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Chapter 16C.01

GENERAL PROVISIONS

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16C.01.01 Title and Authority

Yakima County Code (YCC) Title 16C is established pursuant to RCW 36.70A.060 (Growth Management Act Natural resource lands and critical areas -- Development regulations), RCW Chapter 43.21C (State Environmental Policy Act), [RCW 86.16.](#) and federal requirements for eligibility in the National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR) [44CFR, Parts 59 and 60.](#) This title shall be known as the "Critical Areas Ordinance of Yakima County, Washington."

16C.01.02 Language Interpretation

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

16C.01.03 Purpose of Title

The purpose of Title 16C is the following:

(1) Designate, ~~Protect~~, and maintain the function and values of critical areas and give special consideration to conservation or protection measures necessary to reserve or enhance anadromous fisheries

(2) ~~to e~~Ensure to establish a single, uniform system of procedures and standards to be applied to development within designated critical areas of unincorporated Yakima County.

16C 01.04 Intent of Title

(1) Title 16C establishes policies, standards, and other provisions pertaining to development within designated critical areas regulated under the provisions of the Growth Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program and RCW 86.16. Additional purpose and intent for the protection of critical areas is provided in the chapter on each subject. Stream corridors, ~~flood hazard areas~~frequently flooded areas, wetlands, critical aquifer recharge areas, geologically hazardous areas and fish and wildlife habitat areas constitute Yakima County's critical areas. These areas are of special concern to the people of Yakima County and the state of Washington because they are environmentally

71 sensitive lands, or hazardous areas, which ~~comprise~~compose an important part of the county's
72 natural resource base. The policies, standards and procedures of this title are intended to:

73 (a) Preserve development options within designated critical areas where such development
74 will not adversely impact critical area values and functions, particularly the functional
75 properties of stream corridors and other hydrologically related critical areas;

76 (b) Prevent further degradation of critical areas;

77 (c) Conserve, protect and, where feasible, restore essential or important natural resources.

78 (d) Protect the public health, safety and general welfare;

79 (e) Further the goals and objectives of the Yakima County Comprehensive Plan and all of its
80 elements;

81 (f) Implement the goals and requirements of the Washington Growth Management Act (RCW
82 Chapter 36.70A), and the National Flood Insurance Program;

83 (g) Recognize and protect private property rights;

84 (h) Provide development options for landowners of all existing lots to the greatest extent
85 possible, through the establishment of Adjustment, Reasonable Use provisions and Non-
86 Conforming Use and Facility provisions;

87 (i) Recognize that mining and related uses are an appropriate use within designated critical
88 areas when conducted in a manner consistent with the laws of the state that already govern
89 mining including, but not limited to, the Surface Mining Act, RCW Chapter 78.44.

90 (2) In addition, the policies, standards and procedures of this title:

91 (a) Are not intended to regulate the operation and maintenance of existing, legally established
92 uses and structures, including but not limited to vegetative buffers on existing uses that
93 have been reduced in width prior to the effective dates of provisions in the Critical Areas
94 Ordinance;

95 (b) Are not intended to result in an unconstitutional taking of private property;

96 (c) Are not intended to retroactively require the restoration of degraded critical areas for
97 properties in a degraded condition prior to the effective dates of provisions in the Critical
98 Areas Ordinance; but rather to utilize restoration as a tool to mitigate impacts of new
99 development;

100 (d) Are not intended to presume that regulatory tools are the only mechanism for protection,
101 but rather integrated with non-regulatory tools in as balanced a manner as possible;

102 (e) Are not intended to prohibit the use of valid water rights.

104 **16C.01.05 Applicability**

105 (1) Except as provided in subsections (3) ~~and (4)~~ below, the provisions of this title shall apply to
106 any new development, construction or use within the unincorporated portion of Yakima
107 County designated as a critical area, irrespective of parcel boundaries, outside Shoreline
108 jurisdiction, as determined by the Shoreline Master Program (YCC Title 16D), and upon any
109 land mapped and designated as a special flood hazard area under the National Flood Insurance
110 Program or as a frequently flooded area designated by this title; however, this title does not
111 apply to the situations below, except that the Flood Hazard protection provisions of Chapters
112 16C.05.20 through 16C.05.72 will continue to apply as determined by the applicability
113 provision in 16C.05.20:

114 (a) Within critical areas designated by this title or amendments that may later be adopted, there
115 may exist lots, structures and uses which were lawfully established before this title was
116 initially adopted, amended or readopted, as provided below, but which would be

117 subsequently prohibited, regulated or restricted under this ordinance. It is the intent of this
118 title to permit these pre-existing legal non-conformities to continue without requirement to
119 change said non-conformity until such time as conformance is required through permits for
120 development in the future. The adoption and amendment dates of the relevant regulations
121 are provided below;

122 i) Critical Areas Ordinance adopted July 12, 1994;
123 ii) Critical Areas Ordinance amended October 1, 1995 (effective date);
124 iii) Flood Hazard Ordinance adopted June 5, 1985;
125 iv) Critical Areas Ordinance amended December 15, 2007 (GMA Update);
126 v) Critical Areas Ordinance amended June 30, 2017 (GMA Update).

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

152 (2) Other rules and regulations, including the Yakima County Unified Land Development Code
153 (YCC Title 19), Shoreline Master Program (YCC Title 16D), and the Building and
154 Construction Ordinance (YCC Title 13), shall remain in full force and effect as they apply to
155 a designated critical area. Wherever the requirements of Title 16C conflict with the
156 requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other
157 lawfully adopted County rules or regulations, the most restrictive standards shall govern.
158 (3) Yakima County has opted into the Voluntary Stewardship Program (VSP), an alternative to
159 regulatory protection of critical areas on agricultural lands. A working group comprised of
160 agricultural groups, environmental groups, and the Yakama Nation is developing a work plan
161 that identifies goals and benchmarks to protect critical areas while maintaining the viability of
162 agriculture through voluntary, incentive-based measures (WAC 365-191-010(1)).

