that access or are part of properties owned by Yakima County shall submit documentation of County approval prior to submittal to the City.

E. Public access does not include the right to enter upon or cross private property, except on dedicated public rights-of-way or easements or where development is specifically designed to accommodate public access.

F. Except as provided in subsection G below, shoreline substantial developments and shoreline conditional uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

1. the development is proposed by a public entity or on public lands, or is a publicly financed erosion control measure ;
2. the nature of the proposed use, activity or development will likely generate a public demand for one or more forms of physical or visual access to the shoreline;
3. the proposed use, activity or development is not a water-oriented or other preferred shoreline use, activity or development under the Act, such as a nonwater-oriented commercial or industrial use; or
4. the proposed use, activity or development will interfere with the public use, activity and enjoyment of shoreline areas or waterbodies subject to the public trust doctrine (see definition YMC 17.01.090).

G. An applicant shall not be required to provide public access where the City determines that one or more of the following conditions apply:

1. reasonable, safe and convenient public access to the shoreline is accessible within one-quarter mile (1,320 feet) of the site, or the City's adopted parks and recreation plans do not indicate a need for a trail or access at the property;
2. the site is within or part of an overall development which has previously provided public access through other application processes;
3. the economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity or development;
4. the proposed use, activity or development only involves the construction of four or fewer single-family or multifamily dwellings;
5. the proposed use, activity or development only involves agricultural activities;
6. the proposal consists of a new or expanded road or utility crossing through shoreline jurisdiction serving development located outside of shoreline jurisdiction;
7. the nature of the use, activity or development or the characteristics of the site make public access requirements inappropriate due to health, safety or environmental hazards based on evidence provided in the proposed application;
8. the proposed use, activity or development has security requirements that are not feasible to address through the application of alternative design features or other measures;

9. significant and unmitigable harm to the shoreline environment would be likely to result from an increase, expansion or extension of public access upon the site;

10. public access is deemed detrimental to threatened and/or endangered species under the Endangered Species Act.

H. Public Access Standards. When public access is provided, the following standards shall apply.

1. Physical public access is preferred to solely visual access. Where physical public access is not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.

2. Physical public access shall be designed to connect to existing or future public access features on adjacent or abutting properties, or shall connect to existing public rights-of-way or access easements, consistent with design and safety standards.

3. Public access proposals shall be designed consistent with parks and recreation standards or plans contained in applicable City, County, State, or Federal codes or approved plans.

I. Shared community access may be allowed if there is no existing or planned public access along the shoreline as determined by a review of adopted parks and recreation plans. Where provided, community access is subject to all applicable development standards of this section.

J. Off-site public access, either physical or visual, may be permitted by the City where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, or feasibility are present. Off-site public access is preferred where it implements adopted City, County, or Yakima Greenway parks and recreation plans. Off-site public access may include, but is not limited to, enhancing a nearby public property (e.g. existing public recreation site; existing public access; road, street or alley abutting a body of water; or similar) in accordance with City standards; providing, improving or enhancing public access on another property under the control of the applicant/proponent; or another equivalent measure.

K. The City may condition public access proposals to ensure compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, and/or address compatibility with adjacent properties. Public access facilities shall be made compatible with adjacent private properties through the use of techniques to define the separation between public and private space.

17.05.060 Flood Hazard Reduction

A. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, including YMC 17.09.020, as well as applicable guidelines of the Federal Emergency Management Agency and an approved comprehensive flood hazard management plan.

B. The channel migration zone (CMZ) is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). A Regulatory Channel Migration Zone Map is adopted by reference and declared to be a part of this SMP. Applicants for shoreline development or modification may submit

a site-specific channel migration zone study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The CMZ study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.

C. The following uses and activities may be authorized within the CMZ or floodway:

1. New development or redevelopment on or landward of existing legal structures, such as levees, that prevent active channel movement and flooding.

2. Development of new or expansion or redevelopment of existing bridges, public stormwater facilities and outfalls, and other public utility and transportation structures, including trails, where no other feasible (see definition in YMC 17.01.090) alternative exists or the alternative would result in unreasonable and disproportionate costs (see definition in YMC 17.01.090). The evaluation of cost differences between options within the CMZ or floodway and outside of the CMZ or floodway shall include the cost of design, permitting, construction and long-term maintenance or repair. Where such structures are allowed, mitigation shall address adversely impacted functions and processes in the affected shoreline.

3. Development of new or expansion or redevelopment of existing utility lines where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. The evaluation of cost differences between options within the CMZ or floodway and outside of the CMZ or floodway shall include the cost of design, permitting, construction and long-term maintenance or repair. Where such structures are allowed, mitigation shall address adversely impacted functions and processes in the affected shoreline. When the primary purpose of a utility 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 floodway 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 non-hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four (4) 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 the City of Yakima, which shall assume the conditions of a one-hundred (100) 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 this Title;

d. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features; and,

e. Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous 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 one-hundred (100) year flood level, 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 (C)(3) above.

4. New or redeveloped measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.

5. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

6. Water-dependent installations which by their very nature must be in the floodway. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing (Examples of water-dependent installations are: docks and boat launches; dams for domestic/industrial water supply; wastewater treatment and collection systems; 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; 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 Chapter and Title)

7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.

8. Repair and maintenance of existing legally established use and developments, provided that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.

9. Existing and ongoing agricultural activities provided that no new restrictions to channel movement are proposed.

D. Existing structural flood hazard reduction measures, such as levees, may be repaired and maintained as necessary to protect legal uses on the landward side of such structures. Increases in height of an existing levee, with any associated increase in width, that may be needed to prevent a reduction in the authorized level of protection of existing legal structures and uses shall be considered an element of repair and maintenance.

E. Flood hazard reduction measures shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, or undermine existing structures or downstream banks.

F. New development in shoreline jurisdiction, including the subdivision of land, shall not be permitted if it is reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

G. New public and private structural flood hazard reduction measures:

1. shall be approved when a scientific and engineering analysis demonstrates the following:

a. that they are necessary to protect existing development;

b. that nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use or structure removal or relocation, biotechnical measures, and stormwater management programs are not feasible;

c. that 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;

d. that the ability of natural drainage ways to adequately drain floodwaters after a flooding event is not impaired;

e. that 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; and,

f. that adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.

2. shall be consistent with an approved comprehensive flood hazard management plan.

3. shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the Shoreline Administrator.

H. All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance, and repairs for the life of the project.

I. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and

unmitigable significant adverse ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development. Setbacks of existing levees are not considered "new" structural flood hazard reduction measures for purposes of this regulation.

J. In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in state, federal or other flood hazard agency documents governing city-authorized, legal flood hazard reduction measures, the vegetation requirements of this SMP will not apply. However, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications, and shall comply with all other provisions of this section and this SMP that are not strictly prohibited by the approving flood hazard agency.

K. The removal of gravel or other riverbed material for flood management purposes shall be consistent with YMC 17.07.050, Dredging and Dredge Material Disposal, and be allowed only after a biological and geo-morphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

L. Roads shall be located outside the floodway, except necessary crossings which shall be placed perpendicular to the waterbody as much as is physically feasible. New transportation facilities shall be designed so that the effective base flood storage volume of the floodplain is not reduced. The applicant shall provide all necessary studies, reports and engineering analysis which shall be subject to review and modification by the City. If proposed transportation facilities effectively provide flood control, they shall comply with policies and regulations of this section.

M. In recognition of the significant benefits of levee setbacks, maximum flexibility of Title 17, including Chapter 17.09 Critical Areas, should be granted when existing structural flood hazard reduction measures are proposed for relocation landward of the existing flood hazard reduction measure. Existing public access or recreation facilities that need to be relocated to accommodate the relocated flood hazard reduction measure shall be allowed to be reconstructed in the floodway or channel migration zone provided they do not further limit channel migration or increase flood hazards.

CHAPTER 17.07 USE-SPECIFIC AND MODIFICATION REGULATIONS

17.07.010 Agriculture

A. 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.

B. The provisions of this SMP do not limit or require modification of agricultural activities on agricultural lands as of the date of adoption of the SMP.

C. SMP provisions shall apply in the following cases:

1. new agricultural activities on land not meeting the definition of agricultural land;
2. expansion of agricultural activities on non-agricultural lands or conversion of non-agricultural lands to agricultural activities;
3. conversion of agricultural lands to other uses;

4. other development on agricultural land that does not meet the definition of agricultural activities; and
5. agricultural development and uses not specifically exempted by the Act.

D. Concentrated animal feeding operations (see definition in YMC 17.01.090) are prohibited in shoreline jurisdiction.

E. New agricultural activities and facilities shall utilize best management practices established by the USDA Natural Resources Conservation Service or other similar agency.

F. Development in support of agricultural uses shall be consistent with the environment designation intent and management policies, located and designed to assure no net loss of ecological functions, and shall not have a significant adverse impact on other shoreline resources and values.

17.07.020 Aquaculture

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

A. All structures located within waterbodies 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.

B. Aquaculture facilities shall be designed and located to avoid significant conflict with water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities.

C. New aquaculture proposals shall comply with mitigation sequencing requirements as outlined in YMC 17.05.020.D, and with all other general standards in YMC Chapter 17.05. Aquaculture activities that would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions, shall be prohibited.

D. Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Therefore, some latitude in the development of this use should be given, while the potential impacts on existing uses and natural systems are recognized.

E. Aquaculture that supports recovery of endangered or threatened fish species or supports public or community recreation is encouraged provided it is conducted within the bounds of subsections A through C.

17.07.030 Boating and Private Moorage Facilities

A. All boating facilities and residential moorage structures shall be the minimum size necessary to meet the needs of the use.

B. 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. Docks associated with single-family residences are defined as water-dependent uses provided they are designed and intended as a facility for access to watercraft.

C. 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.

D. Docks, piers, and any other over-water structures for purposes of temporary or permanent boat moorage, are prohibited in free-flowing streams and rivers.

E. Public, commercial, industrial, or community residential boating facilities shall:

1. comply with the health, safety and welfare standards of State and local agencies for such facilities;
2. be so located and designed as not to obstruct or cause danger to normal public navigation of waterbodies, if applicable;
3. be restricted to suitable locations;
4. avoid or mitigate for aesthetic impacts;
5. mitigate impacts to existing public access and navigation, if applicable;
6. provide documentation of ownership or authorization to use associated water areas;
7. 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; and
8. submit an operations and site plan demonstrating:
    a. location and design of fuel handling and storage facilities to minimize accidental spillage and protect water quality;
    b. proper water depth and flushing action for any area considered for overnight or long-term moorage facilities;
    c. adequate facilities to properly handle wastes from holding tanks;
    d. that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, and access; and
    e. adequate access, parking, and restroom facilities for the public when required or appropriate. Such facilities should be located away from the immediate water's edge.

F. Private residential docks.

1. Aspen Lake: the maximum length of docks is 8 feet measured perpendicular from the OHWM, and no new dock may be situated directly across from an existing dock.
2. Willow Lake: the maximum length of docks is 12 feet measured perpendicular from the OHWM.

G. Boat Launches.

1. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration for site-specific conditions and the particular needs of that use. At a minimum, they shall minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.
2. New boat launch facilities shall be approved only if they provide public access to public waters that are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity. Prior to providing boat launch facilities at a

new location, documentation shall be provided demonstrating that expansion of existing launch facilities is not feasible or would not be adequate to meet a specific recreation or safety-related demand.

17.07.040 Commercial and Service Development

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

A. Water-dependent commercial development shall be given priority over nonwater-dependent commercial uses. Secondarily, water-related and water-oriented uses shall be given priority over nonwater-oriented commercial uses.

B. Application for new commercial or community services shall demonstrate either:

   1. How the use qualifies as a water-oriented use and how facilities function as such, or;

   2. The use is part of a mixed-use project that includes water-dependent uses, or;

   3. Navigability is severely limited at the proposed site, and the use will provide a significant public benefit towards meeting SMA objectives, such as providing public access consistent with YMC 17.05.040 and ecological restoration, or;

   4. That a nonwater-oriented use is physically separated from the shoreline by either a public right-of-way or a separate parcel.

C. Mixed-use buildings, as defined in YMC 17.01.090, may be allowed subject to compliance with all of the following criteria:

   1. The project includes one or more water-dependent uses.

   2. Water-dependent commercial uses as well as other water-oriented commercial uses have preferential locations along the shoreline.

   3. The underlying zoning district permits residential uses together with commercial uses.

   4. Public access is provided for substantial numbers of persons in accordance with YMC 17.05.050 and ecological restoration is provided as a public benefit. The Shoreline Administrator shall interpret substantial numbers of persons consistent with the Act, SMP Guidelines, and Shorelines Hearings Board cases.

   5. Residential uses meet requirements of YMC 17.07.130.

D. If required by YMC 17.05.040, commercial and community services uses shall be designed to facilitate public access to and enjoyment of nearby shoreline areas.

E. Nonwater-oriented commercial uses shall not be allowed over water in any shoreline environment unless they are accessory to and support water-dependent uses.

17.07.050 Dredging and Dredge Material Disposal

A. Siting and design. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

B. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts, and impacts which cannot be avoided shall be mitigated in a manner

that assures no net loss of shoreline ecological functions. Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.

C. Dredging shall be permitted for the following activities when significant ecological impacts are minimized and when mitigation is provided:

1. Establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
2. Maintenance dredging of established navigation channels and basins, provided dredging is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
3. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
4. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
5. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
6. Reduction of flood hazards.

D. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.

E. Use of dredged material for the purpose of ecological restoration is encouraged.

F. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone is discouraged. In the limited instances where it is allowed, such disposal requires a Shoreline Conditional Use Permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

G. Hydraulic dredging (see definition in YMC 17.01.090) or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.

H. Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.

I. 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.

J. The City may approve five-year management plans addressing maintenance dredging, use of best management practices, and other measures to assure no net loss of shoreline ecological functions.

K. All applications for Shoreline Permits that include dredging shall supply a dredging plan that includes the following information:

1. The quantity of material to be removed.
2. The method of removal.
3. Location of spoil disposal sites and measures that will be taken to protect the environment around them.
4. Plans for the protection and restoration of the shoreline environment during and after dredging operations.

L. A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a Shoreline permit.

17.07.060 Fill

A. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Any adverse impacts to shoreline ecological functions shall be mitigated.

B. Permissible fill in sensitive areas, including fill within wetlands, floodways, channel migration zones, or waterward of the OHWM, shall only be permitted in limited instances for the following purposes and when other required state or federal permits have been obtained, with due consideration given to specific site conditions, and only along with approved shoreline use and development activities that are consistent with this SMP, such as:

1. Water-dependent uses, public access, and cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
2. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers (see YMC 17.07.060 of this SMP);
3. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible;
4. Ecological restoration or enhancement when consistent with an approved restoration plan;
5. Maintenance or installation of flood hazard reduction measures consistent with a comprehensive flood hazard management plan and YMC 17.05.060, Flood Hazard Reduction.
6. Protection of cultural or historic resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills must be coordinated with the Yakama Nation and comply with applicable provisions of YMC 17.05.010 of this SMP.

All fills waterward of the OHWM not associated with ecological restoration, flood control or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

C. Permissible upland fill. All other upland fill is permitted, provided it:

1. Is conducted outside applicable buffers, unless specifically allowed in buffers;
2. Is part of an approved shoreline use or modification, or is necessary to provide protection to cultural or historic resources;
3. Is the minimum necessary to implement the approved use or modification;

4. Is planned to fit the topography so that minimum alterations of natural conditions will be necessary;
5. Does not adversely affect hydrologic conditions or increase the risk of slope failure; and
6. Is consistent with applicable provisions of Chapter 17.09, particularly regulations governing floodways and 100-year floodplains.

D. Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the shoreline area. Other alternatives shall be preferred over fill to elevate new structures in the floodplain, such as use of pile or pier supports, posts, columns, other zero-rise methods, or increasing foundation height.

E. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material obtained from a State-certified source, with a minimum potential to degrade water quality and meeting the specifications included in project plans approved by local, state and federal review agencies.

F. Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.

G. Erosion control. A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the Stormwater Management Manual for Eastern Washington, or the most recent adopted stormwater manual, shall be provided for all proposed fill and excavation activities, and approved by the Shoreline Administrator prior to commencement of activity. Disturbed areas shall be immediately protected from erosion using weed-free straw, mulches, hydroseed, or similar methods and revegetated, as applicable.

H. Projects that propose fill shall make every effort to acquire fill onsite (also known as compensatory storage) where appropriate.

I. Fill should not obstruct, cut off, or isolate stream corridor features.

17.07.070 Industry

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

A. Water-dependent uses shall be given preference over nonwater-dependent uses. Water-oriented industrial uses shall be given preference over nonwater-oriented uses.

B. Facilities and structures shall be designed and screened with vegetation to minimize degradation of shoreline aesthetic qualities.

C. The location, design, and construction of industrial uses and redevelopment are required to demonstrate no net loss of ecological functions and that significant adverse impacts to other shoreline resources and values are avoided. Industries which have proven to be environmentally hazardous are prohibited from locating along the shorelines provided such industries may be allowed consistent with the Shoreline Use and Modification Matrix (Table 03.070-1) if a hazard mitigation plan is approved by the Shoreline Administrator upon a finding that the plan would adequately mitigate hazards and provide for no net loss of ecological function. If the plan is found insufficient for protection of the shoreline environment, the Shoreline Administrator may require a third-party review of the hazard mitigation plan at the applicant's expense.

D. New industrial uses and redevelopment of industrial uses shall provide for environmental cleanup and restoration in degraded or contaminated locations.

E. Application for new industrial activities shall demonstrate either:

1. How the use qualifies as a water-oriented use and how facilities function as such, or;
2. That a nonwater-oriented use is part of a mixed-use development that includes a water-dependent use, or;
3. Navigability is severely limited at the proposed site and the use will provide a significant public benefit towards meeting SMA objectives, such as providing public access and ecological restoration, or;
4. That a nonwater-oriented use is physically separated from the shoreline by either a public right-of-way or a separate parcel.

F. New or expanded industrial developments shall be required to make adequate provisions for public and private visual and physical shoreline access unless such a requirement would interfere with operations or create hazards to life or property or another exception is met consistent with YMC 17.05.040.