163 a) If the work plan developed by the VSP working group is approved by the Washington State
164 Conservation Commission, the provisions or standards of this title will not apply to
165 agricultural activities, defined as agricultural uses and practices including, but not limited
166 to: Producing, breeding, or increasing agricultural products; rotating and changing
167 agricultural crops; allowing land used for agricultural activities to lie fallow in which it is
168 plowed and tilled but left unseeded; allowing land used for agricultural activities to lie
169 dormant as a result of adverse agricultural market conditions; allowing land used for
170 agricultural activities to lie dormant because the land is enrolled in a local, state, or federal
171 conservation program, or the land is subject to a conservation easement; conducting
172 agricultural operations; maintaining, repairing, and replacing agricultural equipment;
173 maintaining, repairing, and replacing agricultural facilities, provided that the replacement
174 facility is no closer to the shoreline than the original facility; and maintaining agricultural
175 lands under production or cultivation (RCW 36.70A.703(1) and RCW 90.58.065).
176 b) If the work plan is not approved by the Washington State Conservation Commission, or
177 fails to meet goals and benchmarks, the provisions and policies of the title will apply to
178 agricultural activities (RCW 36.70A.735).

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

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

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

202 **16C.01.06 Science and Protection of Anadromous Fish**

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

204 (1) Using the best available science as required by RCW 36.70A.172 (Critical areas -- Designation
205 and protection -- Best available science to be used) and WAC 365-195-900 through WAC 365-
206 195-920 (BAS Background and purpose);
207 (2) Giving special consideration to conservation or protection measures necessary to preserve or
208 enhance anadromous fish (salmon, steelhead, pacific lamprey, etc.) and their habitat, as

209 required by RCW 36.70A.172 (Best available science to be used) and WAC 365-195-925
210 (Criteria for demonstrating "special consideration" has been given to anadromous fisheries).
211

212 **16C.01.08 Administrative Authority**

213 1) The Yakima County Public Services Department - Planning Division shall be responsible for
214 the general administration of this title. The Planning Division Manager or the Manager's
215 designee shall serve as the Administrative Official of this title, except as noted in Chapters
216 16C.05.20 through 16C.05.72. The Administrative Official shall establish procedures for
217 implementation of this title.
218 (a) Where the provisions of these regulations may be unclear in special circumstances, or
219 where judgment must be made because of the nature of the language used, the
220 Administrative Official shall make such interpretations. A separate record of all
221 interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may
222 relate to a pending action shall be examined by the Administrative Official for its effect or
223 influence on the pending action.
224 (b) A written request for interpretation of any provision of this title, or any rule or regulation
225 adopted pursuant to this title may be submitted to the Administrative Official. Each request
226 shall set forth the specific provision or provisions to be interpreted and the facts of the
227 specific situation giving rise to the request for an interpretation. Interpretations shall be
228 processed in accordance with YCC Title 16B.03.070.

229
230 **16C.01.09 Severability**

231 If any provision of the ordinance codified in this title, or its application to any person or legal entity
232 or circumstances is held to be invalid, the remainder of said ordinance or the application of the
233 provision to other persons or legal entities or circumstances shall not be affected.
234

BOCC Adopted 10/15/2015

235
236
237
**Chapter 16C.02
DEFINITIONS**

238 **16C.02.001 Definitions Generally**

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

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

246
247 **16C.02.005 Abutting**

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

250
251 **16C.02.010 Adjacent**

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

253
254 **16C.02.012 Administrative Official**

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

258
259 **16C.02.020 Agricultural Activities**

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

270
271 **16C.02.025 Alluvial fan**

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

278
279 **16C.02.030 Applicant**

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

282 **16C.02.035 Aquifer**

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

287 **16C.02.040 Critical Aquifer Recharge Area**

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

291 **16C.02.042 Bank**

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

297 **16C.02.043 Bankfull depth**

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

303 **16C.02.044 Base Flood**

304 "Base Flood" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the
305 flood having a one percent chance of being equaled or exceeded in any given year. (Ref. IBC
306 1612.2)

308 **16C.02.045 Base Flood Elevation**

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

314 **16C.02.046 Basement**

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

317 **16C.02.055 Bed**

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

322 **16C.02.060 Bedrock**

323 "Bedrock" means in-place solid rock.

325

326 **16C.02.065 Berm**
327 "Berm" means a mound of earth material used as a protective barrier or to control the direction of
328 water flow.

329

330 **16C.02.067 Best Management Practices**
331 "Best Management Practices" or "BMPs" means schedules of activities, practices, maintenance
332 procedures, and structural and/or managerial practices that, when used singly or in a combination
333 prevent or reduce adverse impacts to the environment.

334

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

342

343 **16C.02.075 Breakwater**
344 "Breakwater" means a fixed or floating off-shore structure that protects the shore from wave action
345 or currents.

346

347 **16C.02.080 Bulkhead**
348 "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the
349 shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to
350 erosion.

351

352 **16C.02.085 Channel**
353 "Channel" means an open conduit, either naturally or artificially created, which periodically or
354 continuously contains moving water, or which forms a connecting link between two bodies of
355 water.

356

357 **16C.02.090 Channel Migration Zone**
358 "Channel Migration Zone" is the area where the stream channel is likely to shift or migrate to
359 over time.

360

361 **16C.02.092 Chief Building Official**
362 "Chief Building Official" or "building official" means the manager of the Building and Fire Safety
363 Division of the Department of Public Services or designee.

364

365 **16C.02.095 Classification**
366 "Classification" means the definition of value and hazard categories to which critical areas and
367 natural resource lands will be assigned.

368

369 **16C.02.100 Clearing**
370 "Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter
371 from a site.

372

16C.02.110 Compaction

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

375

16C.02.115 Confinement Feeding Operation

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

382

16C.02.120 Construction

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

386

16C.02.122 Critical Areas

"Critical Areas" include the following areas and ecosystems:

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

394

16C.02.125 Designated

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

397

16C.02.130 Department

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

400

16C.02.135 Development

401 "Development" means the division of land into lots or parcels and any human-made change to
402 improved or unimproved real estate, including but not limited to buildings or other structures,
403 mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of
404 equipment or materials, or any other activity which results in the removal of vegetation or in the
405 alteration of natural site characteristics. "Development" means the division of land into lots or
406 parcels in accordance with the county Subdivision Ordinance, and any clearing, excavation,
407 dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or
408 temporary modification of a site up to, but not including, construction as defined in this chapter.
409 For the purpose of Chapters 16C.05.20 through 16C.05.72, "development" also means any
410 manmade change to improved or unimproved real estate located within the special flood hazard
411 area, including but not limited to buildings or other structures, mining, dredging, filling, grading,
412 paving, excavation, drilling, temporary or permanent storage of equipment and works defined in
413 this chapter. (Ref. IBC G 201.2)

415

16C.02.140 Dike

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

419

420 16C.02.145 Dock

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

423

424 16C.02.150 Dredging

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

430

431 16C.02.160 Earth Material

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

433

434 16C.02.170 Enhance

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

438

439 16C.02.175 Ephemeral Stream

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

444

445 16C.02.180 Erosion

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

448

449 16C.02.190 Excavation

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

451

452 16C.02.200 Fill

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

459

460 16C.02.203 Fish and Wildlife Habitat Conservation Areas

461 "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining
462 needed habitats and species for the functional integrity of the ecosystem, and which, if altered,

463 may reduce the likelihood that the species will persist over the long term. These areas may include,
464 but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat
465 elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and
466 areas with high relative population density or species richness. These areas do not include such
467 artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation
468 canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district
469 or an irrigation district or company. Natural watercourses such as streams and rivers that carry
470 irrigation water are not considered part of these artificial features.

471 **16C.02.205 Flood**

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

475 **16C.02.206 Flood Hazard Permit**

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

478 **16C.02.207 Flood Insurance Rate Maps**

479 "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency
480 Management Agency has delineated both the areas of special flood hazards and the risk premium
481 zones applicable to the community. Preliminary updated Flood Insurance Rate Maps are maps that
482 have been accepted by FEMA, but are not yet effective.

483 **16C.02.208 Flood Insurance Study**

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

487 **16C.02.209 Floods of Record**

488 "Floods of Record" are areas identified as inundated during the flood of record, identification of
489 areas subject to flooding, or stream systems where the path of floodwaters can be unpredictable.

490 **16C.02.210 Floodplain**

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

496 **16C.02.215 Flood-prone**

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

509 **16C.02.216 Flood-proofing**

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

514
515 **16C.02.220 Floodway**

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

519
520 **16C.02.225 Floodway Fringe**

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

524
525 **16C.02.230 Forest Land**

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

527
528 **16C.02.240 Forest Practices**

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

- 531 a) Road and trail construction, including forest practices hydraulic projects that include water
532 crossing structures, and associated activities and maintenance;
- 533 b) Harvesting, final and intermediate;
- 534 c) Pre-commercial thinning;
- 535 d) Reforestation;
- 536 e) Fertilization;
- 537 f) Prevention and suppression of diseases and insects;
- 538 g) Salvage of trees; and
- 539 h) Brush control.

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

546
547 **16C.02.245 Frequently Flooded Areas**

548 "Frequently Flooded Areas" are defined by:

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

555 **16C.02.250 Grade**

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

561

562 **16C.02.255 Grading**

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

564

565 **16C.02.260 Groundwater**

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

569

570 **16C.02.061 Hazardous Materials**

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

579

580 **16C.02.263 Hydrologically Related Critical Areas (HRCA)**

581 "Hydrologically related critical areas (HRCA)" include all those areas identified in Section
582 16C.06.03, within Yakima County that are important and deserving of protection by nature of their
583 value for the functional properties found in Section 16C.06.05.

584

585 **16C.02.266 Hyporheic**

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

588

589 **16C.02.270 Intermittent Streams**

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

595

596 **16C.02.275 Lake or pond**

597 "Lake or pond" means at any inland body of standing water. The term includes the reservoir or
598 expanded part of a river behind a dam, but excludes a man-made body of water created for surface
599 mining purposes.

600

601 **16C.02.281 Lowest Floor**

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

608
609 **16C.02.282 Manufactured Home**

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

625
626 **16C.02.283 Manufactured Home Park or Subdivision**

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

629
630 **16C.02.284 Manufactured Home Park or Subdivision, Existing**

631 "Existing manufactured home park or subdivision" means a manufactured home park or
632 subdivision for which the construction of facilities for servicing the lots on which the manufactured
633 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
634 streets, and either final site grading or the pouring of concrete pads) is completed before October
635 1, 1995, the effective date of these floodplain management regulations.

636
637 **16C.02.285 Minerals**

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

639
640 **16C.02.290 Mining**

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

645
646 **16C.02.295 Native**

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

648

649 16C.02.300 Natural Conditions

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

652

653 16C.02.302 New Construction

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

660

661 16C.02.303 Nonconforming Structure

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

667

668 16C.02.304 Nonconforming Use

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

675

676 16C.02.305 Ordinary High Water Mark (OHWM)

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

681

682 16C.02.310 Perennial Stream

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

685

686 16C.02.320 Project Site

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

689

690 16C.02.321 Qualified Professional

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

692 (1) A qualified professional for wetlands must have a bachelor's degree or higher in biology,

693 ecology, soil science, botany, or a closely related field, and a minimum of five years of professional
694 experience in wetland identification and assessment in the Pacific Northwest.
695 (2) A qualified professional for stream corridors must have a bachelor's degree or higher in wildlife
696 biology, ecology, fisheries, or closely related field, and a minimum of five years' professional
697 experience related to the subject species/habitat type.
698 (3) A qualified professional for geologically hazardous areas and preparation of geo-technical
699 reports must be a professional engineering geologist or civil engineer, licensed in the state of
700 Washington.
701 (4) A qualified professional for critical aquifer recharge areas must be a professional
702 hydrogeologist, or environmental engineer licensed in the state of Washington.
703 (5) A qualified professional for channel migration zone reports must be a professional engineering
704 geologist, civil engineer or geologist licensed in the state of Washington, with a minimum of five
705 years of professional experience in geomorphology.
706 (6) A qualified professional for flood studies must be a professional engineering geologist or civil
707 engineer licensed in the state of Washington.
708 (7) A qualified professional for economic studies must have a bachelor's degree or higher in
709 economics or business administration with 5 years of professional experience. The five-year
710 standard shall be waived for professionals with a PhD degree.
711 (8) A qualified professional for habitat assessments and habitat management plans must have a
712 bachelor's degree or higher in biology and professional experience related to the subject species
713 or habitat.
714 (9) Or other person/persons with experience, training, expertise and related work experience
715 appropriate for the relevant critical area subjects determined to be acceptable to the Administrative
716 Official.