17.07.080 In-Water Structures

A. Prohibited and allowed projects. Projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, result in a net loss of ecological functions, or result in high flood stages and velocities are prohibited. Structures waterward of the ordinary high-water mark allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

B. Soil stabilization. Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be stabilized with bioengineering approaches, including, but not limited to brush matting and buffer strips and revegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes. In order to ensure soil stabilization, revegetation must include native shrubs or trees and may not be limited to native grasses.

C. Water quality. In-water structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City shall require conditions to achieve this objective.

D. Prohibited structures. In-water structures may not utilize components other than those designed expressly for the approved in-water use.

E. Natural features. Natural in-water features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.

F. Protect functions, processes and cultural resources. In-water structures shall 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, hydrogeological processes, and natural scenic vistas. The location and planning of in-water structures shall 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.

G. Design. In-water structures shall be designed by a qualified professional as determined by the Shoreline Administrator. In-water structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided channels. In-water structures shall not be a safety hazard or obstruct water navigation as determined by the Shoreline Administrator.

H. Permits. Construction of in-water structures may not commence without having obtained all applicable Federal, State, and local permits and approvals.

I. Public access. Design of in-water structures by public entities, including the City, other local governments, state and federal agencies, and public utility districts, shall include access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, unmitigatable ecological impacts, unavoidable conflicts with proposed uses, or unreasonable cost. At a minimum, in-water structures should not decrease public access or use potential of shorelines.

17.07.090 Mining

The following provisions shall apply to commercial mining within shoreline jurisdiction. Processing and other activities that occur off-site or after active mineral extraction has concluded on-site are also regulated as an industrial use (see YMC 17.07.070):

A. Prior to the authorization of a commercial mining operation, the project proponent shall provide maps to scale which illustrate the following:

   1. The extent to which excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation;

   2. The location, extent and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation;

   3. The description, location, and extent of any proposed subsequent use that would be different than existing uses.

B. 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, except wetlands which shall be mitigated according to guidance in the Washington State Department of Ecology’s Wetland Mitigation in Washington State, Parts 1 and 2 (March 2006 or as updated).

C. Except where authorized by the City in consultation with the State Department of Fish and Wildlife and Department of Ecology, the following shall apply:

   1. The excavation zone shall be located a minimum of one hundred feet upland from the ordinary high water mark (OHWM) of the stream channel.

   2. Equipment shall not be operated, stored, refueled, or provided maintenance within one hundred feet of the OHWM.

   3. Washing, crushing, screening, or stockpiling of mined materials shall not occur within one hundred feet of the OHWM.

D. Mining proposals shall be consistent with the Washington Department of Natural Resources Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).

E. Additional Shoreline Standards for Industrial Mining -

1. Applicants shall submit a mining and reclamation plan to the Shoreline 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 to be insufficient for protection or restoration of the shoreline environment shall cause denial of a Shoreline permit.

2. Mining stockpiles shall be sited in such a manner so as to avoid damage or loss resulting from flooding.

3. 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.

17.07.100 Recreational Development

The following provisions apply to any development, construction, or use of land or water for recreational purposes within Shoreline jurisdiction, whether public or commercial.

A. Recreational activities must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.

B. The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.

C. Recreational uses and facilities located within shoreline jurisdiction shall include features that relate to access, enjoyment and use of the water and shorelines of the state. Access to recreational areas should emphasize both consolidated park or open space areas and trail access. Linkage of shoreline parks and public access points by means of linear access should be encouraged.

D. Different uses within a specific recreational facility must be compatible with each other.

E. Commercial components of the use that are not explicitly related to the recreational operation must also conform to the Commercial use standards of YMC 17.07.050 (Commercial and Service Development).

F. Recreational development shall demonstrate achievement of no net loss of ecological functions.

G. Applicants may apply for a multiyear recreation maintenance plan for exempt and non-exempt repair and maintenance activities consistent with YMC 17.07.170.

17.07.110 Residential Development

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

A. New multiunit development, plats or subdivisions containing land adjacent to publicly owned or controlled bodies of water shall allow for pedestrian access to such waterbodies for residents and the public consistent with YMC 17.05.040.

B. Residential development and preliminary plats shall contain plans indicating how shoreline vegetation will be preserved and erosion controlled. A vegetation protection and/or erosion control plan shall demonstrate adequate protection of vegetation and avoidance of soil erosion. If the plan is found insufficient for protection of the shoreline environment the Shoreline Administrator may require a third-party review at the applicant's expense.

C. Applications for new shoreline residences shall ensure that shoreline stabilization and flood control structures are not necessary to protect proposed residences. A geotechnical analysis (see definition in YMC 17.01.090) shall be provided to demonstrate that such structures are unnecessary to protect proposed residences; this study may be waived by the Shoreline Administrator if a study or information provided by the USACE, FEMA, Ecology, or other agency exists and provides sufficient information to conclude that shoreline stabilization and flood control structures are not necessary.

D. New floating residences and over-water residential structures shall be prohibited in shoreline jurisdiction.

E. Private lake owners or homeowners associations may apply for a multiyear residential maintenance plan for exempt and non-exempt repair and maintenance activities consistent with YMC 17.07.170.

F. Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

17.07.120 Shoreline Habitat and Natural Systems Enhancement Projects

A. Applicability. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring or enhancing habitat for priority species in shorelines. Such projects may include shoreline modification actions such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. This section does not apply to mitigation.

B. Approved plan. Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan.

C. Protect adjacent resources. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

D. Maintenance and monitoring. Long-term maintenance and monitoring (minimum of three years, but preferably longer) shall be arranged by the project applicant and included in restoration or enhancement proposals.

E. Adverse affects. Shoreline restoration and enhancement may be allowed if the project applicant demonstrates that no significant adverse changes to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.

F. Use of best information and BMPs. Shoreline restoration and enhancement projects shall be designed using the best available scientific and technical information, and implemented using best management practices.

G. Public use of waters and lands. Shoreline restoration and enhancement shall not interfere with lands or waters dedicated specifically for public use, as determined by the Shoreline Administrator, without appropriate mitigation. For projects on state-owned aquatic lands, project proponents must coordinate with the Washington Department of Natural Resources to ensure the project will be appropriately located prior to the solicitation of permits from regulatory agencies.

H. Relief for OHWM shifts. Applicants seeking to perform restoration projects are advised to work with the City to assess whether and how the proposed project is allowed relief under RCW 90.58.580, in the event that the project shifts the OHWM landward.

17.07.130 Shoreline Stabilization

A. Shoreline stabilization projects shall be allowed only where there is evidence of erosion which clearly represents a threat to existing property, structures, uses or facilities, and which stabilization will not jeopardize other upstream or downstream properties. A geotechnical analysis must estimate time frames and rates of erosion and report on the urgency associated with the specific situation. New hard shoreline stabilization solutions to protect primary structures shall 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 shoreline erosion in the absence of such 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 the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

B. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics.

C. Stabilization projects shall be developed under the supervision of, or in consultation with, agencies or professionals with appropriate expertise.

D. Stabilization projects shall be limited in size to the minimum protective measures necessary, and shall use measures designed to assure no net loss of shoreline ecological functions and avoidance and minimization of impacts to sediment transport processes. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

E. The use of fill to restore lost land may accompany stabilization work, provided the resultant shore does not extend beyond the original 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 YMC 17.07.060 (Fill).

F. 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.

G. Additional Shoreline Standards for Shoreline Stabilization. The requirements below shall apply to all shoreline stabilization activities within Shoreline jurisdiction.

1. Shoreline stabilization measures shall be designed, located, and constructed in such a manner as to minimize the disruption of natural channel characteristics.

2. Where a geotechnical analysis or report is required, it shall meet the provisions of the definition provided in 17.01.090.

3. Demonstration of necessity. New structural shoreline stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:

   a. New or enlarged structural stabilization measures to protect 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.

   b. Erosion control structures in support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

      i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

      ii. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

      iii. 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 waives.

   c. Erosion control structures in support of water-dependent development when all of the conditions below apply:

      i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

      ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

      iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

   d. 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.

4. An existing shoreline 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, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

5. 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.

6. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

17.07.140 Signs

A. Outdoor advertising signs must conform to size, spacing and lighting provisions of the Washington State Scenic Vistas Act of 1971, where applicable.

B. Signs shall meet applicable City municipal code requirements regarding size, location, lighting, and other relevant performance standards.

C. Proposals for signage shall submit plans for signage at the time of application for shoreline permits, including shoreline exemptions.

D. The Shoreline Administrator may condition signage regarding size, illumination, and placement, to ensure that signage is compatible with adjacent shoreline environments and does not:
1) significantly (see definition in YMC 17.01.090) obstruct visual access to the water from public lands or a substantial number of residences per RCW 90.58.320 and shorelines hearings board case law; or 2) impair scenic vistas to the Yakima Greenway or Naches River or associated lakes; or
3) impair driver vision such as due to lines of sight, type or frequency of lighting, or other feature that has the potential to result in safety concerns.

17.07.150 Transportation and Parking

The following provisions shall apply to the location and construction of roads; railroads; bridges; water crossings; pedestrian, bicycle, and public transportation; and parking within shorelines, where appropriate.

A. Transportation and parking activities consistent with exemptions in YMC 17.13.050 are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but shall meet applicable provisions of this Master Program. Applicants may apply for a multiyear transportation maintenance plan for exempt and non-exempt repair and maintenance activities consistent with YMC 17.07.170.

B. New or expanded transportation and parking facilities must be designed and located where they will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions, and will not adversely impact existing or planned water-dependent uses.

C. New or expanded 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. Applications for new or expanded

roads and railroads shall demonstrate through engineering studies that a shoreline location is the most feasible of the available options.

1. Construction of roadways or railroads across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
2. Roadways or railroads 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.
3. Roadways or railroads within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.

D. 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 if it contains material unsuited to the current construction project. Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.

E. Bridges, water-crossing structures, or necessary fill to elevate roadways shall not constrict the stream channel; impede the normal flow of floodwaters, sediment, and woody debris; 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.

F. 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, and shall be designed consistent with the latest guidance from the Washington Department of Fish and Wildlife.

G. Roads and bridges within floodways must meet flood hazard regulations of YMC 17.09.020.

H. Parking – the standards in this section only apply to new or expanded uses within Shoreline jurisdiction.

1. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use consistent with the use matrix and definitions in YMC 17.03.070 and 17.01.090, respectively.
2. Parking areas shall be located upland of the areas they serve, unless:
    a. A location waterward is required to meet Americans with Disabilities Act requirements, or
    b. No other feasible location upland of the area served is possible due to topographical or other physical constraints.
    c. In the above cases 2a and 2b, parking shall be located as far upland from the OHWM as feasible, recognizing the limited supply of shoreline areas.
3. Proposals for new or expanded parking facilities shall minimize environmental and visual impacts of parking facilities through compliance with YMC Chapter 17.05 General Regulations, YMC Chapter 17.09 Critical Areas, and applicable City zoning standards addressing lighting and landscaping.

17.07.160 Utilities

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 shoreline jurisdiction:

A. Utilities activities consistent with exemptions in YMC 17.13.050 are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but shall meet applicable provisions of this Master Program. Applicants may apply for a multiyear utilities maintenance plan for exempt and non-exempt repair and maintenance activities consistent with YMC 17.07.190.

B. New or expanded nonwater-oriented utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented, shall not be allowed in shoreline jurisdiction unless it can be demonstrated that:

   1. No other feasible option is available, or

   2. The new location is necessary due to channel migration or levee setback, or

   3. The facilities are being added or improved to meet federal or state mandates.

C. 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. For example, lines and facilities that are essential public facilities (e.g. regional sewer facilities) that must cross the stream are permitted.

   1. Utility transmission lines and facilities across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.

   2. 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 YMC 17.09.030.

D. 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.

E. Buried utility transmission lines crossing a stream corridor shall be buried a sufficient depth below the bankfull depth of the waterway, associated floodway and floodplain to the maximum extent of potential channel migration as determined by hydrologic analysis.

F. Preference shall be given to utility systems contained within the footprint of an existing right-of-way or utility easement over new locations for utility systems. Wherever possible, new above ground installations shall use available, existing bridge and utility locations and stream corridor crossings as opposed to creating new locations and stream corridor crossings.

G. Above ground electrical support towers and other similar transmission structures shall be located as far upland as is practical.

H. 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.

I. Underground utility transmission lines shall be constructed so they do not alter, intercept or dewater groundwater patterns that support streams, wetlands and hyporheic flow.

J. All new and replacement water supply systems and wastewater systems within a special flood hazard area must meet the requirements of YMC 17.09.020 Flood Hazard Areas.

K. Utility transmission lines within the floodway fringe or floodway shall meet the standards of YMC 17.09.020 Flood Hazard Areas

L. 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 this section, except those listed below. Utility service to projects outside Shoreline jurisdiction is subject to normal Shoreline permitting, and is subject to all of the provisions in this section, except those listed below.

1. Where feasible, utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive.

2. 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.

3. Expansion, updating, and maintenance of existing facilities is allowed, but shall be designed to be located to avoid adverse impacts and achieve no net loss of ecological function to shoreline resources as much as possible.

4. The presence of existing utilities shall not justify more intense development beyond levels planned in the Comprehensive Plan or zoning.

5. Permit applications shall meet the following submittal review standards:

    a. Applications shall submit studies (social, economic, environmental, engineering, etc.) to demonstrate that a shoreline location is the most feasible of the available options.

    b. 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.

    c. 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 shall demonstrate adequate protection of vegetation and avoidance of soil erosion. If the plan is found insufficient for protection of the shoreline environment, the Shoreline Administrator may require a third-party review at the applicant's expense.

17.07.170 Redevelopment, Repair, and Maintenance

This section addresses how regulations apply to redevelopment, repair, or maintenance activities; clarifies how SMP standards proportionally apply to redevelopment activities; and provides a process for multi-year management plans for maintenance and repair.

A. SMP provisions shall not apply retroactively to existing uses and developments.

B. Legally established uses and developments may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. Normal maintenance and repair, as specified in YMC 17.13.050, is exempt from a Shoreline Substantial Development Permit, but not the standards of the SMP.

C. Consistent with the Applicability provisions of YMC 17.01.020, SMP standards shall apply to expansions or alterations of uses or developments and to new development or redevelopment of a property as follows:

   1. The Shoreline Administrator shall determine the extent of compliance with SMP provisions.

   2. The required provisions shall be related to and in proportion to the proposal. For example, if an upper story is added to a structure, requirements related to building heights and views may apply. If vegetation is removed beyond normal maintenance pursuant to YMC 17.05.030, vegetation conservation and shoreline buffer standards may apply.

D. In order to provide consistent interpretation of SMP exemptions, streamline permitting, determine applicable SMP standards regarding maintenance or repair activities, apply best management practices or protocols to ensure no-net-loss of shoreline ecological function, and identify the need for notification of activities, the City may approve multi-year programmatic shoreline exemptions consistent with specific exempt activities allowed in YMC 17.13.050 for the following types of uses and modifications.

   1. Dredging

   2. Private development and facilities on private lakes

   3. Public Parks and Recreation

   4. Transportation facilities

   5. Utility facilities, including, but not limited to wastewater and water systems

E. Applicants for multi-year maintenance plans shall provide the following information for consideration by the Shoreline Administrator:

   1. Description of proposed maintenance activities and best management practices;

   2. Type, methods, and frequency of maintenance or repair activities;

   3. Length of requested multi-year maintenance plan. Multi-year maintenance approval should not exceed five years, except where expressly allowed in this Master Program;

   4. Specification of which activities the applicant will regularly notice the City or which do not require advanced notice;

   5. Description of aquatic habitat protection measures and any applicable permits received for that work;

   6. Description of riparian and wetland protection measures and any applicable permits received for that work;

   7. Description of stormwater management practices to reduce both water quantity and water quality impacts and any applicable permits received for that work;

   8. Description of erosion and sediment control practices that prevent off-site movement;

9. Description of re-vegetation or restoration activities following maintenance or repair; and
10. Description of chemical and nutrient use and containment practices such as Integrated Pest Management (IPM).
11. Description of compliance with use-specific criteria in subsections F to J below.

F. Dredging. Applications for dredging maintenance plans shall demonstrate compliance with regulations in YMC 17.07.050.

G. Private development and facilities on private lakes.

1. A multi-year maintenance plan for private development and facilities on private lakes shall be consistent with covenants, codes, and restrictions of a property owners association, where such an association exists.
2. The applicable use or modification performance standards of Chapter 17.07 shall be demonstrated to be met by applications for multi-year maintenance plans.

H. Public Parks and Recreation.

1. A multi-year maintenance plan for public parks and recreation facilities shall describe management objective or desired outcome for shoreline habitat and water quality topics stated in application criteria E.3 to E.9 above, specific performance requirements for each standard, and corrective actions that would be implemented if the performance requirement(s) is not met.
2. Applications for parks and recreation maintenance plans shall demonstrate compliance with regulations in YMC 17.07.100.

I. Transportation facilities.

1. Appendix A contains a programmatic exemption for Transportation facilities under the responsibility of the Washington State Department of Transportation to allow for routine maintenance and repair of existing highways and associated facilities.
2. This Appendix is considered an interpretation by the Shoreline Administrator pursuant to YMC 17.13.020 and may be addended or clarified pursuant to the process of YMC 17.13.020. It is not subject to SMP Amendment procedures of YMC 17.13.140.
3. The duration of the programmatic exemption shall be eight years from the effective date of this SMP.
4. The programmatic exemption may be renewed as part of the regular SMP Update process consistent with the Shoreline Management Act at RCW 90.58.080.
5. Applications for transportation maintenance plans shall demonstrate compliance with regulations in YMC 17.07.150.

J. Utility facilities. Applications for utility maintenance plans shall demonstrate compliance with regulations in YMC 17.07.160.

K. City authorization of multi-year programmatic maintenance plans.

1. The City may approve multi-year programmatic maintenance plans that solely contain exempt activities consistent with the interpretation process of YMC 17.13.020, when consistent with the following criteria:
    a. The policies and procedures of the SMA;
    b. The provisions of WAC 173-27;
    c. Chapter 10, Section 3 of the City of Yakima Comprehensive Plan; and
    d. This Title 17.
2. The City may approve multi-year programmatic maintenance plans that include a combination of exempt and non-exempt activities. The permit process shall follow the permit process consistent with non-exempt activities pursuant to YMC 17.03.070, Shoreline Use and Modification Matrix. The criteria for approval shall follow the applicable criteria for the permit type in Chapter 17.13, e.g. Shoreline Substantial Development Permit or Shoreline Conditional Use Permit.
3. The City may attach conditions to the approval of multi-year maintenance plans as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.