717 **16C.02.322 Recreation Vehicle**

718 "Recreation vehicle" means a vehicle which is:

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

724 **16C.02.325 Restore**

725 "Restore" means to re-establish the basic functional properties listed in Section 16C.06.05 that
726 have been lost or destroyed through natural events or human activity. This may be accomplished
727 through measures including but not limited to re-vegetation, removal of intrusive structures and
728 removal or treatment of toxic materials. Restoration does not imply a requirement for returning
729 the site to aboriginal or pre-European settlement conditions nor to limit flood authorities ability to
730 make improvements necessary to alleviate flood risk, which may not allow for certain restoration
731 activities or methods.

732 **16C.02.330 Revetment**

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

739 **16C.02.335 Riparian vegetation Areas**

740 "Riparian areas are transitional between terrestrial and aquatic ecosystems and are distinguished
741 by gradients in biophysical conditions, ecological processes, and biota. They are areas through
742 which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They
743 include those portions of terrestrial ecosystems that significantly influence exchanges of energy
744 and matter with aquatic ecosystems (i.e., a zone of influence)." "Riparian Vegetation" means the
745 ~~terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that~~
746 ~~depends on these water sources for soil moisture greater than would otherwise be available from~~
747 ~~local precipitation.~~

748 **16C.02.340 Riprap**

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

751 **16C.02.345 Scour**

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

754 **16C.02.355 Shoreline**

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

759 **16C.02.360 Shore Stabilization**

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

763 **16C.02.362 Shrub-steppe**

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

773 **16C.02.365 Slope**

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

776 **16C.02.366 Solid Waste**

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

789

790 **16C.02.367 Special Flood Hazard Areas**

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

794

795 **16C.02.368 Start of Construction**

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

812

813 **16C.02.370 Stream**

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

819

820 **16C.02.380 Stream Corridor**

821 "Stream corridor," as used in this title, means those features listed and described in Section
822 16C.06.03 and related appendices to this title.

823

824 **16C.02.390 Structure**

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

829

830 **16C.02.395 Substantial Improvement**

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

834 (1) Before the improvement or repair is started; or

835 (2) Before the damage occurred to a structure that has been damaged and is being restored.

836
837 For the purposes of this definition "substantial improvement" occurs when the first alteration of
838 any wall, ceiling, floor, or other structural part of the building commences, whether or not that
839 alteration affects the external dimensions of the structure. The total value of all improvements to
840 an individual structure undertaken subsequent to October 1, 1995, the effective date of Title 16A,
841 shall be used to define "substantial improvement" for said structure. The term does not, however,
842 include either:

843

844 (1) Any project for improvement to a structure to comply with existing state or local health,
845 sanitary or safety code specifications which are solely necessary to assure safe living
846 conditions; or

847

848 (2) Any alteration of a structure listed on the National Register or Historic Places or a state
849 inventory of historic places.

850

16C.02.400 Use

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

853

16C.02.415 Vegetative Buffer or Buffer

854 "Vegetative buffer or Buffer" means an area extending landward from the ordinary high water
855 mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise
856 allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for
857 the performance of the basic functional properties of a stream corridor, wetland and other
858 hydrologically related critical areas as set forth in Chapter 16C.06.05 (Functional Properties) and
859 16C.07.04 (Wetland Functions and Rating). It is understood that optimal conditions do not always
860 exist due to degradation of the vegetative buffer before establishment of this title, or due to
861 colonization by non-native species. Such conditions still provide functional properties, though at
862 a lower level, depending on the difference from natural conditions.

863

16C.02.425 Wetland

864 "Wetland" or "wetlands" means that areas that are naturally inundated or saturated by surface water
865 or groundwater at a frequency and duration sufficient to support, and that under normal
866 circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil
867 conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do
868 not include those artificial wetlands intentionally created from non-wetland sites, including, but
869 not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,
870 wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created
871 after July 1, 1990, that were unintentionally created as a result of the construction of a road, street,
872

877 or highway. ~~However, w~~ Wetlands may include those artificial wetlands ~~specifically~~ intentionally
878 created from non-wetland areas to mitigate conversion of wetlands.
879

880 **16C.02.430 Wildlife**

881 "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild
882 state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian,
883 fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral
884 domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).
885

886 **16C.02.435 Wildlife Habitat**

887 "Wildlife habitat" means areas which, because of climate, soils, vegetation, relationship to water,
888 location and other physical properties, have been identified as of critical importance to
889 maintenance of wildlife species.
890

891 **16C.02.440 Works**

892 "Works" means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road,
893 abutments, projection, excavation, channel rectification, or improvement attached to, or affixed
894 upon, the realty.
895

BOCC Adopted Ord's 2021

General Provisions

16C.03.01 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 title, except for those provided for in Section 16C.03.05 (Minor Activities Allowed Without a Permit).
- (2) With respect to application and review procedures, it is the intent of this title to streamline and coordinate the authorization of critical area projects which require other local, state and/or federal permits or authorizations. Any nonexempt development, construction or use occurring within a designated critical area shall be processed according to the provisions of this chapter and the Project Permit Administration Ordinance (YCC Title 16B).
- (3) Approval of a development authorization under this title shall be in addition to, and not a substitute for, any other development permit or authorization required by Yakima County. Approval of a development authorization under this title shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.
- (4) Permits issued in accordance with this title shall run with the land and conveyed to the applicant, their grantees, and assignees.
- (5) Coordination with Other Jurisdictions.
 - (a) 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, then the Administrative Official shall determine whether the provisions of this title can be processed in conjunction with, and as part of, that 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 Administrative Official shall be based upon the following criteria:
 - i) The nature and scope of the project and the critical area features involved or potentially impacted;
 - ii) The purpose or objective of the permit or authorization and its relationship to protection of the critical area;
 - iii) The feasibility of coordinating the critical area development authorization with the permitting agency;
 - iv) The timing of the permit or authorization.
 - (b) When a determination has been made that provisions of this title can be handled through another applicable development permit or authorization process, project proponents will be required to provide any additional site plans, data and other information necessary as part of that process to fully evaluate the critical area project and ensure its compliance with this title. The Administrative Official's decision on the critical area development authorization shall be coordinated to coincide with other permits and authorizations.

Inquiry and Early Assistance

16C-03.02 Critical Area Identification Form and Critical Area Report Requirements.

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

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

(2) Upon receipt of a critical area identification form and site plan, the Administrative Official will typically conduct a site examination to review critical area conditions on site. The Administrative Official 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 for the site examination during any proposal review, restoration, emergency action, or monitoring period.

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

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

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

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

- The Administrative Official is sufficiently able to determine the existence, location and type of the critical area;
- The project is of a small scale disturbs less than an acre, excluding access and utilities, or is uncomplicated in nature, such that a specialist is not needed to identify impacts and mitigation. Work within a wetland, or stream channel, or a vegetative buffer would generally not meet this provision;
- The applicant agrees to provide mitigation that the Administrative Official deems adequate, with consultation from resource agencies, to mitigate for anticipated impacts. Restoration of degraded areas may serve as mitigation; and,
- A summary of the determination shall be included in any staff report or decision on the permit or review.

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

1021 (e) As guidance on the practical application of the requirement for critical areas reports, reports
1022 will generally fall into the following groups based on increasing complexity and cost of the
1023 report:
1024 i) Determining the absence of a critical area (sometimes resulting when initial indicators
1025 show the likely presence of a critical area);
1026 ii) Determining the existence, location and type of a critical area;
1027 iii) Determining impacts of an encroachment on a critical area and general mitigation
1028 measures;
1029 iv) Developing a compensatory mitigation plan for replacement or mitigation of lost
1030 wetland or stream channel area.

1031

1032 **16C.03.03 Pre-application Conference**

1033 Any new development, construction or use falling under the provisions of this title shall be subject
1034 to a pre-application conference, except that project review for flood hazards shall follow the pre-
1035 application requirements established to administer Chapters 16C.05.20 through 16C.05.72 (Flood
1036 Hazard Areas). The department shall schedule a pre-application conference for as soon as is
1037 reasonably possible to allow attendance by the project proponent and necessary staff. To assist in
1038 project review and discussion, prior to the pre-application conference, the project proponent must
1039 submit a preliminary site plan showing the nature and scope of the proposed project along with
1040 any existing features of the property having a relationship to the project. The pre-application
1041 conference is intended to allow the Administrative Official to:

1042 (1) Establish the scope of the project and the critical area features involved or potentially impacted;
1043 (2) Consider the degree to which the project may affect or impair a designated critical area and
1044 identify potential concerns that may arise;
1045 (3) Identify other permits and authorizations which the project proponent may need to obtain;
1046 (4) Determine whether the project will be processed through the development authorization
1047 procedures of this title or coordinated through the review and approval procedures of another
1048 development permit or authorization required of the project from Yakima County;
1049 (5) Provide the proponent with resources and technical assistance (such as maps, scientific
1050 information, other source materials, etc.) to assist the proponent in meeting the provisions of
1051 this title and any applicable rules and regulations of other agencies and jurisdictions;
1052 (6) Determine whether there is a need for a preliminary site assessment or a technical assistance
1053 conference to better define the critical area issues and alternatives;
1054 (7) Determine whether the project requires a permit, and what type of permits or reviews may be
1055 needed. Final determination of necessary permits will be made based on the project design
1056 and submittal materials;
1057 (8) Consider whether a preliminary site assessment should be scheduled in the field to determine
1058 the applicability of the development standards of this title to the project, based on information
1059 contained in the preliminary site plan.

1060

1061 **16C.03.04 Technical Assistance Conference**

1062 If requested by the project proponent or otherwise determined necessary, the department will
1063 arrange a meeting of representatives of those agencies and organizations with expertise, interest,
1064 or jurisdiction in the project. In conjunction with the invitation to attend the technical assistance
1065 conference, the department will provide the potential participants with a project summary
1066 compiled from the pre-application conference. The technical assistance conference may also

1067 involve a preliminary site assessment, if it is determined that resolution of issues related to the
1068 project can be achieved through an on-site review. The purpose of the technical assistance
1069 conference will be to:

- 1070 (1) Confirm and define the requirements of any other applicable local, state or federal regulations;
- 1071 (2) Clarify any identified procedural or regulatory conflicts and define the alternative courses of
1072 action available to the applicant in addressing project requirements;
- 1073 (3) Determine whether compliance with other existing statutes and regulations will adequately
1074 address the provisions of this title;
- 1075 (4) Provide the proponent with guidance, available data and information that will assist in
1076 complying with the provisions of this title and other ordinances and regulations;
- 1077 (5) Provide the proponent with guidance concerning project modifications or site enhancements
1078 that would eliminate or minimize impacts to the critical area;
- 1079 (6) Provide the proponent with alternatives for securing data, information, or assistance necessary
1080 to the project but not available through the pre-application conference;
- 1081 (7) Determine whether a critical area report is necessary, and if so, the qualifications, skills and
1082 expertise required of a consultant to perform the special study.

Abbreviated Review Alternatives

16C.03.05 Minor Activities Allowed without a Permit.