CHAPTER 17.09 CRITICAL AREAS IN SHORELINE JURISDICTION

17.09.010 General Provisions

A. Purpose of Chapter. The purpose of YMC Chapter 17.09 is to establish a single, uniform system of procedures and standards for development within designated critical areas within the shoreline jurisdiction of the incorporated City of Yakima.

B. Intent of Chapter. Yakima Municipal Code Chapter 17.09 establishes policies, standards, and other provisions pertaining to development within designated critical areas regulated under the provisions of the Growth Management Act (RCW 36.70A) and development regulated under the National Flood Insurance Program. Wetlands, streams, stream corridors and rivers, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas constitute the City of Yakima's critical areas pursuant to WAC 365-190-030. These areas are of special concern to the people of the City of Yakima and the State of Washington because they are environmentally sensitive lands, or hazardous areas, which comprise an important part of the state's natural resource base. The policies, standards, and procedures of this Chapter are intended to:

1. Preserve development options within designated critical areas where such development will result in "No net loss" of the functions and values of the critical areas;
2. Where appropriate, avoid uses and development which are incompatible with critical areas;
3. Prevent further degradation of critical areas;
4. Conserve and protect essential or important natural resources;
5. Protect the public health, safety, and general welfare;
6. Further the goals and policies of the Yakima Urban Area Comprehensive Plan;

7. Implement the goals and requirements of the Washington Growth Management Act (RCW 36.70A), the Shoreline Management Act (RCW 90.58), and the National Flood Insurance Program (CFR Title 42);
8. Recognize and protect private property rights; and,
9. Provide development options for landowners of all existing lots to the greatest extent possible;

C. The policies, standards and procedures of this Chapter are not intended to:

1. 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 date of this Chapter;
2. Result in an unconstitutional regulatory taking of private property;
3. Require the restoration of degraded critical areas for properties in a degraded condition prior to the effective date of this Chapter unless improvement of the buffer is needed for new development proposed on the property;
4. Presume that regulatory tools are the only mechanism for protection; and,
5. Prohibit the use of valid water rights.

D. Applicability. The provisions of this Chapter shall apply to any new development, construction, or use within the incorporated portion of the City of Yakima designated as a critical area and upon any land mapped and designated as a special flood hazard area under the National Flood Insurance Program. However, this Chapter does not apply to the situations below, except that the Flood Hazard protection provisions of YMC 17.09.020 will continue to apply as determined by YMC 17.09.020.A-G:

1. Within designated critical areas, there may exist lots, structures, and/or uses which were lawfully established prior to the adoption of this Chapter, as provided below, but which would be subsequently prohibited, regulated, or restricted under this Chapter. Such existing lots, structures, and/or uses shall be classified as legally non-conforming uses.
2. It is the intent of this Chapter to permit these pre-existing legally non-conforming uses and structures to continue until such time as conformity is possible;
    a. Critical areas on federally owned lands are not subject to the provision of this Chapter;
    b. 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 (including temporary signs) are not subject to this Chapter;
    c. Mining, as defined in YMC 17.01.090, is carried out under a Washington Department of Natural Resources reclamation permit is not subject to the geologically hazardous areas provisions of this Chapter for erosion hazard areas, over steepened slope hazard areas, landslide hazard areas and suspected geologic hazard areas. Other critical areas provisions continue to apply.

E. Critical Area Development Authorization Required

1. No new development, construction or use shall occur within a designated critical area without obtaining a development authorization in accordance with the provisions of this Chapter, except for those provided for in YMC 17.09.010.H or YMC 17.13.050.
2. With respect to application and review procedures, it is the intent of this Chapter to streamline and coordinate development authorization within a critical area and recognize other requirements by local, state and/or federal permits or authorizations. Development, construction or use occurring within a designated critical area shall be processed according to the provisions of this Chapter, unless determined to be exempt.
3. Approval of a development authorization under this Chapter shall be in addition to, and not a substitute for, any other development permit or authorization required by the City of Yakima. Approval of a development authorization under this Chapter shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.
4. Development authorizations shall be issued in accordance with this Chapter, the Shoreline Management Act, and permit procedures of WAC 173-27.
5. Coordination with Other Jurisdictions.
    1. Where all or a portion of a standard development project site is within a designated critical area and the project is subject to another local, state or federal development permit or authorization, the Shoreline Administrator shall determine whether the provisions of this Chapter can be processed in conjunction with a local, state or federal development permit or authorization, or whether a separate critical area development authorization application and review process is necessary. The decision of the Shoreline Administrator shall be based upon the following criteria:
        a. The nature and scope of the project and the critical area features involved or potentially impacted;
        b. The purpose or objective of the permit or authorization and its relationship to protection of the critical area;
        c. The feasibility of coordinating the critical area development authorization with other permitting agency;
        d. The timing of the permit or authorization.
    2. When a determination has been made that provisions of this Chapter can be handled through another applicable development permit or authorization process, project proponents may be required to provide additional site plans, data and other information necessary as part of that process to ensure compliance with this Chapter. The Shoreline Administrator's decision on the critical area development authorization shall be coordinated to coincide with other permits and authorizations. The Shoreline Administrator may determine to accept the development authorization and/or permits from the other reviewing agencies as complete compliance with the City's critical area regulations found in this title.

INQUIRY AND EARLY ASSISTANCE

F. Critical Area Identification Form and Critical Area Report Requirements

1. Prior to the review of any applicable proposed development, construction or use, the applicant shall provide the City with a Critical Areas Identification Form and site plan and any other information the City may require to determine if a critical area is present.
2. Upon receipt of a Critical Area Identification Form and site plan, the Shoreline Administrator or designee may conduct a site examination to review critical area conditions. The Shoreline Administrator or designee shall notify the property owner of the site examination prior to the site visit. Reasonable access to the site shall be provided by the property owner.
3. The Shoreline Administrator or designee shall review the available information pertaining to the proposal and make a determination whether any critical areas may be affected. If so, a more detailed critical area report shall be submitted in conformance with YMC 17.09.010.P and YMC 17.09.010.Q, except as provided below:
    a. No critical areas present. If the Shoreline Administrator or designee is able to sufficiently determine a critical area does not exist within or adjacent to the project area and / or a critical area report is not required.
    b. Critical areas present, but no impact. If the Shoreline Administrator or designee is able to determine the existence, location and type of critical area and the project area is not within the critical area and or the project will not have an indirect impact on the function of an adjacent wetland.
    c. Critical areas may be affected by a proposal. The Shoreline Administrator or designee may waive the requirement for a critical areas report utilizing the technical expertise of other reviewing agencies if:
        i. The Shoreline Administrator is sufficiently able to determine the existence, location and type of the critical area;
        ii. The project scale or nature is such that a specialist is not necessary to identify impacts and mitigation; and,
        iii. The applicant agrees to provide mitigation the Shoreline Administrator deems adequate to mitigate for anticipated impacts.
4. Reports will generally fall into the following groups:
    a. Determining the absence of a critical area;
    b. Determining the existence, location and type of a critical area;
    c. Determining impacts of an encroachment on a critical area and general mitigation measures; and
    d. Developing a compensatory mitigation plan.

G. Pre-application Conference. Any new development or use falling under the provisions of this Chapter may be subject to a pre-application conference. Prior to the pre-application conference, the project proponent must submit a Critical Area Identification From and preliminary site plan.

1. A project review for flood hazards shall follow the pre-application requirements established to administer Part Four Flood Hazard Areas.
2. The pre-application conference is intended to allow the Shoreline Administrator or designee to:

a. Establish the scope of the project and identify potential concerns that may arise;

b. Identify permits, exemptions, and authorizations, which the project proponent may need to obtain;

c. Determine whether the project will be processed through the development procedures of this Chapter or coordinated with the review procedures of another development permit or authorization;

d. Provide the proponent with resources and technical assistance (such as maps, scientific information, other source materials, etc.); and,

e. Determine whether there is a need for a preliminary site assessment.

ABBREVIATED REVIEW ALTERNATIVES

H. Minor Activities Allowed without a Critical Areas Permit; the project may require a shoreline permit or shoreline exemption under other provisions of this Title. This Chapter shall be inapplicable to the following actions:

1. Maintenance of existing, lawfully established areas of crop vegetation, landscaping, paths, and trails or gardens within a regulated critical area or its buffer. Examples include: mowing lawns, weeding, garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas;

2. Minor maintenance and/or repair of structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, etc. Cleaning, operation and maintenance of canals, ditches, drains, waste ways etc. is not considered additional earthwork, as long as the cleared materials are placed outside the stream corridor, wetlands, and buffers;

3. Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education or scientific research;

4. Creation of 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;

5. Maintenance and normal work of the Greenway pathway and grounds;

6. Planting of native vegetation;

7. Noxious weed control outside vegetative buffers identified in YMC 17.09.030.O and YMC 17.09.040.E; and,

8. 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:

   a. Hand removal/spraying of individual plants or other acceptable method approved by the administrative official;

   b. No area wide vegetation removal/grubbing.

I. Mitigation requirements

1. All mitigation shall be sufficient to maintain the functions and values of the critical area.

2. All development shall demonstrate that reasonable efforts have been examined to avoid and minimize impacts to critical areas; and
3. When an alteration to a critical area is proposed, it shall be avoided, minimized, or mitigated for as specified in YMC 17.05.010.D:
4. If an alteration to a critical area is unavoidable, all adverse impacts to that critical area and its buffers shall be mitigated for in accordance with an approved Mitigation Plan and mitigation for wetland impacts shall be mitigated in accordance with the *Washington State Department of Ecology Wetland Mitigation in Washington State, Parts 1 and 2* (March 2006 or as updated).
5. Mitigation shall be in-kind and on-site, whenever possible, and may be out-of-kind and/or off-site when deemed appropriate by the Shoreline Administrator or designee.

REVIEW PROCESS

J. Application Submittal

1. Applications for development authorizations under this Chapter shall be made on forms provided by the Department. Application submittals shall include a site plan drawn to an engineering scale of 1:20 showing:
   a. Dimensions of all sides of the parcel,
   b. Size and location of existing and proposed structures,
   c. Excavation, fill, drainage facilities, impervious surfaces, topography, slope; and,
   d. Other information as needed to determine the nature and scope of the proposed development; and
   e. Location of all critical areas.
2. The submittal shall also include all required critical areas reports prepared in conformance with YMC 17.09.010.P and YMC 17.09.010.Q.
3. To be complete, a critical area development authorization application must include all maps, drawings and other information or data specified by this Chapter or requested on the basis of the pre-application conference (YMC 17.09.010.G).

K. Determination of Review Process

1. The Shoreline Administrator or designee shall determine from the application submittal, and other available information what type of permit(s) and/or review(s) will be required under this Chapter.
2. Specific information of permit type, review and process can be found in subsequent sections of this Chapter and in YMC Chapter 17.13.

L. Development Authorization – Review Procedure. Upon submittal and acceptance of a completed development authorization application, the Shoreline Administrator or designee shall process and review the application as follows. Except: Permits or reviews under YMC 17.09.020 shall follow the development regulations and procedures of YMC 17.09.020.

1. Development authorizations shall be processed in accordance with Statutory Noticing Requirements in YMC 17.13.030 and with specific requirements provided in YMC Chapter 17.13, including but not limited to:
    a. Submittals,
    b. Completeness review,
    c. Notices,
    d. Hearings,
    e. Decisions, and
    f. Appeals.
2. In circumstances where a critical area is proposed to be altered, but the development otherwise requires only a Shoreline Exemption, the development must be reviewed and processed as a Shoreline Substantial Development Permit or a Shoreline Variance.
3. Development authorizations shall be reviewed in conformance with the applicable development standards of YMC 17.09.010.R and with YMC 17.09.030-060.
4. Decisions on a development authorization shall be consistent with YMC 17.09.010.M, YMC 17.09.010.N, and with any specific decision criteria provided under the section for each relevant permit type, as provided in YMC Chapter 17.13 and YMC 17.09.010.R.

M. Authorization Decisions – Basis for Action.

1. In addition to meeting the Shoreline permit-specific criteria in YMC Chapter 17.13, the action on any development authorization under this Chapter shall also be based upon the following criteria:
    a. Impact of the project to critical area features on and abutting the property;
    b. Danger to life or property that would likely occur as a result of the project;
    c. Compatibility of the project with the critical area features;
    d. Conformance with applicable development standards;
    e. Compliance with flood hazard mitigation requirements of YMC 17.09.020;
    f. Adequacy of the information provided by the applicant or available to the Department;
2. Based upon the project evaluation, the Shoreline Administrator shall take one (1) of the following actions:
    a. Grant the development authorization;
    b. Grant the development authorization with conditions, as provided in YMC 17.09.010.N, to mitigate impacts to the critical area feature(s); or,
    c. Deny the development authorization.
3. The decision by the Shoreline Administrator or designee shall include written findings and conclusions.

N. Conditional Approval of Development Authorization. In granting any development authorization, the Shoreline Administrator or designee may impose conditions to:

1. Accomplish the purpose and intent of this Chapter;
2. Eliminate or mitigate any identified negative impacts of the project; and,
3. Protect critical areas from damaging and incompatible development.

O. Fees and Charges. The Yakima City Council shall establish the schedule of fees and charges listed in YMC Chapter 15.26 (City of Yakima Fee Schedule), for development authorizations, variances, appeals and other matters pertaining to this Chapter.

CRITICAL AREAS REPORTS

P. Critical Areas Report Requirements

1. The Shoreline Administrator or designee may require a critical areas report, paid for by the applicant, when it is determined necessary.
2. A qualified professional shall prepare the report consistent with most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. 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 appropriate to 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 the proposal is consistent with the purposes and standards of this Chapter;
   b. Describe all potential risks to critical areas, and assess impacts on the critical area from the activities and uses proposed; and,
   c. Identify mitigation and protective measures.
4. The critical areas report shall include information addressing the supplemental report requirements (See YMC 17.09.010.Q).
5. The Shoreline Administrator or designee shall review the critical areas report for completeness and accuracy and shall consider the recommendations and conclusions to assist in making decisions on development authorizations, appropriate mitigation, and protective measures.
6. Critical areas reports shall be valid for a period of five (5) years, unless it can be demonstrated that a previous report is adequate for current analysis. Reports prepared for adjacent properties may be utilized for current analysis only when it can be shown through a supplemental report or site investigation that conditions on site are unchanged.
7. The Shoreline Administrator or designee may require the preparation of a new critical area assessment or a supplemental report if the initial assessment is in error.
8. The Shoreline Administrator or designee may reject or request revision of the critical areas report when it can be demonstrated that the assessment is inaccurate, incomplete or does not fully address the critical areas impacts involved.

9. Applicants shall provide reports and maps to the City in both electronic and paper formats. In addition, all critical area delineations / maps shall be provided to the City by means of a GPS projected coordinate system data set as specified by the City of Yakima Engineer. The City may waive this requirement for single-family developments. Applicants are encouraged to coordinate with the Shoreline Administrator or designee regarding electronic submittal guidelines.

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;

    b. A written summary of the critical areas, 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 identity the type and characteristics of the hazard;

    c. An analysis of potential adverse impacts and how they will be mitigated or avoided. Geological hazardous areas are additionally required to assess the risks posed by the development to critical areas, public and private properties, and both associated and unassociated nearby facilities and uses;

    d. When impacts cannot be avoided, the report shall include a plan describing mitigation to replace critical area functions and values. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the mitigation shall additionally address the site, and other public and private properties, and both associated and unassociated nearby facilities and uses potentially affected;

    e. The dates, names, and qualifications of the persons preparing the report and documentation of analysis methods including any fieldwork performed on the site; and

    f. Additional reasonable information requested by the Shoreline Administrator or designee.

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.

12. The Shoreline Administrator or designee may limit the geographic area of the critical area report as appropriate.

13. Compensatory Mitigation Plans - When compensatory mitigation, as described in YMC 17.09.010.I, are proposed for wetland areas or stream channels, the applicant shall submit a mitigation plan as part of the critical area report, which includes:

    a. A written report identifying environmental goals and objectives of the proposed compensation including a description of:

        i. The anticipated impacts to the critical areas;
        ii. The mitigating actions proposed;
        iii. The purpose of the compensation measures, including site selection criteria;
        iv. The compensation goals and objectives;

v. The desired resource functions;

vi. Construction activities start and completion dates; and,

vii. Analysis of anticipated success of the compensation project.

b. A review of the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern supporting the proposed mitigation;

c. A description of the report and the author's experience to date in restoring or creating the type of critical area report proposed; and,

d. Performance Standards – The mitigation plan shall include measurable specific criteria for evaluating the goals and objectives to ensure the mitigation project has 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;

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:

i. A program for monitoring both construction of the compensatory project and its completion and survivability;

ii. A plan which details how the monitoring data will be evaluated to determine if the performance standards are being met;

iii. Reports as needed to document milestones, successes, problems, and contingency actions of the compensation project; and,

iv. Monitoring 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 – Identification of the 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 – A financial guarantee ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with YMC 17.09.010.R.1.

14. Innovative Mitigation.

a. Advanced mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section. One (1) or more applicants or an

organization with demonstrated capability, 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 applicant demonstrates the organizational and fiscal capability to act cooperatively;

iii. The applicant 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 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 section;

viii. The plan shall contain relevant management strategies which are within the scope of this section; and,

ix. The plan shall contain clear and measurable standards for achieving compliance with the purposes of this section, 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 YMC 17.09.040.E. For those situations where a mitigation bank may provide an opportunity for mitigation, the requirements in YMC 17.09.040.F shall apply.

Q. 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 the functional properties listed in YMC 17.09.030.E; and,

b. Where proposed construction lies within an immediate zone of potential channel migration, 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. Wetlands. When a critical areas report is required for wetlands, it shall include the following:

a. The exact location of a wetland's boundary and wetland rating as determined through the performance of a field investigation by a qualified wetland professional applying the approved federal wetland delineation manual and applicable regional supplements and

the Washington State Wetland Rating System for Eastern Washington, revised March 2007 (Ecology Publication #04-06-15, or as revised);

b. All delineated wetlands and required buffers within two hundred (200) feet of the project area shall be shown on the site plan. Available information should include, but not be limited to, aerial photos, land based photos, soils maps, or topographic maps;

c. An analysis of the wetlands including the following site related information;

   i. A statement specifying the accuracy of the report and all assumptions made and relied upon;

   ii. Documentation of fieldwork performed on the site, including field data sheets for delineations, wetland rating forms, baseline hydrologic data, etc.;

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

   iv. Wetland category, including vegetative, faunal, and hydrologic characteristics; and,

d. For projects that will affect the wetland or buffer, provide the following:

   i. A habitat and native vegetation conservation strategy that addresses methods to protect or enhance on-site habitat and wetland functions and values listed in YMC 17.09.040.D.1 and YMC 17.09.030.E; and,

   ii. Mitigation sequencing, pursuant to YMC 17.05.010.D to avoid, minimize, and mitigate impacts shall result in “not net loss” of acreage or functional values of wetlands and shall follow the guidance provided in YMC 17.09.040.E.

3. Geologically Hazardous Areas. When a critical areas report is required for a Geologically Hazardous Area, it shall include the following:

   a. A description of the site features, including surface and subsurface geology.

   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;

   c. A description of the vulnerability of the site to seismic and other geologic processes and hazards; and,

   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 the YMC Title 11 (Building Code);

      ii. An analysis of slope recession rate shall be presented in those cases where stability is impacted 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 and/or the impacts of landslide run-out on down-slope properties and critical areas.

4. Flood Hazards. Prior to authorization of any construction 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 by a licensed engineer in the State of Washington that establishes any new flood elevations that would result for the one-hundred-year flood frequency if the project were implemented.

R. General Critical Areas Protective Measures. The standards below apply to all permits and reviews performed under this Chapter.

1. Financial Guarantees. Financial guarantees may be required to ensure mitigation, maintenance, and monitoring.

a. When required mitigation pursuant to a development proposal is not completed prior to the City of Yakima's final permit approval, the Shoreline Administrator or designee may require the applicant to post a financial guarantee to ensure that the work will be completed.

b. If a development proposal is subject to compensatory mitigation, the applicant must post a financial guarantee to ensure mitigation is fully functional.

c. All financial guarantees 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.

d. The financial guarantee may be in the form of a surety bond, performance bond, assignment of savings account, irrevocable letter of credit guaranteed by an acceptable financial institution, or other form acceptable to the Shoreline Administrator or designee, with terms and conditions acceptable to the City of Yakima attorney.

e. The financial guarantee shall remain in effect until the Shoreline Administrator or designee determines 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.

f. If public funds have previously been committed for mitigation, maintenance, monitoring, or restoration, a financial guarantee will not be required.

g. Failure to satisfy critical area requirements shall constitute a default, and the Shoreline Administrator and his or her designee may demand payment of any financial guarantee.

h. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Such funds shall be deposited in a separate account. The City of Yakima will use such funds to arrange for completion of the project or mitigation, and follow-up corrective actions.

i. 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. Subdivision Standards. The following standards apply to all permits or reviews under the Subdivision Ordinance (Title 14) 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 Subdivision Ordinance (Title 14) and Zoning Ordinances (Title 15);

   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, Over-steepened 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 appropriate by the Shoreline Administrator as meeting this provision when special circumstances obstruct the viability of this provision:

         b) For those new lots that do contain said critical areas, useable building envelopes (5,000 square feet or more for residential uses) shall be provided on the plat that lies 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;

      v. For new lots containing streams, wetlands, and/or vegetative buffers, outdoor use envelopes shall be provided on the plat that lies outside said critical areas;

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

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

      viii. Lots or parcels that lie entirely within a Geologically Hazardous Areas (excluding Erosion, Over Steepened Slopes of Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway, Channel Migration Zone (CMZ), Stream, Wetland, and/or Vegetative Buffers may not be further divided.

17.09.020 Flood Hazard Areas

GENERAL PROVISIONS

A. Flood Hazard Areas Established. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), accompanying Flood Insurance Rate Maps (FIRMs), Flood Boundary, and Floodway Maps, and any amendments thereto made by the Federal Emergency Management Agency, which, are adopted by reference and declared to be part of YMC 17.09.020 and are

established as flood hazard areas. The Flood Insurance Study and maps are on file with the City of Yakima, Washington.

B. Principles. YMC 17.09.020 recognizes the right and need of the river channel to periodically carry more than the normal flow of water and establishes regulations to minimize loss of life and property, restrict uses, and regulate structures consistent with the degree of flood hazard. In advancing the above principals, the intent of YMC 17.09.020 is to:

1. Alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;
2. Meet the minimum requirements of the National Flood Insurance program; and,
3. Implement state and federal flood protection programs.

C. Applicability. The guidelines and regulations set forth herein, YMC Title 11, and related Building Codes shall apply to all special flood hazard areas.

1. The provisions of YMC 17.09.020 of this Chapter shall apply to any development proposed in a special flood hazard area;
2. Flood hazard permits shall be approved by the City of Yakima. Approval shall only be granted in accordance with YMC 17.09.020 of this Chapter 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; and,
4. The granting of a permit for any development or use does not constitute a representation, guarantee or warranty of any kind or nature by the City of Yakima, or its employees, of the practicality or safety of any structure or proposed use, and shall not create liability upon or cause action against the above mentioned body, or employee, for any damage that may result.

D. Documented Exemptions. The following uses and activities are exempt from the provisions of YMC 17.09.020, but are not exempt from this SMP (Title 17) or related shoreline permit requirements in Chapter 17.13:

1. The alteration or substantial improvement of any structure listed on the National Register of Historic Places or state inventory of historic places;
2. The installation and maintenance of aboveground utility transmission lines and poles; and,
3. Private driveways, fences and other accessory activities and/or uses necessary for agricultural uses which the administrative official determines will not unduly decrease flood storage or capacity, significantly restrict floodwaters, create a substantial impoundment of debris carried by floodwaters, and will resist flotation and collapse.

E. Interpretations

1. In the interpretation and application of YMC 17.09.020 of this Chapter, the provisions shall be considered as minimum requirements; and shall be strictly construed in favor of the policies and standards herein; and deemed neither to limit nor 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 Municipal Code Title 11, Buildings; Title 12, Development Standards; Title 14, Subdivisions; and, Title 15, Urban Area Zoning Ordinance. YMC 17.09.020.A - 17.09.020.AG are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where these ordinances and other ordinances conflict or overlap, the standard imposing 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 the National Flood Insurance Program § 60.6 (See 44 CFR 59, et seq. and IBC 104.1).

F. Compliance. No structure or land shall hereafter be used, constructed, located, extended, converted, or altered without full compliance with the terms of YMC 17.09.020 of this Chapter and other applicable regulations.

G. Warning and Disclaimer of Liability. The degree of flood protection required by YMC 17.09.020 of this Chapter 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. YMC 17.09.020 does not imply that land outside the area of special flood hazards or permitted uses within such area will not be subject to flooding or flood damage.

PROTECTION STANDARDS

H. General Standards. The following regulations shall apply in all special flood hazard areas pursuant to the IBC, ASCE-24, and Hud 24 CFR Part 3280:

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 (100) 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 (100) feet of the floodway or one hundred (100) 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;

d. Include base flood elevation data; and,

e. In the cases where base flood elevation is not available and the subdivision is greater than 5 acres or 50 lots, a step-back water analysis shall be require to generate the 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.

I. Specific Standards. In all special flood hazard areas where base elevation data has been provided as set forth in YMC 17.09.020.A, the following regulations shall apply, in addition to the General Standards of YMC 17.09.020.H:

1. Residential Construction. (See 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 (1) foot above grade; and,

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 (100) feet of a floodway, or the ordinary high water mark if no floodway has been established, shall also meet the requirements of YMC 17.09.020.H.1.c.

2. Nonresidential Construction (44 CFR 60.3(C)(3) & (4)). New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below one foot or more above the 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 methods 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; and,

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in YMC 17.09.020.I.1.b.

3. Manufactured Homes. Manufactured homes shall be anchored in accordance with YMC 17.09.020.H.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 YMC 17.09.020.H.1.b.

4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or,

c. Meet the anchoring requirements of YMC 17.09.020.H.1.b.

FLOODWAY FRINGE USES

J. Permitted Uses. The following uses are permitted in the floodway fringe areas:

1. Permitted Uses. Any use permitted in the zoning district in accordance with YMC Title 15 and in the environment designation in accordance with YMC Title 17 (this Shoreline Master Program), unless prohibited by YMC 17.09.020.K.

2. Utility Transmission Lines. Utility transmission lines shall be permitted when consistent with YMC Title 15 and where not otherwise inconsistent with YMC 17.09.020; 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 (4) 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 YMC 17.05.060.C.3.c.

c. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features.

d. Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous 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. This does not apply to domestic water and regional wastewater transmission pipes. 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.

K. Prohibited Uses. New manufactured home parks and the expansion of manufactured home/parks are prohibited in floodway fringe areas.

FLOODWAY USES

L. Permitted Uses. Permitted uses include any use permitted in the zoning district in accordance with YMC Title 15 and in the environment designation in accordance with YMC Title 17 (this Shoreline Master Program), provided that said use is in compliance with the flood hazard protection standards of YMC 17.09.020.H, 17.09.020.I, 17.05.050 and other applicable provisions of this Title, and will have a negligible effect upon the floodway as certified by a registered professional engineer through hydrologic and hydraulic analysis performed in accordance with standard engineering practice. The analysis must demonstrate that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not:

1. materially cause water to be diverted from the established floodway,

2. cause erosion,

3. obstruct the natural flow of water,
4. reduce the carrying capacity of the floodway, or
5. result in any increase in flood levels during the occurrence of the base flood discharge.

M. 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 YMC 15.04.130 and 15.04.140);
2. Any encroachments, including fill, new construction and other development demonstrated by a registered professional engineer 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 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. Aboveground utility transmission line appurtenant structures, including valves, pumping stations, or other control facilities, shall not be permitted in the floodway, except for domestic water and regional wastewater facilities where necessary;
4. 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 (100) year flood event;
5. Construction or reconstruction of residential structures within designated floodways, except as allowed under YMC Chapter 17.11;
6. The construction or storage of any object subject to flotation or movement during flood level periods;
7. 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 YMC 17.09.030, Fish and Wildlife Habitat and the Stream Corridor and YMC 17.09.040, Wetlands;
    b. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles, and/or materials; and,
    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 (See YMC 17.09.030.J).
8. 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.

N. Non-Conforming Uses and Structures. Existing structures and uses within the special flood hazard areas established by YMC 17.09.020 or amendments thereto, which were lawful before these sections were adopted or amended, but which would be prohibited, or restricted under the terms of YMC 17.09.020 of this Chapter or future amendment, are governed under YMC Chapter 17.11.

FLOOD HAZARD PROTECTION ADMINISTRATION

O. Administration. The building official is vested with the duty of administering the rules and regulations relating to flood hazard protection in accordance with the provisions of YMC 17.09.020 and may prepare and require the use of such forms as are essential to such administration.

P. Authority. Upon application, the building official shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in YMC 17.09.020 of this Chapter 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.

Q. Permit – Required. Prior to any development within a special flood hazard area, a flood hazard permit shall be obtained. This permit may be in addition to the critical area development authorization as set forth in YMC 17.09.010, and any applicable shoreline permit as set forth in Chapter 17.13 of this Title.

R. Permit – Application. All persons applying for a flood hazard permit shall submit a written application, accompanied by an application fee as specified in Title 11, using the forms supplied. The application shall not be considered complete until the following minimum information is provided as identified below and in YMC 15.11.050:

1. Name, address and telephone number of applicant and property owner if different;
2. Project description and taxation parcel identification number;
3. Name of the stream or body of water associated with the floodplain in which the development is proposed; and,
4. Site plan map drawn to an engineering scale showing:
    a. Actual dimensions and shape of the parcel to be built on;
    b. Sizes and location of existing structures on the parcel;
    c. Location and dimensions of the proposed development, structure or alteration;
    d. Location, volume and type of any proposed fill; and,
    e. The application shall include other information as may be required by the Shoreline Administrator to clarify the application for the enforcement of YMC 17.09.020;

S. Permit – Review. Flood hazard permit applications will be reviewed to determine:

1. The elevation and floodproofing requirements of YMC 17.09.020 of this Chapter;
2. The proposed development's location in relation to the floodway and any encroachments (YMC 17.09.020.M.2);
3. Alteration or relocation of a watercourse (YMC 17.09.020.H.4.c);
4. That the proposed development is a permitted use under YMC 17.09.020 of this Chapter and YMC Title 15; and,
5. That all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

T. Use of Available Data. When base flood elevation data has not been provided in accordance with YMC 17.09.020.A, Flood hazard areas established, the City 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 YMC 17.09.020.I, YMC 17.09.020.M, and YMC 17.13.150.

U. Limitations. Permits issued on the basis of plans and applications approved by the Shoreline Administrator 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 YMC 17.09.020 and punishable as provided by YMC 17.13.150.

V. Permit – Expiration & Cancellation. If the work described in any permit has not begun within one hundred eighty (180) days from the date of issuance thereof, the permit shall expire and be canceled by the building official.

W. Performance Bonds

1. The City 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 YMC 17.09.020. 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 City in an amount equal to that which would be required in the surety bond.

X. 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 YMC 17.13.120.

Y. Coordination. Upon application, the building official shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in YMC 17.09.020 of this Chapter 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 Chapter.

ELEVATION AND FLOODPROOFING CERTIFICATION

Z. Applicability. Certification for elevation or floodproofing 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.

AA. Certification Form. The form of the elevation and floodproofing certificate shall be specified by the administrative official and shall be generally consistent with that required by FEMA for the administration of the National Flood Insurance Program.

AB. 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 in mean sea level of flood proofing of all new or substantially improved non-residential flood proofed structures; and,

3. Where a base flood elevation has not been established according to YMC 17.09.020.A, or where elevation data is not available either through the Flood Insurance Study, FIRM, or from

another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

AC. Certification Responsibility. The project proponent shall be responsible for providing required certification data to the administrative official prior to the applicable construction inspection specified in the certification form. All elevation and floodproofing data specified in YMC 17.09.020.AB must be obtained and certified by a registered professional engineer, architect, or surveyor. The elevation and floodproofing certification shall be permanently maintained by the administrative official.

FLOOD HAZARD VARIANCES

AD. Procedure. Any person seeking a variance from the requirements of YMC 17.09.020 authorized under YMC 17.09.020.AE shall make such request consistent with the procedures established in YMC Chapter 17.13.

AE. Variance Limitations

1. Variances shall be limited solely to the consideration of:
    a. Elevation requirements for lowest floor construction;
    b. Elevation requirements for floodproofing; and,
    c. The type and extent of floodproofing.
2. Variances shall not be considered for any procedural or informational requirements or use prohibitions of YMC 17.09.020.

AF. Conditions for Authorization. In addition to demonstrating consistency with the Shoreline Variance criteria in YMC 17.13.080, the applicant for a variance to the provisions of YMC 17.09.020 shall show 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;
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;
3. Such a variance is the minimum necessary, considering the flood hazard, to afford relief;
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; or,

e. Conflicts with other existing local laws or ordinances.

AG. Federal Flood Hazard Map Correction Procedures. The procedures for federal flood hazard map correction, as provided in federal regulations 44 CFR 70 of the National Insurance Program are hereby adopted by reference.

17.09.030 Fish and Wildlife Habitat and the Stream Corridor System

A. Purpose and intent. The stream corridor system includes hydrologically related critical areas, streams, lakes, ponds, and wetlands and is part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. Policies and standards to help conserve and protect are designed to accomplish the following:

1. Meet the requirements of the Shoreline Management Act (RCW 90.58) regarding the use of the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern;
2. Follow the requirements pursuant to flood-resistant construction in the adopted building code;
3. Provide a zero net loss of natural wetland functions and values;
4. Provide possible alternatives for necessary development, construction, and uses within a designated stream corridor and other hydrologically related critical areas;
5. Prevent decline in the quantity and quality of surface and subsurface waters;
6. Conserve, restore, and protect fish and wildlife habitats, vegetation, and ecological relationships;
7. Protect sensitive areas of the stream corridor from the potential negative effects of development;
8. Provide protection of natural wetland functions and values through voluntary agreements or government incentives; and
9. Recognize wildlife area conservation habitats within their natural geographic location through coordinated land use planning.

B. Protection approach.

1. To maintain fish and wildlife habitat, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals. Factors affecting both habitat and its quality include the presence of essential resources such as food, water, nest building materials, and lack of diseases. The City of Yakima protects fish and wildlife habitat through:
   a. Protection of habitat for aquatic species, and
   b. Protection of habitat for species located near the water.
2. The City of Yakima's approach to protecting threatened, endangered, and sensitive species habitat is by using the protection approach sections of this chapter.

DESIGNATION AND MAPPING

C. Hydrologically related critical area features. Stream corridors and other hydrologically related critical areas include one or more of the following features:

1. Any floodway or floodplain identified as a special flood hazard area identified by the Federal Emergency Management Agency (FEMA), as identified in the flood insurance study or corresponding maps, is hereby adopted by reference and declared to be part of this chapter;
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 associated submerged aquatic beds; and manmade lakes and ponds created within a stream channel;
4. All wetlands as defined in YMC 17.01.090;
5. Any flood-prone area indicated by U.S. Soil Conservation Service soil survey data; and
6. A buffer area for a stream channel, lake, or pond or from the edge of a wetland.

D. Habitat and habitats of local importance.

1. Habitats of local importance 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.
2. Species and habitats of local importance may be identified for protection under this chapter. 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. Proponents shall have the burden of presenting evidence concerning the criteria set forth below. The nomination shall be processed once a year through the annual comprehensive plan amendment cycle.
    a. The decision for changes to species and habitats of local importance shall consider:
        i. Concern due to population status;
        ii. Sensitivity to habitat manipulation;
        iii. Importance to the local community; and
        iv. Criteria used to identify state priority species, which include:
            a) State candidate species that are defined by WDFW Policy M-6001 to include fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive;
            b) Vulnerable aggregations, which includes those species or groups of animals susceptible to significant population declines, within a specific area, by virtue of their inclination to aggregate;
            c) Species of recreational, commercial, and/or tribal importance that are vulnerable; and

d) The economic impact both positive and negative to the applicant's property or surrounding property. Economic impact is to be determined by a properly qualified individual or firm using industry standards.

b. Nominated habitats and habitats for species of local importance shall consider the following and must include maps to illustrate the proposal:

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; and

iv. Whether these habitats are already identified and protected under the provisions of this or other local ordinances or state or federal law.

c. Habitat management recommendations shall be included for use in the administration of this section.