- 1087 (1) The following activities are included under 16C.01.05(1) (Applicability) and are allowed
1088 without a permit:
 - 1089 (a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping
1090 (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include, harvesting or changing crops, mowing lawns, weeding, harvesting and
1091 replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or
1092 indigenous native species to maintain the general condition and extent of such areas. Excavation, filling, and construction of new landscaping features, such as concrete work,
1093 berms and walls, are not covered in this provision and are subject to review;
 - 1094 (b) Minor maintenance and/or repair of lawfully established structures that do not involve
1095 additional construction, earthwork or clearing. Examples include painting, trim or facing
1096 replacement, re-roofing, etc. Cleaning Maintaining canals, ditches, drains, wasteways, etc.
1097 without expanding their original configuration is not considered additional earthwork.
1098 Repair of levees operated by the Yakima County Flood Control Zone District, as long as
1099 the original dimensions and location are maintained, is not considered additional
1100 earthwork. as long as the eAll cleared materials are shall be placed outside the stream
1101 corridor, wetlands, and buffers;
 - 1102 (c) Low impact activities such as hiking, canoeing, viewing, nature study, photography,
1103 hunting, fishing, education or scientific research;
 - 1104 (d) Creation of unimproved private trails that do not cross streams or wetlands that are less
1105 than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
 - 1106 (e) Planting of native vegetation;
 - 1107 (f) Noxious weed control outside vegetative buffers identified in Chapter 16C.06.16, except
1108 for area wide vegetation removal/grubbing;

1111 (g) Noxious weed control within vegetative buffers, if the criteria listed below are met.
1112 Control methods not meeting these criteria may still apply for a development authorization
1113 as applicable:
1114 i) Hand removal/spraying of individual plants only;
1115 ii) No area wide vegetation removal/grubbing.
1116 (h) Agricultural and other accessory uses or structures that maintain the existing natural
1117 vegetation (rangeland, grazing, stock fences, outdoor recreation, etc.).
1118 (h)(i) The restoration of critical areas for habitat restoration projects that do not include
1119 excavation or fill.

16C.03.10 Mitigation requirements

1121 (1) All developments shall demonstrate that all reasonable efforts have been examined with the
1122 intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is
1123 proposed, such alteration shall be avoided, minimized, or compensated for in the following
1124 order of preference:
1125 (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
1126 (b) Minimizing impacts by limiting the degree or magnitude of the action and its
1127 implementation, by using appropriate technology, or by taking affirmative steps, such as
1128 project redesign, relocation, or timing, to avoid or reduce impacts;
1129 (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
1130 (d) Reducing or eliminating the impact over time by preservation and maintenance operations
1131 during the life of the action;
1132 (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or
1133 environments;
1134 (f) Monitoring the impact and taking appropriate corrective measures.
1135 (2) Mitigation for individual actions may include a combination of the above measures.
1136 (3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all
1137 adverse impacts to or from critical areas and buffers resulting from a development proposal or
1138 alteration shall be mitigated in accordance with an approved Mitigation Plan. Mitigation shall
1139 not be implemented until after approval of the Mitigation Plan.
1140 (4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions
1141 and values of the critical area, and to prevent risk from a hazard posed by a critical area. When
1142 necessary, mitigation may be provided that is out-of-kind and/or off-site.

Review Process

16C.03.11 Application Submittal

1147 (1) Application for a development authorization under this title shall be made on forms provided
1148 by the Department. The application submittal shall include a site plan drawn to scale showing:
1149 (a) the actual shape and dimensions of the property site to be used;
1150 (b) existing and proposed structures;
1151 (c) excavation, fill, drainage facilities, topography, slope, and;
1152 (d) such other information as is needed to determine the nature and scope of the proposed
1153 development, including the maximum extent of the project site with respect to construction,
1154 excavation, equipment and material storage, and other project related work.

1155 (2) The site plan should also show the location of all critical areas, such as those identified in
1156 Sections 16C.03.02 (Critical Areas Identification Form and Critical Areas Reports) and
1157 16C.03.17 (Critical Areas Report Requirements), include all required critical areas reports
1158 prepared in conformance with 16C.03.17, and include the permit information required either
1159 in YCC Title 16B (Project Permit Administration) or in Chapter 16C.05.44 (Flood Hazard
1160 Protection Administration), as appropriate.

1161 (3) To be accepted as complete, a critical area development authorization application must include
1162 all maps, drawings and other information or data specified by this title or requested on the basis
1163 of the pre-application conference (16C.03.03), or technical assistance conference (16C.03.04).

1164

16C.03.12 Determination of Review Process

1165 (1) The Administrative Official shall determine from the application submittal, and other available
1166 information what type of permit or review is required under this title. The Administrative
1167 Official shall make such determination as early in the application process as is possible and
1168 shall inform the project applicant in writing of any application needs. Available information
1169 used in this determination may include:
1170 (a) critical areas identification form;
1171 (b) pre-application conference information;
1172 (c) technical assistance conference information.

1173 (2) Specific information on when a permit or review is required, its review process type and review
1174 criteria are found in the section for each permit or review. However, a brief description of
1175 each type of permit or review is provided in Table 3-1 below. Some permits or reviews are
1176 general and all projects will have a general review. Some permits are more specialized and
1177 apply only in specific cases or situations. More than one permit or review may be needed for
1178 a project.

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Table 3-1

General Permits or Reviews

Standard Development. Standard development projects include any development not subject to RCW Chapter 90.58, the Shoreline Management Act.

Specific Permits

Adjustment. Administrative Adjustments are used outside Shoreline jurisdiction when a project needs to reduce or adjust a development standard.

Non-conforming Use or Facility Alteration. Non-conforming Use or Facility Alterations are necessary when an existing legal use that currently does not conform to this title is to be altered.

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

Reasonable Use Exceptions. Reasonable Use Exceptions provide an alternative to landowners when all reasonable use of a property has been prohibited.

Flood Hazard Permit. A Flood Hazard Permit is required for activities within floodplains. It is different in that it has special administrative provisions, and may include many of the specific permit types noted above within it, which are described in Chapters 16C.05.20 through 16C.05.72. It is focused mainly on construction methods, but may include site design to minimize impacts to adjacent properties or resources, or to locate the proposed development in areas where depth and velocity of floodwaters during the base flood do not exceed the current standards for construction of human occupied structures or safe access.