3. Development Standards. Projects located within habitats of local importance, as designated in subsection 1 of this section, shall meet the standards below, rather than the development standards in YMC 17.09.050.I-P, unless review is also needed for a hydrologically related critical area. Projects shall be designated 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 the City of Yakima. The Department shall consider the extent such recommendations are used in its decision on the proposal, and may consider recommendations and advice from agencies with expertise.

E. Functional properties.

1. Streams, lakes, ponds and wetlands require a sufficient riparian area to support one or more of the following functional properties:

a. Stream bank and shore stabilization;

b. Providing a sufficient shade canopy to maintain water temperatures that support fish and their habitat;

c. Moderating the impact of stormwater runoff;

d. Filtering solids, nutrients and harmful substances;

e. Surface erosion prevention;

f. Providing and maintaining migratory corridors for wildlife;

g. Providing food in the form of various insects and other benthic macroinvertebrates;

h. Supporting a diversity of wildlife habitats; or

i. Allowing for the natural occurrence of woody debris and organic matter to collect in the aquatic environment.

2. Stream channels assist in one or more of the following functional properties:

a. Groundwater recharge and/or discharge;

b. Water transport;

c. Sediment transport and/or storage;

d. Biochemical functions;

e. Channel migration and the protection of habitats; or

f. Food and habitat.

3. Lakes, ponds and wetlands generally provide similar functions and generally provide one or more of the following functional properties:

a. Biogeochemical functions that improve water quality;

b. Hydrologic functions maintaining the water regime in a watershed (flood flow attenuation, decreasing erosion, and groundwater recharge); or

d. Food and habitat.

4. Floodplains generally provide one or more of the following functional properties:

a. Floodwater storage;

b. Floodwater passage and the movement of high-velocity waters;

c. Sediment storage and recruitment;

d. Food and habitat;

e. Nutrient sink and/or source; or

f. Groundwater recharge and discharge.

5. Habitat for wildlife consists of the arrangement of food, water, cover, and space. Wildlife habitat generally includes one or more of the following functional properties:

a. Reproduction and/or nesting;

b. Resting and refuge;

c. Foraging for food; or

d. Dispersal and migration.

6. Some functions require larger areas, which may not be achievable due to existing development and construction constraints, especially in urban areas. In these instances, adjustments to the minimum standards to accommodate such constraints may be necessary. Where adjustments may be necessary, reductions of standards should be offset by enhancement, restoration or preservation measures which replace the lost functions or values or strengthen other functional values if replacement is not possible.

F. Streams, lakes and ponds typing system. For purposes of this chapter, the City of Yakima hereby adopts a stream, lake and pond typing system, for those features designated as critical areas in YMC 17.09.030.C as follows:

1. Type 1 streams are those waters, within their ordinary high water mark (OHWM), meeting the criteria as “shorelines of the state” and “shorelines of statewide significance” under RCW Chapter 90.58;

2. Type 2 streams are those surface water features which require protection due to the nature of their contributions to the functional properties listed in YMC 17.09.030.E and are considered "streams, lakes and/or ponds of local importance," as listed in Appendix B of this title;

3. Type 3 streams include all perennial streams within the City of Yakima not classified as Type 1 or 2. (See YMC 17.01.090, "perennial stream");

4. Type 4 streams are all intermittent streams within the City of Yakima not classified as Type 1, 2 or 3. (See YMC 17.01.090, "intermittent stream");

5. Type 5 streams are all ephemeral streams within the City of Yakima not classified as Type 1, 2, 3 or 4. Type 5 streams are not regulated as streams. (See YMC 17.01.090, "ephemeral stream"); and

6. Lakes and Ponds.

    a. Lakes and ponds not designated as a shoreline that receive water from a Type 2, 3, or 4 stream shall have the same surface water type as the highest stream type from which the lake or pond receives water.

    b. Natural lakes and ponds, not designated as a shoreline, that do not receive water from a Type 1, 2, 3, or 4 stream shall be Type 3 ponds.

    c. Lakes or ponds not designated as a shoreline that are connected to a Type 1 stream shall be Type 2 ponds.

G. Wetland rating system.

1. Wetlands within the City of Yakima are defined in YMC 17.01.090 and are shown on the data maps referenced in YMC 17.09.030.H.

2. For regulatory purposes, wetlands are classified into four categories according to the wetland rating system found in YMC 17.09.040.D.2.

H. Maps. Certain fish and wildlife habitat and hydrologically related critical areas have been inventoried and are depicted on a series of paper and electronic maps. The maps do not officially define the extent or characteristics of specific critical areas, but rather the potential physical boundaries and characteristics. Maps may be both regulatory and non-regulatory in nature as described below:

1. Regulatory maps include any floodway or floodplain identified as a special flood hazard area by the Federal Emergency Management Agency (FEMA) as identified in the flood insurance studies (FIRMs).

2. Informational maps indicate the approximate presence, location and/or typing of the potential critical area. Informational maps include, but are not limited to, the following:

    a. Wetlands;

    b. Streams;

    c. Channel migration zone; and

    d. Species and habitats of local importance. Note: This map will be generated at such a time when the City of Yakima formally adopts a species or habitat of local importance.

3. Other nonregulatory information sources include maps or other data sources, but are not limited to:
    a. Comprehensive flood hazard management plans;
    b. Soil survey of the City of Yakima;
    c. Surface geologic maps;
    d. Historic and current aerial photo series; and
    e. Geohydraulic studies—geologic cross-sections showing aquifers and confining units.

GENERAL DEVELOPMENT STANDARDS

I. 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. The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;
3. The draining or filling of a wetland, lake or pond, except as provided for in YMC 17.07.060.B;
4. The removal and transport of material for fill outside of the stream corridor;
5. Site runoff storage ponds, holding tanks and ponds, and other similar waste disposal facilities. Note: This provision does not include regional wastewater plant facilities, collection pipes, septic systems approved by a local or state agency, and other related facilities;
6. Solid waste disposal sites;
7. Automobile wrecking yards;
8. Fill for the sole purpose of increasing land area within the stream corridor;
9. Uses located within the floodway fringe that are listed in YMC 17.09.020.K; and
10. Uses located within the floodway that are listed in YMC 17.09.020.M.

J. 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, and the edge of a wetland, shall be marked on the ground before any development, construction, or use is initiated;
2. Existing vegetation and any vegetative species pertinent to the critical area identified on the project site within the stream corridor shall only be disturbed to the minimum extent possible;
3. Nesting areas and other sensitive habitat identified within a stream corridor shall be disturbed to the minimum extent possible;
4. Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered;

5. The following measures are incorporated into stormwater permits approved by a local, state or federal agency and transportation projects using the Stormwater Management Manual for Eastern Washington. Developments that do not require a stormwater permit shall also incorporate the following elements into project design:
    a. Excavation, grading, cut/fills, compaction, and other modifications which contribute to erosion of 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. Increases in impervious surface area, compaction of soil, changes in topography, and other modifications of land within a stream corridor shall provide on-site facilities for detention, control, and filtration if potential increases have been identified to occur;
    d. The discharge point for controlled stormwater runoff shall be designed and constructed to avoid erosion; and
    e. Matting or approved temporary ground cover shall be used to control erosion until natural vegetative ground cover is successfully established;
6. Prior to the approval of development, construction, or uses within a designated stream corridor, any existing source of biochemical or thermal degradation identified as originating on the project property shall be corrected;
7. 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;
8. 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;
9. Development, construction, or uses within the stream corridor shall not alter or divert flood flows, cause channel shift, erosion, and increase or accelerate the flooding of upstream or downstream flood hazard areas;
10. Structures placed in close proximity to the outer edge of bends in stream channels shall be located to minimize the hazard from stream undercutting and stream bank erosion stemming from potential future stream migration;
11. The Department of Ecology and adjacent communities 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;
12. Maintenance shall be provided for the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
13. Development shall not obstruct, cut off, or isolate stream corridor features;
14. Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon the rights of private ownership;

15. Projects located within the floodway must meet the requirements of YMC 17.09.020.L; and
16. 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 the reclamation found in YMC 17.09.030.Q.

WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

K. Use classifications. For purposes of this section, the components of any development, construction, or use requiring a critical area development authorization shall be classified as provided below, and shall conform to the development standards applicable to the classification provided in YMC 17.090.030.L-O:

1. Water-oriented uses are one of the following three categories of uses, as defined in YMC 17.01.090: water-dependent, water-related, or water-enjoyment, or a combination of such uses.
2. Nonwater-oriented uses include any use not qualifying as uses in subsection 1 of this section.

L. 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 YMC 17.09.030.P.
3. Use areas and structures requiring direct shore locations shall minimize any obstruction or impairment of normal public navigation of the surface water.

M. Water-related uses. The following provisions shall apply to 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 YMC 17.09.030.P except where existing development or the requirements associated with the use make such a location unavoidable.

N. Water-enjoyment uses. The following provisions shall apply to water-enjoyment 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 may be located within the vegetative buffer specified in YMC 17.09.030.P provided that the location and construction shall be conducted to minimize impacts to the shore area and the vegetative buffer.

O. Nonwater-oriented uses. The following provisions shall apply to nonwater-oriented uses:

1. Structures and use areas shall be set back so as not to be located within the vegetative buffer specified in YMC 17.09.030.P.

2. Construction abutting the vegetative buffer specified in YMC 17.09.030.P shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.

P. Vegetative buffers. The establishment of a vegetative buffer system is necessary to protect the functions and values of certain hydrologically related critical areas. Standard and minimum buffers for streams, lakes, and ponds are listed in Table 09.030-1. See YMC 17.09.040 for wetland buffer regulations.

1. Vegetative buffers shall be measured from the ordinary high water mark for streams, lakes, and ponds. The width of the buffer shall be determined according to the stream type.

2. The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetative community within the buffer zone that is deemed adequate to protect the identified critical area.

   a. If the vegetation is degraded, then revegetation may be considered with any adjustment to the buffer width.

   b. Where the use is being intensified, a degraded buffer may be revegetated to maintain the standard width.

Table 09.030-1. Standard Stream Buffers.

Stream Type	Buffer Width
Type 1 shoreline streams and lakes	High Intensity: Streams: 75’ Lakes: 50’ Essential Public Facilities: 100’ Floodway/CMZ: 100’ Shoreline Residential: Streams: 80’ Lakes: 20’ Urban Conservancy: 100’
Type 2 streams, lakes, and ponds	75'
Type 3 streams (perennial), lakes, and ponds	50'
Type 4 streams (intermittent), lakes, and ponds	25'

Stream Type	Buffer Width
Type 5 streams (ephemeral)	No buffer standards. Type 5 streams are not regulated as streams, but may be protected under geologically hazardous area, floodplain, stormwater, construction, grading or other development regulations.

3. Where a legally established road or railway crosses a shoreline or critical area buffer, the Shoreline Administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved road if a study submitted by the applicant and prepared by a qualified professional demonstrates that the part of the buffer on the upland side of the road sought to be reduced:

   a. does not provide additional protection of the shoreline waterbody; and

   b provides insignificant biological, geological or hydrological buffer functions relating to the waterward portion of the buffer adjacent to the shoreline waterbody.

   If the improved roadway corridor is wider than 20 feet, a study is not required.

4. Buffer averaging to *improve stream protection* may be permitted when all of the following conditions are met:

   a. The stream or riparian corridor has significant differences in characteristics that affect its habitat functions.

   b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the stream and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified professional.

   c. The total area of the buffer after averaging is equal to the area required without averaging.

   d. The buffer at its narrowest point is never less than ¾ of the required width.

5. Buffer averaging to *allow reasonable use* of a parcel may be permitted when all of the following are met:

   a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

   b. The averaged buffer will not result in degradation of the stream or riparian corridor's functions and values as demonstrated by a critical areas report from a qualified professional.

   c. The total buffer area after averaging is equal to the area required without averaging.

   d. The buffer at its narrowest point is never less than ¾ of the required width.

6. All other proposals to reduce a stream buffer may only be approved through the Shoreline Variance process.

Q. 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;
2. Large-scale projects that extend 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, the 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 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. For the replacement or enhancement of vegetation within wetlands and required vegetative buffers naturally occurring, native plant species shall be used; and
8. In other parts of the stream, naturally occurring, native plant species shall be used, unless a showing of good cause acceptable to the administrative official or designee is provided. Should good cause be shown, then self-maintaining or low-maintenance plant species compatible with the native vegetation shall be used in place of non-native and high-maintenance species.

17.09.040 Wetlands

A. Purpose and Intent. The purpose and intent of the provisions protecting wetland critical areas is equivalent to the purpose and intent for YMC 17.09.030.

B. Designating and Mapping

1. Consistent with WAC 173-22-035, wetlands in shoreline jurisdiction shall be delineated using the procedure outlined in the approved federal wetland delineation manual and applicable regional supplements.
2. Wetlands are all areas meeting the definition for wetlands as defined in YMC 17.01.090 and are hereby designated critical areas which are subject to YMC Chapter 17.09, except the following:
    a. Irrigation systems that create an artificial wetlands; and,
    b. Areas where changes in irrigation practices have caused wetland areas to dry up.
3. The approximate location and extent of wetlands are shown on maps maintained by the City of Yakima. These maps may include information from the National Wetlands Inventory produced by the U.S. Fish and Wildlife Service and are to be used as a guide for the City of Yakima.

C. Protection Approach. Wetlands will be protected using the Protection Approach for Hydrologically Related Critical Areas found in YMC 17.09.030.B. Wetlands and their functions will be protected using the standards found in this section and in YMC 17.09.030.

D. 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 improve water quality in the watershed (such as nutrient retention and transformation, sediment retention, metals, and toxics retention and transformation).

    b. Hydrologic functions, which maintain the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, and groundwater recharge.

    c. Food and habitat functions, which includes habitat for invertebrates, amphibians, anadromous fish, resident fish, birds, and mammals.

2. Wetlands shall be rated based on categories that reflect the functions and values of each wetland and shall be based on the criteria provide in the Washington State Wetland Rating System for Eastern Washington, revised March 2007 (Ecology Publication #04-06-15, or as revised) which are summarized below:

    a. Category I wetlands are more sensitive to disturbance than most wetlands, relatively undisturbed, and contain ecological attributes that are difficult to replace. Generally, these wetlands are not common and make up a very small percentage of the wetlands within the City of Yakima. The following types of wetlands are classified as Category I:

        i. Wetlands scoring 70 points or more (out of 100) in the Washington State Wetland Rating System for Eastern Washington (WRSEW),

        ii. Alkali wetlands,

        iii. Natural heritage wetlands (wetlands identified by Washington Department of Natural Resources Natural Heritage Program scientists), and

        iv. Bogs.

    b. Category II wetlands are difficult but not impossible to replace and provide high levels of some functions. Category II wetlands include:

        i. Wetlands scoring between 51-69 points (out of 100) in the WRSEW,

        ii. Unassociated vernal pools, and

        iii. Forested wetlands.

    c. Category III wetlands are often smaller, less diverse, and/or more isolated from other natural resources. Category III wetlands include:

        i. Wetlands with a moderate level of functions (scoring between 30 -50 points) in the WRSEW, and

        ii. Associated vernal pools.

    d. Category IV wetlands have the lowest levels of functions, scoring less than 30 points in the WRSEW. Category IV wetlands are often heavily disturbed and are wetlands that should be able to be replaced.

3. Wetlands shall be rated as they exist on the day of project application submission. Information regarding the original condition of illegally modified wetlands that cannot be

discerned from aerial photographs or other reliable information sources shall use the highest appropriate points value within each missing data field of the WRSEW rating sheet to complete the rating.

E. Wetland Buffers.

1. Vegetative buffers shall be measured from the edge of the wetland. The width of the buffer shall be determined according to the wetland type. The standard buffer widths are provided in Table 09.040-1 below.

2. The use of the standard buffer widths requires the implementation of the measures in Table 09.040-2, where applicable, to minimize the impacts of the adjacent land uses.

3. If an applicant chooses not to apply the mitigation measures in Table 09.040-2, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer.

4. The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetative community within the buffer zone that is deemed adequate to protect the identified critical area.

   a. If the vegetation is degraded, then revegetation may be considered with any adjustment to the buffer width.

   b. Where the use is being intensified, a degraded buffer may be revegetated to maintain the standard width.

Table 09.040-1. Standard Wetland Buffers

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I: Based on total score	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category I: Forested	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category I: Bogs	190 ft	NA	NA	NA
Category I: Alkali	150 ft	N/A	NA	NA
Category I: Natural Heritage Wetlands	190 ft	N/A	NA	NA
Category II: Based on total score	75 ft	Add 15 ft	Add 45 ft	Add 75ft

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category II: Vernal pool	150	NA	NA	NA
Category II: Forested	75 ft	Add 15 ft	Add 45 ft	Add 75ft
Category III (all)	60 ft	Add 30 ft	Add 60 ft	NA
Category IV (all)	40 ft	NA	NA	NA

Table 09.040-2. Required measures to minimize impacts to wetlands

(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. • Place wetland and its buffer in a separate tract or protect with a conservation easement

Disturbance	Required Measures to Minimize Impacts
Dust	Use best management practices to control dust
Disruption of corridors or connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

5. Buffer averaging to *improve wetland protection* may be permitted when all of the following conditions are met:
   a. 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.
   b. 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.
   c. The total area of the buffer after averaging is equal to the area required without averaging.
   d. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.
6. The Shoreline Administrator may not approve averaging reductions to the standard buffer widths for wetlands that score medium (twenty-six through twenty-nine points) or high (thirty through thirty-six points) for wetland habitat function, except where it can be shown that a particular wildlife species' needs within the buffer can be met with a smaller buffer.
7. All other proposals to reduce a wetland buffer may only be approved through the Shoreline Variance process.

F. Compensatory Mitigation Requirements. Projects that propose compensation for wetland acreage and/or functions are subject to State and Federal regulations. Compensatory mitigation for alterations to wetlands shall provide for a no net loss of wetland functions and values, and must be consistent with the mitigation plan requirements of YMC 17.09.010.P.13. The following documents were developed to assist applicants in meeting the above requirements.

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 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).
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- § 8-D3 or as revised (Washington State Department of Ecology. Publication # 05-06-008).

G. Wetland Mitigation Banks

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

   a. The bank is certified under RCW Ch. 90.84 or WAC Ch. 173-700,

   b. The Shoreline Administrator determines that the wetland mitigation bank can provide appropriate compensation for the authorized impacts, and

   c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

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.

17.09.050 Geologically Hazardous Areas

A. Purpose and Intent

1. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake, or other geological events. These areas pose a threat to the health and safety of the City of Yakima's citizens when incompatible development is sited in significantly hazardous areas. When mitigation is not feasible, development within geologically hazardous areas should be avoided.

2. The purpose of this section is to:

   a. Minimize risks to public health and safety and reduce the risk of property damage by regulating development within geologically hazardous areas;

   b. Maintain natural geological processes while protecting new and existing development; and,

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

3. This section does not imply that land outside mapped geologically hazardous areas or uses permitted within such areas will be without risk. This section shall not create liability on the part of the City of Yakima, any officer, or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

B. Mapping and Designation

1. Geologically hazardous areas are areas that are susceptible to one or more of the following, based on WAC 365-190-120:

   a. Erosion hazards;

b. Landslide hazards, which include:

i. over steepened slopes,

ii. alluvial fan/flash flooding,

iii. avalanche, and

iv. channel migration zones and stream undercutting.

c. Seismic hazards (referred to below as earthquake hazards); and,

d. Volcanic hazards.

2. The approximate location and extent of erosion hazard areas are shown on the City of Yakima's critical area map titled "Erosion Hazard Areas of the City of Yakima." Erosion hazard areas include areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. 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."

3. The approximate location and extent of Geologically Hazardous Areas are shown on the City's critical area map titled "Geologically Hazardous Areas of the City of Yakima." The following geologically hazardous areas have been mapped and classified using the criteria found in WAC 365-190-120:

a. Landslide Hazard Areas (LS). These include places where landslides, debris flows, or slumps have occurred.

i. High Risk (LS3) is defined as areas that are presumed to have had a landslide, debris flow, or slump within 10,000 years or less.

ii. Intermediate Risk (LS2) is defined as areas where landslides, debris flows, or slumps are older than 10,000 years, but are still capable of movement.

iii. Low Risk areas are defined as: Areas unlikely to fail. These areas are unlabeled and combined with other Low Risk categories.

b. Over Steepened Slope Hazard Areas (OS). These include areas with slopes steep enough to create a potential problem.

i. High Risk areas (OS3) are defined as having a high potential to fail, include slopes greater than 40%, and consist of areas of rock fall, creep, and places underlain with unstable materials.

ii. Intermediate Risk areas (0S2) are defined as areas less likely to fail but are still potentially hazardous. This category includes slopes between 15% and 40%.

iii. Low Risk areas are defined as areas unlikely to fail. These areas are unlabeled and combined with other Low Risk categories.

c. Alluvial Fan/Flash Flooding Hazard Areas (AF). These areas include locations where flash floods can occur and are often associated with inundation by debris from flooding. These areas may include:

i. Alluvial fans,

ii. Canyons,

iii. Gullies, and

iv. Small streams where catastrophic flooding can occur.

d. Stream Undercutting Hazard Areas (SU). These areas are confined to banks near main streams and rivers where undercutting of soft materials may result.

i. High Risk areas (SU3) include steep banks of soft material adjacent to present stream courses.

ii. Intermediate Risk areas (SU2) are banks along the edge of a flood plain but away from the present river course.

iii. Low Risk areas (SU1) are unlabeled and combined with other Low Risk areas on the maps.

e. Earthquake Activity Hazard Areas (EA). Recorded earthquake activity in the City of Yakima is mostly marked by low magnitude events and thus low seismic risk. The City of Yakima's Low Risk areas are unlabeled and combined with other low risk hazards.

f. Suspected Geologic Hazard Areas (SUS). These are areas for which detailed geologic mapping is deficient but preliminary data indicate a potential hazard may exist. No risk assessment (1-2-3) is given for these areas. Most are probably OS or LS hazards.

g. Risk Unknown Hazard Areas (UNK). This category is limited to areas where geologic mapping is lacking or is insufficient to make a determination. All of these areas are associated with other classified geologic hazards.

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 the City of Yakima are limited to pyroclastic (ash) deposits. No specific protection requirements are identified for volcanic hazard areas.

C. Geologically Hazardous Areas Protection Approach. The geologically hazardous areas protection approach can be met by following the guidelines below and by implementing the appropriate sections of the Building Code as adopted in YMC Title 11.

1. General.

a. New development and creation of new lots that would cause foreseeable risk from geological conditions during the life of the development or would require structural shoreline stabilization over the life of the development (except as allowed under YMC 17.07.130) is prohibited.

b. New stabilization structures for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result.

2. Erosion Hazard Areas. Protection measures for erosion hazard areas will be accomplished by implementing the regulatory standards for erosion and drainage control required under YMC Title 11 Building Code. YMC Title 11 requirements can be met by the application of the Best Management Practices (BMPs) in the Stormwater Management Manual for Eastern Washington (WDOE Publication number 04-10-076); equivalent manual adopted by the City of Yakima; or any other approved manual deemed appropriate by the Building Official.

3. Landslide Hazard Areas. Protection measures for landslide hazard areas will be accomplished through the review process of YMC 17.09.050.D by implementing the development standards of YMC 17.09.050.E.
4. Alluvial Fan/Flash Flooding Hazard Areas. Protection measures for alluvial fan/flash flooding hazard areas will be accomplished through the review process of YMC 17.09.050.D.
5. 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.
6. Oversteepened Slope Hazard Areas. Protection measures for oversteepened slope hazard areas will be accomplished through the review process of YMC 17.09.050.D, by implementing the development standards of YMC 17.09.050.E.
7. Earthquake/Seismic Hazard Area Protection Standards. Protection measures for earthquake/seismic hazard areas will be accomplished by implementing the appropriate sections of the Building Code as adopted in YMC Title 11.
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 YMC 17.09.050.D and by implementing the development standards of YMC 17.09.050.E.

D. Development Review Procedure for Geologically Hazardous Areas

1. The Shoreline Administrator 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.) are located:
    a. Within a mapped geologically hazardous area;
    b. Adjacent to or abutting a 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. Within a distance from the base of an adjacent landslide hazard area equal to the vertical relief of said hazard area; or,
    d. Within the potential run-out path of a mapped avalanche hazard.
2. Developments that receive an affirmative Determination of Hazard by the Shoreline Administrator under subsection 1 above, must conduct a Geologic Hazard Report as provided in YMC 17.09.010.Q, which may be part of a Geotechnical Report required below.
    a. If the Geologic Hazard Report determines that no hazard exists or that the project area lies outside the hazard, then no Geologic Hazard review is needed.
    b. The Shoreline Administrator is authorized to waive further Geologic Hazard review for oversteepened slopes on the basis that the hazards identified by the Geologic Hazard Report will be adequately mitigated through the issuance of a grading or construction permit.
3. Developments that receive an affirmative Determination of Hazard, but do not meet the provisions of subsection 2a or 2b above, must:

a. Obtain a Critical Areas Development Authorization under YMC 17.09.010;

b. Submit a Geotechnical Report that is suitable for obtaining grading and construction permits that will be required for development;

i. The geo-technical report shall incorporate a submitted assessment which includes the design of all facilities;

ii. A description and analysis of the risk associated with the measures proposed to mitigate the hazards; and,

iii. Ensure the public safety, and protect property and other critical areas; and,

c. Be consistent with YMC 17.09.050.E.

E. 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 onsite 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 incorporate methods to ensure that education about the hazard and any recommended buildable area for future landowners is provided.

4. The applicable requirements of grading and construction permits for developments in hazardous areas must be included in the development proposal and Geotechnical Report.

17.09.060 Critical Aquifer Recharge Areas

A. Purpose and Intent

1. The Growth Management Act (RCW Ch. 36.70A) requires local jurisdictions to protect areas with a critical recharging effect on aquifers used for potable water or areas where drinking aquifers are vulnerable to contamination. These areas are referred to as Critical Aquifer Recharge Areas (CARA) in this section.

2. Potable water is an essential life sustaining element and much of the City of Yakima’s drinking water comes from groundwater supplies. Once groundwater is contaminated, it can be difficult and costly to clean. In some cases, the quality of groundwater in an aquifer is inextricably linked to its recharge area.

3. The intent of this section is to:

a. Preserve, protect, and conserve the City of Yakima's CARA from contamination; and,

b. Establish a protection approach that emphasizes the use of existing laws and regulations while minimizing the use of new regulations.

4. It is not the intent of this ordinance to:

a. Regulate everyday activities (including the use of potentially hazardous substances that are used in accordance with State and Federal regulations and label specifications);

b. Enforce or prevent illegal activities;

c. Regulate land uses that use or store small volumes of hazardous substances (including in-field 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 City of Yakima review processes;

e. Establish additional review for stormwater control, which is covered under existing review processes and has 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.

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

1. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of groundwater travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

2. Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

3. Susceptible Groundwater Management Areas. Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.

4. Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.

5. Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines.

6. Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the State Department of Ecology.

C. Mapping

1. Mapping Methodology. The CARA is depicted in the map titled "Critical Aquifer Recharge Areas of the City of Yakima" located within the City of Yakima's 2006 Urban Area Comprehensive Plan 2025. The CARA map was developed through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology "Critical Aquifer Recharge Area Guidance Document" (Publication 05-10-028). The approximate location and extent of critical aquifer recharge areas are depicted on the above mentioned map, and are to be used solely as a guide for the City. The CARA map estimates areas of moderate, high, and extreme susceptibility of contamination, as well as, wellhead protection areas. In characterizing the hydrogeologic susceptibility of these recharge areas with regard to contamination, the following physical characteristics were utilized:
    a. Depth to ground water;
    b. Soil (texture, permeability, and contaminant attenuation properties);
    c. Geologic material permeability; and,
    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 City of Yakima 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.

D. Performance Standards – General Requirements.

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

E. Performance Standards – Specific Uses.

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

ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

b. Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Not allow the release of a hazardous substance to the ground, groundwaters, or surface waters;

ii. Have a primary containment area enclosing or underlying the tank or part thereof; and

iii. Have a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

2. Vehicle Repair and Servicing.

a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

b. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.

3. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

4. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the State Departments of Ecology and Health.

a. Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).

b. Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042.

F. Uses Prohibited from Critical Aquifer Recharge Areas. The following activities and uses are prohibited in critical aquifer recharge areas:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste and inert and demolition waste landfills;

2. Underground Injection Wells. Class I, III and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

3. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
4. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances;
5. Mining. Hard rock; and sand and gravel mining, unless located within the mineral resource designation; and
6. Other Prohibited Uses or Activities.
    a. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source;
    b. Activities that would significantly reduce the recharge to aquifers that are a source of significant base flow to a regulated stream.

G. Submittal Requirements.

1. Applications for any development activity or division of land which requires review by Yakima County and which is located within a mapped Critical Aquifer Recharge Area or Wellhead Protection Area shall be reviewed by the Shoreline Administrator to determine whether hazardous materials (see definitions) will be used, stored, transported, or disposed of in connection with the proposed activity. If there is insufficient information to determine whether hazardous materials will be used, the Shoreline Administrator may request additional information, in addition to any submittal requirements outlined in YMC 17.09.010.
2. The Administrative Official shall make the following determination:
    a. No hazardous materials are involved.
    b. Hazardous materials are involved; however, existing laws or regulations adequately mitigate any potential impact, and documentation is provided to demonstrate compliance.
    b. Hazardous materials are involved and the proposal has the potential to significantly impact Critical Aquifer Recharge and Wellhead Protection Areas; however, sufficient information is not available to evaluate the potential impact of contamination. The City may require a Hydrogeologic Report to be prepared by a qualified groundwater scientist in order to determine the potential impacts of contamination on the aquifer.

CHAPTER 17.11 EXISTING USES, STRUCTURES AND LOTS

Nonconforming uses or developments are shoreline uses or development which were lawfully constructed or 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 as well as to establish residences as pre-existing legal uses, conforming to the Master Program as allowed by the Act.

17.11.010 Nonconforming Uses

A. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded unless expressly allowed by YMC 17.11.010.B and 17.11.040.

B. Nonconforming single-family residential uses that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g) upon approval of a Shoreline Conditional Use Permit by the Hearing Examiner.

C. A legally established use, prior to the effective date of the Master Program, which is listed as a conditional use but for which a Shoreline Conditional Use Permit has not been obtained shall be considered a nonconforming use.

D. 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 by the Hearing Examiner. A Conditional Use Permit may be approved only upon a finding that:

   1. No reasonable alternative conforming use is practical; and

   2. 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.

   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. A use authorized pursuant to YMC 17.11.010.D shall be considered a conforming use for purposes of this section.

E. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be required to conform to this title.

17.11.020 Nonconforming Structures

A. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

B. 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 preexisting nonconformities.

C. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act.

D. If a nonconforming development/structure is damaged to an extent not exceeding fifty percent in flood hazard areas and seventy-five percent in the remainder of shoreline jurisdiction 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 application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

17.11.030 Nonconforming Lots

A. In any district, any permitted use or structure may be erected on any existing lot or parcel. This provision shall apply even though such lot fails to meet the minimum dimensional requirements of this SMP, provided that such structure is allowed within the shoreline environment and all uses of the nonconforming lot shall comply with all other provisions of the SMP and underlying zoning requirements including setbacks, dimensional standards, and lot coverage requirements.

B. Structures and customary accessory buildings on non-conforming lots shall be set back from the OHWM to the greatest extent feasible. Development proposed inside required buffers shall go through mitigation sequencing, shall require a mitigation plan and Shoreline Variance, per YMC 17.13.080, when unable to meet the provisions of YMC 17.09.030.

17.11.040 Pre-existing Legal Uses – Conforming Residential Structures

Notwithstanding YMC 17.11.010 to 030, the following shall apply to preexisting legal residential structures constructed prior to the effective date of this SMP:

A. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following shall be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density.

B. The City shall allow redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the SMP, including requirements for no net loss of shoreline ecological functions.

C. For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.

D. Nothing in this YMC 17.11.040: (a) Restricts the ability of this SMP to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or City requirements to residential structures.

17.11.050 Additional Requirements for Certain Uses

Non-conforming uses and structures not covered by RCW 90.58.270(5), RCW 90.58.620, and not addressed by the SMP must comply with WAC 173-27-080.

CHAPTER 17.13 ADMINISTRATION AND ENFORCEMENT

17.13.010 Roles and Responsibilities

The City shall administer the Shoreline Master Program (SMP), collectively Title 17 and the associated goals and policies contained in Comprehensive Plan Chapter 10, Section 3, according to the following roles and responsibilities:

A. Shoreline Administrator. The Shoreline Administrator in the City of Yakima is the Community Development Director. The Shoreline Administrator shall have overall administrative responsibility of the SMP. The Shoreline Administrator or his/her designee is hereby vested with the authority to:

1. Administrate this SMP.
2. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
3. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP.
4. Authorize, approve or deny Shoreline Substantial Development Permits.
5. Authorize, approve or deny Shoreline Conditional Use Permits except for those involving non-conforming uses, which shall be the responsibility of the Hearing Examiner.
6. Make written recommendations to the Hearing Examiner, Planning Commission, or City Council as appropriate.
7. Advise interested persons and prospective applicants as to the administrative procedures and related components of this SMP.
8. Collect fees for all necessary permits as provided in City ordinances or resolutions. The determination of which fees are required shall be made by the City.
9. Make administrative decisions and interpretations of the policies and regulations of this SMP and the Act in accordance with the Yakima Municipal Code.

B. SEPA Official. The responsible SEPA official or his/her 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 City's SEPA implementation ordinance.

C. Hearing Examiner. The Hearing Examiner shall have the authority to:

1. Decide on appeals from administrative decisions issued by the Shoreline Administrator of this SMP.
2. Grant or deny variances from this SMP.
3. Grant or deny Shoreline Conditional Use Permits associated with non-conforming uses.
4. The Hearing Examiner may, at the request of the Shoreline Administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions on applications for Shoreline Substantial Development Permits and Conditional Use Permits.

D. Planning Commission. The Planning Commission is vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the City's planning and regulatory program, and make recommendations for amendments thereof to the City Council.

E. City Council. The City Council is vested with authority to:

1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.

2. Adopt all amendments to this SMP, after consideration of the recommendation of the planning commission, where established. Amendments shall become effective upon approval by Ecology.

17.13.020 Interpretation

A. The City shall make administrative decisions and interpretations of the policies and regulations of this SMP and the Act in accordance with the Yakima Municipal Code.

B. The City 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.

C. The application of this SMP is intended to be consistent with constitutional and other legal limitations on the regulation of private property. The Shoreline Administrator shall give adequate consideration to mitigation measures and other possible methods to prevent undue or unreasonable hardships upon property owners.

17.13.030 Statutory Noticing Requirements

A. Applicants shall follow the noticing requirements of the City. At a minimum, the City shall provide notice in accordance with WAC 173-27-110, and may provide for additional noticing requirements. Per WAC 173-27-120 the City shall comply with special procedures (public notice timelines, appeal periods, etc.) for limited utility extensions and bulkheads.

B. The following subsections provide a summary of noticing days. The City shall consult the most current version of WAC 173-27-110 and 120 to confirm the days. In case of conflict, state statutes or rules shall control:

1. Issuance of notice of application. Notice of application shall be provided within fourteen days after the determination of completeness of the application.

2. Statement of public comment period. The notice of application shall state the public comment period which shall be not less than thirty days following the date of notice of application, unless otherwise specified for limited utility extensions or single family bulkheads below.

3. Notice of application prior to hearing. If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

4. Limited utility extension or single-family bulkhead. An application for a Substantial Development Permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

   a. The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the City's decision on the application no later than two days following its issuance;

   b. The City shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and

c. If there is an appeal of the decision to grant or deny the permit to the Hearing Examiner, the appeal shall be finally determined by the Hearing Examiner within thirty days.

17.13.040 Application Requirements

A. 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. In addition, the applicant, including those applying for exemption status, shall provide the following materials:

1. An assessment of the existing ecological functions and/or processes provided by topographic, physical and vegetation characteristics of the site and any impacts to those functions and/or processes, to accompany development proposals, provided that proposals for single-family residences, as long as they meet the exemption criteria, shall be exempt from this requirement if proposal is located outside required buffers. When the project results in adverse impacts to ecological function and/or processes, a mitigation plan must be provided that describes how proposed mitigation compensates for the lost function or process.