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1185 **16C.03.13 Development Authorization – Review Procedure**

1186 Upon submittal and acceptance of a completed development authorization application, the
1187 Administrative Official shall process and review the application as follows, except that permits or
1188 reviews required for critical areas under Chapters 16C.05.20 through 16C.05.72 (Flood Hazard)
1189 shall be processed using the permit development standards, approval criteria and other provisions
1190 established in Chapters 16C.05.20 through 16C.05.72.

1191 (1) Development authorizations shall be processed consistent with review procedures provided in
1192 YCC Title 16B (Project Permit Administration), and with any specific processes requirements
1193 provided in 16C.03.20 through 16C.03.26 (specific permit descriptions), including but not
1194 limited to:

1195 (a) submittals;
1196 (b) completeness review;
1197 (c) notices;
1198 (d) hearings;
1199 (e) decisions; and,
1200 (f) appeals.

1201 (2) Development authorizations shall be reviewed for conformance with the applicable
1202 development standards provided in 16C.03.27 (General Critical Areas Protection Measures),
1203 and in Chapters 16C.06 through 16C.09, except that:

1204 (a) For rangeland livestock grazing operations, the Administrative Official may waive
1205 compliance with development standards in Chapters 16C.06 (Fish and Wildlife Habitat and
1206 the Stream Corridor), 16C.07 (Wetlands), 16C.08 (Geologically Hazardous Areas), and
1207 16C.09 (CARA), except for those uses and activities listed in Section 16C.06.10
1208 (Prohibited Uses). To qualify for this provision, a Resource Management Plan must be
1209 provided that has been prepared using all applicable US Department of Agriculture -
1210 National Resource Conservation Service best management practices designed to protect
1211 streams, wetlands, vegetative buffers, erosion hazards, and floodplains from grazing
1212 operations. An acceptable Resource Management Plan is deemed to consist of acceptable
1213 critical areas protection measures capable of dealing with impacts of grazing activities
1214 dispersed across large areas. This provision is not intended to apply to pasture grazing,
1215 hobby farms, or confinement feeding operations.

1216 (3) Decisions on a development authorization shall be consistent with Section 16C.03.14
1217 (Authorization Decisions – Basis for Action), 16C.03.15 (Conditional Approval of
1218 Development Authorization) and with any specific decision criteria provided under the
1219 sections for each relevant permit type, as provided in 16C.03.20 through 16C.03.26 (specific
1220 permit descriptions).

1221 **16C.03.14 Authorization Decisions – Basis for Action**

1222 The action on any development authorization under this title shall be based upon the following
1223 criteria:

1224 (1) Impact of the project to critical area features on the property or on abutting or adjacent
1225 properties;

1226 (2) Danger to life and property that would likely occur as a result of the project;

1228 (3) Compatibility of the project with the critical area features on, adjacent to, or near the property;
1229 (4) Conformance with the applicable development standards in this title;
1230 (5) Requirements of other applicable local, state or federal permits or authorizations, including
1231 compliance with flood hazard mitigation requirements of Chapters 16C.05.20 through
1232 16C.05.72;
1233 (6) Adequacy of the information provided by the applicant or available to the department;
1234 (7) Ability of the project to satisfy the purpose and intent of this title;
1235 (8) Based upon the project evaluation, the decision maker shall take one of the following actions:
1236 (a) Grant the development authorization;
1237 (b) Grant the development authorization with conditions, as provided in 16C.03.15
1238 (Conditional Approval), to mitigate impacts to the critical area feature(s) present on or
1239 adjacent to the project site;
1240 (c) Deny the development authorization.
1241 (9) The decision by the Administrative Official on the development authorization shall include
1242 written findings and conclusions stating the reasons upon which the decision is based.
1243

16C.03.15 Conditional Approval of Development Authorization

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

(1) Accomplish the purpose and intent of this title;
1247 (2) Eliminate or mitigate any identified specific or general negative impacts of the project on the
1248 critical area;
1249 (3) Restore important resource features that have been degraded or lost because of past or present
1250 activities on the project site;
1251 (4) Protect designated critical areas from damaging and incompatible development;
1252 (5) Ensure compliance with specific development standards in this title.

16C.03.16 Fees and Charges

The board of county commissioners establishes the schedule of fees and charges listed in Yakima
1256 County Code, Title 20 (Yakima County Fee Schedule), for development authorizations,
1257 variancesadjustments, appeals and other matters pertaining to this title.

Critical Areas Reports

16C.03.17 Critical Areas Report Requirements

(1) The Administrative Official may require a critical areas report, paid for by the applicant in
1263 accordance with YCC Title 16B.04, where determined necessary through the critical area
1264 identification form, technical assistance conference, site investigation, or other portion of the
1265 project review.
1266 (2) A qualified professional, as defined by this title, shall prepare the report utilizing best available
1267 science. The intent of these provisions is to require a reasonable level of technical study and
1268 analysis sufficient to protect critical areas. The analysis shall be commensurate with the value
1269 or sensitivity of a particular critical area and relative to the scale and potential impacts of the
1270 proposed activity.
1271 (3) The critical area report shall:
1272 (a) Demonstrate that the submitted proposal is consistent with the purposes and specific
1273 standards of this title;

1274 (b) Describe all relevant aspects of the development proposal; all critical areas adversely
1275 affected by the proposal including any geologic or flood hazards; all risks to critical areas,
1276 the site, and other public and private properties and facilities resulting from the proposal;
1277 and assess impacts on the critical area from activities and uses proposed; and
1278

1279 (c) Identify proposed mitigation and protective measures as required by this title.

1280 (4) The critical areas report shall include information to address the Supplemental Report
1281 Requirements for Specific Critical Areas (16C.03.18).

1282 (5) The Administrative Official shall review the critical areas report for completeness and
1283 accuracy, and shall consider the recommendations and conclusions of the critical areas report
1284 to assist in making decisions on development authorizations and to resolve issues concerning
1285 critical areas jurisdiction, appropriate mitigation, and protective measures.