2. Site plan or division of land depicting to scale the location of buildable areas, existing and proposed impervious surfaces (building(s), accessory structures, driveways), and allowed landscaping and yards (including proposed water access trails, view corridors, wildfire defensible space, if applicable), general location of utilities, well and septic system, if applicable and location of storage and staging of materials and equipment during construction. Plans shall show area calculations of each feature.

3. The location of any mapped channel migration zone floodplain, and/or floodway boundary and critical Areas, if known, and respective setback/buffer areas on and within 250 feet of the vicinity of the project site and all applicable buffers.

4. Where a view analysis is required per WAC 173-27-180, it shall address the following:

   a. The analysis shall include vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed with structures complying with the applicable regulations of the City and the maximum height limitation allowed under the SMP.

   b. The view corridor analysis shall include residential buildings or public properties located outside of the shoreline jurisdiction if it can be clearly demonstrated that the subject property has significant water views.

B. The Shoreline Administrator may vary or waive these additional application requirements according to administrative application requirements on a case by case basis, but all applications for a substantial development, conditional use, or variance permit shall contain the information found in WAC 173-26-180.

C. The Shoreline 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 City requirements, and the provisions of this Title.

17.13.050 Exemptions from Shoreline Substantial Development Permits

A. The City shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515.

B. Letters of exemption shall be issued when a letter of exemption is required by the provisions of WAC 173-27-050. Otherwise the exemption status shall be documented in the project application file.

17.13.060 Shoreline Substantial Development Permits

A. A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per YMC 17.13.050.

B. A Shoreline Substantial Development Permit shall be granted only when the development proposed is consistent with:

   1. The policies and procedures of the SMA;

   2. The provisions of WAC 173-27;

   3. Chapter 10, Section 3 of the City of Yakima Comprehensive Plan; and

   4. This Title 17.

C. The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.

17.13.070 Shoreline Conditional Use Permits

A. 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 City, the City 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.

B. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the City and by the Department of Ecology.

C. 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 consistency with the requirements of this section and the requirements for conditional uses contained in this SMP.

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

E. 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:

   1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

   2. That the proposed use will not interfere with the normal public use of public shorelines;

3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
5. That the public interest suffers no substantial detrimental effect.

F. In the granting of all Shoreline Conditional Use Permits, 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 and shall not produce substantial adverse effects to the shoreline environment.

G. In authorizing a conditional use, special conditions may be attached to the permit by the City or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this SMP.

H. Nothing shall interfere with the City's ability to require compliance with all other applicable plans and laws.

17.13.080 Shoreline Variance Permits

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Shoreline Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Shoreline Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited.

B. After a Shoreline Variance application has been approved by the City, the City 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.

1. 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.
2. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
    a. 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;
    b. That the hardship described in criterion "a" 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;

c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

e. That the variance requested is the minimum necessary to afford relief; and

f. That the public interest will suffer no substantial detrimental effect.

3. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

a. 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;

b. That the proposal is consistent with the criteria established under Regulation B.2 above; and

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

C. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

17.13.090 Duration of Permits

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

A. 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 City may adopt different time limits from those set forth in subsections B and C of this section as a part of an action on a Shoreline Substantial Development Permit.

B. 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 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. However, the City 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 with a complete extension application submittal before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline

Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance and to Ecology.

C. 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. However, the City 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 and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance, and to Ecology.

D. 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 90.58.140(6). The permit time periods in subsections B and C 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 City of the pendency of other permit applications filed with agencies other than the City 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 City prior to the date of the last action by the City to grant permits and approvals necessary to authorize the development to proceed, including administrative and legal actions of the City, and actions under other City development regulations, the date of the last action by the City shall be the effective date.

E. 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.

F. Notification to Ecology. The City 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.

17.13.100 Initiation of Development

A. Amortization to begin construction. Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance, issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of receipt 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) days from the date of receipt of the decision, except as provided in RCW 90.58.140(5)(a) and (b). The date of receipt for a Substantial Development Permit means that date the applicant receives written notice from Ecology that it has received the decision. With regard to a permit for a shoreline variance or a shoreline conditional use, date of receipt means the date the City or applicant receives the written decision of Ecology.

B. Forms. Permits for substantial development, shoreline conditional use, or shoreline variance may be in any form prescribed and used by the City, including a combined permit application form. Such forms will be supplied by the City.

C. Data sheet. 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.

D. Construction Prior to Expiration of Appeal Deadline. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

17.13.110 Review Process

A. After the City's approval of a conditional use or variance permit, the City shall submit the permit to the department for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the City and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by the City pursuant to WAC 173-27-110.

B. Ecology shall review the complete file submitted by the City on conditional use and 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 Permit or Shoreline Variance 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.

C. The City 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.

17.13.120 Appeals

A. Administrative review decisions by the Administrator, based on a provision of this SMP, may be the subject of an appeal to the Hearing Examiner by any aggrieved person. Such appeals shall be an open record hearing before the Hearing Examiner.

B. Appeals of exemptions are allowed only for exemptions where a letter is required pursuant to YMC 17.13.050.

C. Appeals must be submitted within fourteen (14) calendar 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:

   1. The decision or interpretation being appealed, including the file number reference and the specific objections in the decision document;

   2. The name and address of the appellant and his/her interest(s) in the application or proposed development;

   3. 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;

   4. The specific relief sought by the appellant; and

   5. The appeal fee established by the City.

D. Per WAC 173-27-120, the City 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 Hearing Examiner, the appeal shall be finally determined by the Hearing Examiner within thirty days.

E. Appeals to the Shoreline Hearings Board of a final decision on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within thirty (30) days of receipt of the final decision by the City or by Ecology as provided for in RCW 90.58.140(6).

17.13.130 Amendments to Permits

A. 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, this SMP, 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.

B. When an applicant seeks to revise a permit, the City 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.

C. If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this SMP and the Act, the City may approve a revision.

D. "Within the scope and intent of the original permit" means all of the following:

1. No additional over water construction 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;

2. Ground area coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;

3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a Shoreline Variance granted as the original permit or a part thereof;

4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;

5. The use authorized pursuant to the original permit is not changed; and

6. No adverse environmental impact will be caused by the project revision.

E. 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 City shall notify parties of record of their action.

F. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the City 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 City and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the City. The City shall notify parties of record of Ecology's final decision.

G. The revised permit is effective immediately upon final decision by the City or, when appropriate per subsection F, 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.

1. 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 City's action by Ecology or, when appropriate under Shoreline Variances or Conditional Uses, the date Ecology's final decision is transmitted to the City and the applicant.

2. Basis of appeals. Appeals shall be based only upon contentions of noncompliance with the provisions of subsections A and B. Appeals shall be based on the revised portion of the permit.

3. 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.

4. 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.

17.13.140 SMP Amendments

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

1. To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

2. To assure consistency of the master program with the City's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

B. This SMP and all amendments thereto shall become effective immediately upon final approval and adoption by Ecology.

C. The SMP may be amended annually or more frequently as needed pursuant to the Growth Management Act, RCW 36.70A.130(2)(a)(iii).

D. 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 City Council as appropriate.

E. 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 City. Such applications shall contain information specified in the City's procedures for Comprehensive Plan and development regulation amendments pursuant to RCW 36.70A, the Growth Management Act, and information necessary to meet minimum public review procedures in subsection F.

F. Public Review Process – Minimum Requirements. The City 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.

G. 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 City Council, who shall approve or deny the proposed amendment.

H. Finding. Prior to approval, the City shall make a finding that the amendment would accomplish #1 or #2, and must accomplish #3:

1. The proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines;
2. The proposed amendment would make this Program more equitable in its application to persons or property due to changed conditions in an area;
3. 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.

I. 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.

17.13.150 Enforcement

The City shall apply 173-27 WAC Part II, Shoreline Management Act Enforcement, to enforce the provisions of this SMP whenever a person has violated any provision of the Act, this SMP, or other regulation promulgated under the Act.

17.13.160 Monitoring

A. The City will track all shoreline permits and exemption activities to evaluate whether the SMP is achieving no net loss of shoreline ecological functions. Activities to be tracked using the City's permit system include development, conservation, restoration and mitigation, such as:

1. New shoreline development
2. Shoreline Variances and the nature of the variance
3. Compliance issues
4. Net changes in impervious surface areas, including associated stormwater management
5. Net changes in fill or armoring
6. Net change in linear feet of flood hazard structures
7. Net changes in vegetation (area, character)

B. Using the information collected per subsection A, a no net loss report shall be prepared every eight years as part of the City's Shoreline Master Program evaluation or Comprehensive Plan Amendment process. Should the no net loss report show degradation of the baseline condition documented in

the City's Shoreline Analysis Report, changes to the SMP and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year update to prevent further degradation and address the loss in ecological functions.

APPENDIX A: 2014 CITY OF YAKIMA PROGRAMMATIC EXEMPTION, ISSUED TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, SOUTH CENTRAL REGION

This Programmatic Exemption (PE) between City of Yakima (City) and the Washington State Department of Transportation (WSDOT) South Central Region, in accordance with the current City of Yakima Shoreline Master Program, establishes procedures for classifying and documenting WSDOT projects within the City Shoreline jurisdiction as programmatically exempt from further City review for a period of eight (8) years from the effective date of the Yakima SMP. WSDOT projects that do not fall under the purview of this PE shall undergo standard City review.

Location/Legal Description:

All WSDOT, South Central Region projects associated with state route locations within City of Yakima as outlined in WAC 173-18-430. For more information on City of Yakima shoreline jurisdiction, please refer the current City of Yakima Shoreline Master Program (SMP), City of Yakima Municipal Code (YMC) Title 17.

Exemption Citation

- WAC 197-11-800
  (2) Other minor new construction (c)
  (3) Repair, remodeling, and maintenance activities
- WSDOT is SEPA Lead Agency on WSDOT projects. Should a SEPA Checklist be required, City of Yakima will receive a copy of the documentation.
- WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, regarding Developments exempt from substantial development requirement
- YMC 17.13.050 Exemptions from Shoreline Substantial Development Permits

Proposed Activity

Normal maintenance, repair, and safety upgrades of state highways and related structures or lands. Please refer to PE Attachment A for Functional Work Zones and PE Attachment B for further descriptions of exempt activities.

WSDOT Standard Protection Plans, Policies, and Best Management Practices

WSDOT adheres to standard protection plans and policies, in addition to employing Best Management Practices (BMPs), to ensure the highest level of compliance with applicable federal, state, local, and tribal laws and policies, including regulating stormwater discharge, protecting sensitive areas and species, promoting and protecting clean water, protecting human and environmental health, minimizing erosion, and addressing emergencies. WSDOT's protection plans and policies are available upon request.

Additional Permit Requirements

It is understood that this PE does not excuse WSDOT from compliance with any other federal, state, or local regulations or permits affecting these actions. This includes obtaining necessary Hydraulic Project Approvals from the Washington Department of Fish and Wildlife, compliance with Washington State

Department of Ecology standards, and compliance with the Critical Areas regulations as included in the City of Yakima SMP.

Notification Procedures

Prior to work within City shoreline jurisdiction, WSDOT Environmental Staff will mail the City designee a memo stating the appropriate PE Exemption Citation (found in this PE, Attachment B) and the following basic project information: brief work description, location (lat/long and a vicinity map, as well as a parcel number if applicable), WSDOT Functional Work Zone, and estimated construction timing.

Exceptions to individual notification will include any work listed in Attachment C.

If the City does not reply to a notification, it will be perceived as a concurrence.

ATTACHMENT A: FUNCTIONAL ZONES AND OBJECTIVES

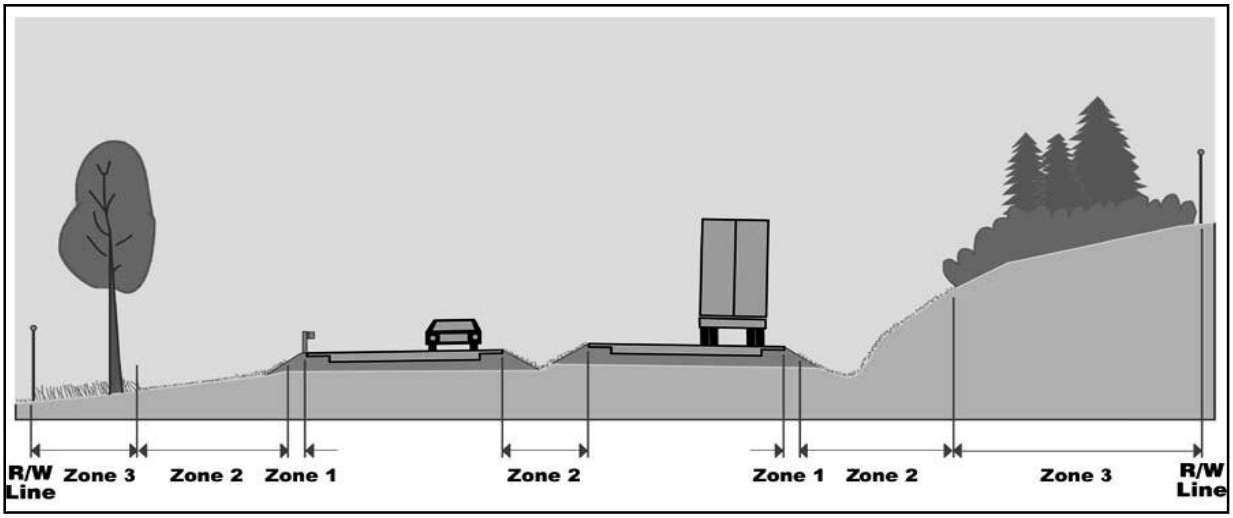

Figure 1. Functional Zones

Table 1. Functional Zone Objectives

Zone 1: Vegetation Free	Zone 2: Operational	Zone 3: Transition/Buffer
0-2 feet from pavement or as necessary	*Zone 1 or pavement edge to meet operational needs*	*Zone 2 to right of way line*
Provide surface drainage	Control weeds	Control weeds
Reduce fire potential	Prevent erosion	Prevent erosion
Provide visibility and maintenance of roadside hardware	Maintain hydraulic capacity of ditches	Promote self-sustaining plant communities
Prevent pavement breakup by invasive plants	Maintain design width for vehicle recovery	Maintain and enhance visual quality
Provide sight distance for passing, stopping, and at intersections	Provide sight distance for passing, stopping, and at intersections	Preserve wetlands and wildlife habitat
Prevent the buildup of wind-blown debris and winter sand at pavement edge	Provide vegetative cover but eliminate vegetative obstructions (trees and shrubs with trunk diameter of 4" or more)	Eliminate danger trees causing excessive shade on the road pavement (ice and frost potential) or hazard tree removal
Keep clear of obstructions and hazards	Provide wildlife habitat where compatible with roadway traffic	Blend and/or screen adjacent surroundings to meet goals and objectives of the Roadside Classification Plan
	Accommodate underground utilities	Accommodate utilities

ATTACHMENT B: PROPOSED ACTIVITIES OCCURRING FREQUENTLY WITHIN WSDOT FUNCTIONAL ZONES

A highway facility is made up of several components within the right of way: the highway, the shoulder, roadside slope, ditch, and adjacent land between the ditch and the right of way line or fence, often referred to as the clear zone. In order to maintain a functioning state highway system, WSDOT highway facilities require regular maintenance and repair, as well as upgrades to safety standards in response to evolving transportation needs. Descriptions of normal maintenance and repair activities, including safety upgrades, are provided below and include the WSDOT Functional Zones in which they may occur (see PE Attachment A).These activities are not considered new development, as they maintain the function of the existing highway facilities. Without the following activities, the highway facilities would not meet federal transportation standards set forth by the Federal Highway Administration (FHWA).

Bank protection and scour repair Zones 1 & 2

Highways adjacent to water courses, drainage ways, and embankments throughout the state are protected in a variety of ways against damage due to high water. Structures and in-kind repairs such as barbs, rip-rap, pile revetments, retaining walls and cribs, rock and wire mesh (gabions), and vegetation must be inspected during storms or periods of high water, as well as at least once each spring or after major high water periods, and repairs made where required. In-kind repairs merit a notification as described in this PE, including a justification to the amount of material being used (i.e. how WSDOT justifies an “in-kind” replacement) In-kind scour repair activities may involve the use of jacking platforms or footing work to fill voids and replace structures or banks to as-built, or natural conditions. Inspections shall occur as per normal maintenance operations without notification as described in YCC 16D.03.05.

Bridge repair Zone 1

Normal maintenance and repair of bridge components above the ordinary high water mark (OHWM) including repairing structural components (i.e., trusses, abutment, deck, piers, etc.). Other bridge repair and maintenance are discussed in the PE, Attachment C (2).

Culvert replacement Zones 1, 2, & 3

From time to time culvert maintenance and repair is no longer adequate and a culvert needs to be replaced to minimize the possibility of damage to the roadbed by water saturating the fill material. Scour areas are repaired during these actions and necessary armoring typically occurs to protect outfall areas. Culvert maintenance is addressed in the PE, Attachment C (3)(b).

Intelligent transportation systems Zones 1, 2, & 3

Intelligent Transportation Systems (ITS) improve transportation safety and mobility and enhance productivity through the use of advanced communication technologies and their integration into the transportation infrastructure. These systems encompass a broad range of communications-based information and electronics technologies. Due to the dynamic nature of ITS, these systems quickly become outdated and will need repair, upgrade, and/or replacement. Installation of new signs, signals, and other electronic communication devises is required to keep the public safe and informed as traffic volumes increase and specifications change. Normal maintenance and repair of ITS components may include installation of new poles, installation, repair, and maintenance of cable vaults and junction boxes, tree removal for communication ‘line of sight’ (allowing communication between devices), repair

or replacement of existing poles and footings, repair or replacement of cameras and communication or electrical equipment, removing, replacing, or relocating highway signs within the highway right of way, installation of or repair to Highway Advisory Radio equipment (flashing light signs) and Variable Message Signs (VMS), and trenching associated with connecting electrical signs and equipment with the nearest communication devices and power source. Any new or maintenance work that disturbs the ground shall require notification to the City as per the notification section of this PE. All other work may be considered part of Attachment C of this PE and requires no notification. For example, a new sign requires notification, whereas replacement or repair of equipment on an existing pole does not.

Traffic barrier installation Zones 1 & 2

Traffic barriers are used to reduce the severity of accidents that occur when errant vehicles leave the traveled way. However, traffic barriers are obstacles that vehicles will encounter and are only used when justified by accident history or other minimum design and safety criteria (e.g., slope ratio, fixed objects, or water). When paired with increasing traffic volumes and vehicle accident rates, design standards may change to require traffic barriers such as guardrail or cable barrier to be installed in new locations. These structures are not new development, but rather normal maintenance and repair, including safety upgrades of state highway facilities as required by the FHWA. Any roadway prism expansion or use of fill that expands the roadway footprint will require notification to the City, as per the Notification requirement of this PE, and may need to go through the permitting process. Replacement-in-kind or repair to these traffic barriers is addressed in the PE, Attachment C.

Cable barrier

Cable barrier, sometimes referred to as guard cable or high-tension cable barrier, is a type of roadside or median barrier consisting of steel wire cables (typically three or four) mounted on weak posts. As is the case with any roadside barrier, its primary purpose is to prevent a vehicle from leaving the traveled way and striking a fixed object or terrain feature that is less forgiving than itself. Also similar to most roadside barriers, cable barriers function by capturing and/or redirecting the errant vehicle.

Guardrail

Guardrail prevents vehicles from veering off the roadway or into oncoming traffic, crashing against solid objects or falling into a ravine. A secondary objective is keeping the vehicle upright while deflected along the guardrail.

Shield re-directional landforms

Landforms, such as berms, may be used to delineate and redirect errant vehicles. The current practice is to surround landforms with guardrail or cable to prevent vehicle roll-over.

Shoulders and slopes Zones 1 & 2

Shoulder repair

Shoulder damage can be caused by erosion from adjacent waterways, heavy precipitation, or water overflowing the roadway. Repairing this damage must occur regularly to maintain a functional roadway prism. Removing buildup of sand, dirt, and vegetation at the edge of paved shoulder allows for proper drainage. Grading/reshaping shoulders by pulling aggregate from the shoulder back towards the roadway (and away from slopes and potential water) is done using a motor grader or other equipment.

This may include the addition of more aggregate to fill in areas where there is not adequate material to reshape the shoulder. Shoulder repair activities on slopes above shoreline waterbodies will follow notification procedures as outlined in this Exemption. Those shoulder repair activities above ditches will not require notification, as stated within the PE, Attachment C (8)(a) (Figure 2 below).

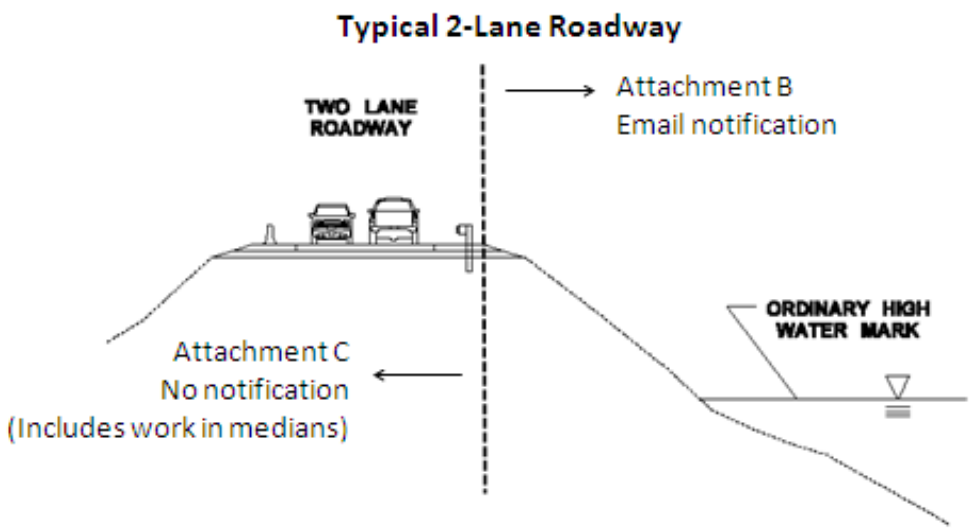

Figure 2. Notification requirement for shoulder repair work by roadway prism location.

Slope flattening

Non-standard roadbeds and ditches should be modified to produce a relatively flat, shallow slope to enhance motorist safety. Slope flattening activities on slopes above shoreline waterbodies will follow notification procedures as outlined in this PE. Those slope flattening activities above ditches will not require notification, as stated in the PE, Attachment C (8)(b) (see Figures 2 and 3 for clarification of work areas).

Slope repair/slide and rock fall debris cleanup

Removing material from slides or eroded slopes which have blocked ditches or covered or undermined part or all of the road shoulder or travel lane is important for proper roadway function. This includes repairing slopes that have been damaged from erosion or embankment failure. Slope repair may include stabilization activities such as wire mesh netting, bolting, installation of catchment fencing or gabion basket walls, and typical rock removal procedures such as scaling or controlled blasting activities intended to remove loose rock. These repair and clean-up activities on slopes above shoreline waterbodies will follow notification procedures as outlined in this Exemption. Those activities above ditches will not require notification, as stated within Attachment C (8)(c) (see Figure 3 below).

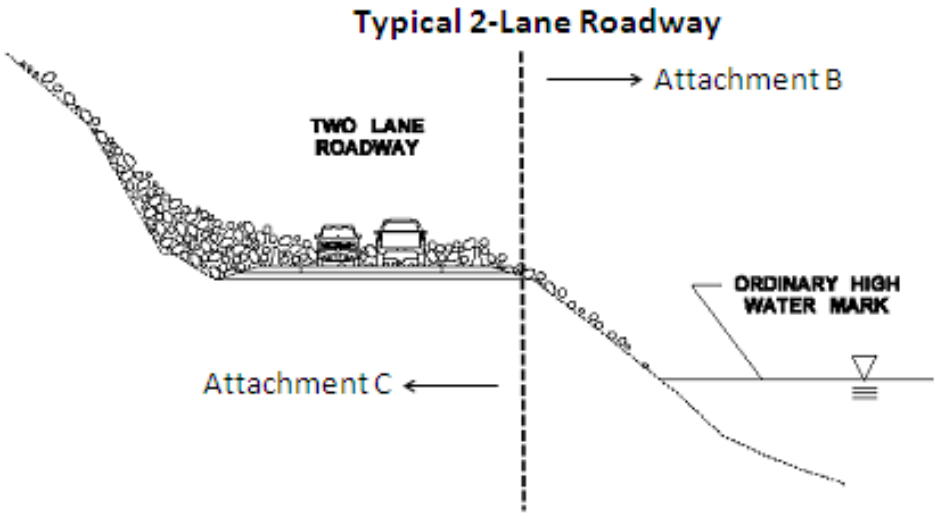

Figure 3. Notification requirement for slope repair/slide and rock fall debris clean-up work.

Weigh in motion Roadway surface and Zone 1

A weigh in motion (WIM) is a scale facility capable of weighing a vehicle without the vehicle stopping, through the use of Commercial Vehicle Information Systems and Networks (CVISN), which allow the driver to be notified without stopping. These WIM facilities are typically located where there is already adequate room within the roadway prism. Only facilities located within an existing roadway are covered under this exemption. WIM facilities require pavement/shoulder excavation, installation of electronic scale and communication devises, pavement overlay (concrete and/or asphalt), and pavement markings. Both WIM and CVISN require periodic maintenance.

Hazard/danger tree removal Zones 1, 2, & 3

The Regional Road Maintenance Program routinely identifies and eliminates hazard/danger trees that endanger state highways. As with all WSDOT activities, proper approvals will be obtained prior to work, unless there is an emergency situation.

ATTACHMENT C: MINOR ACTIVITIES ALLOWED WITHOUT A PERMIT OR EXEMPTION

The following typical WSDOT activities meet the definitions and thresholds identified in YCC 16D.03.05: Minor Activities Allowed without a Permit or Exemption, and will be considered exempt from further individual review under this PE.

Auxiliary facilities Zones 2 & 3

Historical markers

WSDOT maintains road approaches, parking areas, litter barrels, and advance advisory signing associated with historical markers and their related structures.

Park and ride lots

Maintenance of park and ride lots is critical for customer and vehicular safety, accessibility, utilization, and the protection of infrastructure. These activities are similar to safety rest areas and viewpoints in the following descriptions.

Safety rest areas

Safety rest areas are located adjacent to the highway and within highway right of way. Regular maintenance of rest area property includes scheduled maintenance of septic tanks, drain fields, pumps, filters, and back-flow prevention devices, in addition to the water supply (springs or wells). Rest area maintenance and repair also includes maintenance of structures/buildings, pavement surfacing and markings, and vegetation management.

Stockpiles

WSDOT maintains stockpiles of sand and salt, ready for winter use. Stockpile sites are to be cleared of all vegetation (including trees and brush), rocks, or other debris. Stockpiles cannot be located in the floodplain.

Viewpoints

Viewpoints generally consist of a parking area with litter barrels. Parking areas, fences, and guardrail must be kept in good repair, and undesirable brush and other debris must be removed.

Weigh Stations

WSDOT weigh stations that are outside of the roadway prism require periodic maintenance and repairs including, but not limited to paving, pavement marking, vegetation management, and communication equipment upgrades.

Bridge superstructure, deck repair/rehabilitation, and maintenance Zone 1

Normal maintenance and repair of bridge components above the ordinary high water mark (OHWM) includes: cleaning and painting, cleaning and repairing bridge drains by removing debris, silt, or other blockages from bridge drain covers or inlets, repairing or replacing failed expansion joints on bridge decks or pavement seats at bridge ends, and repair and maintenance of non-structural portions of the

bridge (e.g., traffic gates, bridge house, navigation lights, etc.). All work of this nature shall comply with WSDOT's current National Pollutant Discharge Elimination System (NPDES) Bridge Washing Permit.

Drainage Zones 1, 2 & 3

Catch basin maintenance and repair

A catch basin (i.e., storm drain inlet, curb inlet, etc.) is a component of the storm drain system that typically includes a grate or curb inlet (where stormwater enters the catch basin), paired with a sump to capture sediment, debris, and associated pollutants. Catch basins act as pretreatment by capturing large sediments, while a sump removes liquids and smaller sediments. The performance of these systems depends on routine maintenance to remove accumulated debris and maintain capacity. This can be accomplished through mechanical removal of sediment and debris from the catch basin using equipment such as a vactor truck, as well as repairing or replacing catch basins and manholes to insure proper drainage flow.

Culvert inspection, cleaning, and repairs

Routine culvert cleaning is necessary to keep them functioning properly and to avoid damage and undue wear. Cleaning can be accomplished using mechanical equipment such as a vactor, flusher, or backhoe. Areas around culvert ends need to be inspected and any scoured areas repaired as necessary with rip rap or other protection. Culverts need to be inspected at least twice a year and repaired or replaced if badly worn or broken to minimize the possibility of damage to the roadbed by water saturating the fill material. Culvert replacement is addressed in the PE, Attachment B (2).

Detention/retention basin maintenance

A detention basin temporarily stores water after a storm, but eventually empties at a controlled rate to a downstream waterbody. A retention basin is a type of BMP used to manage stormwater runoff to prevent flooding and downstream erosion, and improve water quality in an adjacent waterbody. These ponds are typically surrounded by vegetation, and storm water is typically channeled to a retention basin through a system of street storm drains, and a network of drain channels or underground pipes. The basins are designed to allow relatively large flows of water to enter, but outlet structures are only designed to function during very large storm events. To function correctly the controlled outfall or outlet pipe must be free of debris and accumulated settled materials must be removed on a schedule based on experience at each site. If oil separators are combined with these facilities, timely removal and proper disposal of oils is essential. Other maintenance of these structures includes structural repair, vegetation management, and culvert repair (see (2)(b) above).

Ditch maintenance

Roadside ditches are necessary conveyance structures to move stormwater through or away from the highway right of way. Sedimentation, vegetation, litter, and other debris accumulate over time, reducing the efficacy of stormwater conveyance, and often creating a potential threat to the adjacent roadway. Regular inspection, maintenance, and repair of roadside ditches (including gutters) is required to maintain a safely operating highway system. Vegetation will generally only be removed when flow is blocked and by using BMPs that minimize erosion and sediment escape to waterbodies.

Under drains

Under drains are often constructed in the sub-grade to intercept subsurface water from springs and seepage water from the surface or percolating from below. Control of this water is essential to ensure the stability of the sub-grade upon which the highway is constructed. Normal maintenance and repair of these drains include regular inspection (on the same schedule as culverts) and maintaining open, clean outlets. Choked under drains can be cleaned by high pressure flushing with water or flexible sewer rods. In cases where roots effectively block the drainage, the use of herbicides may be indicated. Whatever method of cleaning is used, erosion and sediment control will require consideration and appropriate BMPs may need to be installed.

Landscape maintenance Zones 2 & 3

Maintenance of the roadside from the edge of the pavement to the right of way line includes all vegetation control activities, formal landscaped areas, and litter pick up. WSDOT must maintain design width for vehicle recovery, provide appropriate sight distance at interchanges and at intersections, maintain hydraulic capacity of ditches, accommodate underground utilities, control weeds, prevent erosion, maintain and enhance visual quality, install and repair fences, and control vegetation by burning within the right of way.

Right of way fences Zone 3

WSDOT right of way fences will be maintained.

Roadway surface Between Zones 1 & 2

Dowel bar retrofit

Reestablishing the load transfer efficiencies of the existing concrete joints and transverse cracks by cutting slots, inserting epoxy-coated dowel bars, and filling cut slots with high-early strength non-shrink concrete.

Pavement maintenance and repair

Maintaining and repairing roadway pavement may be accomplished through the following methods:

Crack and joint sealing

Repairing traveled lane or shoulder pavement surfaces by installing fill material into pavement cracks. Work includes cleaning and routing cracks in preparation for sealing.

Pavement milling/full depth patching

Excavating failed pavement and underlying base material, replacing sub grade material, and patching with new pavement (asphalt and concrete). This work includes disposal of removed pavement and sub grade material.

Overlays

Covering the defective area with an overlay of a suitable material to renew the surface, sealing the defective area, and stabilizing the affected pavement.

Hot mix asphalt (HMA)

Hot mix asphalt is a bituminous concrete made principally from asphalt binder and aggregate. It is distinguished from other bituminous products by its constituent materials, mixture design methods and elevated mixing temperature (thus the term “hot mix”).

Aggregate (chip) seal

A single spray application, usually consisting of liquid or emulsified asphalt, immediately followed by a single layer of aggregate. This type of seal reduces the infiltration of air and water into the mat, and may be used to improve skid resistance of slippery pavements.

Pavement markings

Recessed raised pavement markers

Recessed raised pavement markers (RRPMs) are installed either as positioning guides along with center line and fog line markings or they are installed as a complete substitute for long line markings. Recessed RPM applications consist of the installation of an RPM in a groove that has been cut into the pavement, and are utilized in areas where snow removal operations use steel blades.

Striping

Pavement markings are divided into two categories: long line and transverse. Long line markings are markings applied parallel to the roadway, such as center line or edge line. Typically long line markings are renewed with a spray application of new material applied from a striping truck. Transverse markings are lines or symbols within the travel lane such as crosswalk, stop line, or traffic arrows. Typically transverse and symbol markings are renewed by hand, by spray, or extruded application of new material.

Guide post installation and replacement

Guide posts are delineation devices with retroreflective properties installed on roadway shoulders, and used to aid in nighttime driving. Guide posts are placed from 2-8 feet outside the outer shoulder edge.

Rumble strip installation and repair

Rumble strips are grooves or rows of raised pavement markers placed perpendicular to the direction of travel to alert inattentive drivers that they are leaving the traffic lane. This safety feature has greatly reduced traffic accidents. There are three kinds of rumble strips: roadway, shoulder, and centerline rumble strips. Rumble strips can be rolled-in (during paving), or milled in (after, or separate from paving).

Signs

WSDOT uses signing throughout the highway system as the primary mechanism to provide regulatory, warning, and guidance information to users, thereby promoting highway safety and efficiency. Sign maintenance (including upgrades as needs arise) is crucial to support safe, legal, and orderly travel on public roadways and transportation facilities.

Snow and ice removal

Removal of snow and ice from the roadway is extremely important to traveler safety and freight mobility within the state. State highways must be plowed, sanded, or deiced, and cleared as quickly as possible during inclement weather. Prior to the snow season, maintenance crews must prepare roadways for effective plowing which includes cleaning ditches, smoothing shoulders, cleaning sand and other debris from under guardrail, removing weeds, grass, and brush that may cause snow drifting, clearing right of way fences of debris, and erecting snow stakes if necessary, to indicate hazards or the edge of the roadway which may eventually be covered in snow.

Traffic Barriers Zones 1 & 2

Traffic barriers, described in the PE, Attachment B, are obstacles that often struck by vehicles and require prompt repair or in-kind replacement to retain proper function. These activities occur routinely through the Regional Road Maintenance Program.

Cable barrier repair or in-kind replacement or extension

For description, see Attachment B (5)(a).

Guardrail repair or in-kind replacement or extension

For description, see Attachment B (5)(b).

Shield re-directional landforms – repair or in-kind replacement or extension

For description, see Attachment B (5)(c).

Shoulders and side slopes Zones 1 & 2

Those shoulder repair activities located above ditches will not require notification.

Shoulder repair

For description, see Attachment B (6)(a).

Slope flattening

For description, see Attachment B (6)(b).

Slope repair/slide and rock fall debris cleanup

For description, see Attachment B (6)(c).

APPENDIX B: DESIGNATED TYPE 2 STREAM CORRIDORS

The following stream reaches within Yakima County are designated critical areas under the City of Yakima's Critical Areas in Shoreline Jurisdiction (YMC Chapter 17.09):

1. Bachelor Creek: From source at Ahtanum Creek (SEC13-TWP12N-RGE16 EWM) downstream to its mouth at Ahtanum Creek (SEC1-TWP12N-RGE18E).
2. Cottonwood Canyon Creek: From the south line of SEC32-TWP13N-RGE17E, downstream to mouth at Wide Hollow Creek (SEC36-TWP13N-RGE17E).
3. Hatton Creek: From its source at Ahtanum Creek (SEC18-TWP12N-RGE17) downstream to its confluence with Ahtanum Creek (SEC18-TWP12N-RGE18E).
4. Wide Hollow Creek: From the east line of the SW1/4 of the NW1/4 (SEC28-TWP13N-RGE17E) downstream to the mouth at the Yakima River.