1286 (6) Critical areas reports shall generally be valid for a period of five (5) years, unless it can be
1287 demonstrated to the satisfaction of the Administrative Official that the previously prepared
1288 report is adequate for current analysis. Future land use applications may require preparation of
1289 new, amended, or supplemental critical area assessment reports. Reports prepared for nearby
1290 lands may be deemed acceptable by the Administrative Official, in whole or in part, if relevant
1291 to the current analysis and meeting the above standards. The Administrative Official may also
1292 require the preparation of a new critical area assessment report or a supplemental report when
1293 new information is found demonstrating that the initial assessment is in error. If the
1294 Administrative Official requires more information in the report, he/she shall make the request
1295 in writing to the applicant stating what additional information is needed and why.

1296 (7) The Administrative Official may reject or request revision of the critical areas report when the
1297 Administrative Official can demonstrate that the assessment is incomplete, or does not fully
1298 address the critical areas impacts involved.

1299 (8) To avoid duplication, the reporting requirements of this chapter shall be coordinated if more
1300 than one critical area report is required for a site or development proposal.

1301 (9) Applicants should provide reports and maps to the County in an electronic format that allows
1302 site data to be incorporated into the County critical areas database, provided that the County
1303 may waive this requirement for single-family developments. Applicants are encouraged to
1304 coordinate with the Administrative Official regarding electronic submittal guidelines. This
1305 requirement shall not be construed as a requirement to use specific computer software.

1306 (10) At a minimum, a critical areas report shall include the following information:

1307 (a) A site plan showing the proposed development footprint and clearing limits, and all
1308 relevant critical areas and buffers within and abutting the site, including but not limited to
1309 effects related to clearing, grading, noise, light/glare, modification of surface or subsurface
1310 flow, drilling, damming, draining, creating impervious surface, managing stormwater,
1311 releasing hazardous materials, and other alterations. Projects in frequently flooded areas
1312 must comply with the requirements of Section 16C.05.20 through 16C.05.72. For projects
1313 on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or
1314 velocity the report shall identify the type of hazard and assess the associated risks posed
1315 by the development to critical areas, the site, and other public and private properties and
1316 facilities that are the result from the proposal, and assess impacts on the critical area from
1317 activities and uses proposed;

1318 (b) A written description of the critical areas and buffers on or abutting the site, including their
1319 size, type, classification or rating, condition, disturbance history, and functions and values.
For projects on or adjacent to geologically hazardous areas or areas subject to high

floodwater depth or velocity the description shall identify the type and characteristics of the hazard;

- (c) An analysis of potential adverse critical area impacts associated with the proposed activity. For geologically hazard areas, also assess the risks posed by the development to critical areas, the site, and other public and private properties and facilities that are the result from the proposal, and assess impacts on the critical area from activities and uses proposed;
- (d) An explanation of how critical area impacts or risks will be avoided and/or minimized, how proposed mitigation measures will prevent or minimize hazards, why the proposed activity requires a location on or access across a critical area, the on-site design alternatives, and why alternatives are not feasible;
- (e) When impacts cannot be avoided, the report shall include a plan describing mitigation to replace critical area functions and values altered as a result of the proposal, or to reduce flood or geologic hazards to critical areas, the site, and other public and private properties. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the plan shall address mitigation for impacts to critical areas, the site, and other public and private properties and facilities that are the result from the proposal, and assess impacts on the critical area from activities and uses proposed;
- (f) The dates, names, and qualifications of the persons preparing the report and documentation of analysis methods including any fieldwork performed on the site; and
- (g) Additional reasonable information requested by the Administrative Official for the assessment of critical areas impacts or otherwise required by the subsequent articles of this title.

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

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

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

- (a) Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the proposed compensation including:
 - i) A description of the anticipated impacts to the critical areas, mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals and objectives, identification of desired resource functions, dates for beginning and completion of site compensation construction activities, and an analysis of the likelihood of success of the compensation project. The goals and objectives shall be related to the functions and values of the impacted critical area.
 - (b) A review of the best available science supporting the proposed mitigation;
 - (c) A description of the report author's experience to date in restoring or creating the type of critical area proposed;
 - (d) Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained;

1366 (e) Detailed Construction Documents. The mitigation documents shall include written
1367 specifications and plans describing the mitigation proposed, such as:
1368 i) The proposed construction sequence, timing, and duration;
1369 ii) Grading and excavation details;
1370 iii) Erosion and sediment control features;
1371 iv) A planting plan specifying plant species, quantities, locations, size, spacing, and
1372 density;
1373 v) Measures to protect and maintain plants until established, and;
1374 vi) Documents should include scale drawings showing necessary information to convey
1375 both existing and proposed topographic data, slope, elevations, plants and project
1376 limits.

1377 (f) Monitoring Program. The mitigation plan shall include a program for monitoring
1378 construction of the compensation project and for assessing a completed project. A protocol
1379 shall be included outlining the schedule for site monitoring (for example, monitoring shall
1380 occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be
1381 evaluated to determine if the performance standards are being met. A monitoring report
1382 shall be submitted as needed to document milestones, successes, problems, and
1383 contingency actions of the compensation project. The compensation project shall be
1384 monitored for a period necessary to establish that performance standards have been met,
1385 but not for a period less than five (5) years.

1386 (g) Contingency Plan. The mitigation plan shall include identification of potential courses of
1387 action, and any corrective measures to be taken if monitoring or evaluation indicates
1388 project performance standards are not being met.

1389 (h) Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary,
1390 to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring
1391 fulfillment of the compensation project, monitoring program, and any contingency
1392 measures shall be posted in accordance with Section 16C.03.27(1) (Financial Guarantees).

1393 (14) Innovative Mitigation.

1394 (a) Yakima County encourages innovative mitigation projects that are based on the best
1395 available science. The mitigation plan shall be used to satisfy the requirements of this
1396 chapter and provide relief and/or deviation as appropriate from the specific standards and
1397 requirements thereof. Advance mitigation or mitigation banking are examples of
1398 alternative mitigation projects allowed under the provisions of this section wherein one or
1399 more applicants, or an organization with demonstrated capability, may undertake a
1400 mitigation project together if it is demonstrated that all of the following circumstances
1401 exist:
1402 i) Creation or enhancement of a larger system of critical areas and open space is
1403 preferable to the preservation of many individual habitat areas;
1404 ii) The group demonstrates the organizational and fiscal capability to act cooperatively;
1405 iii) The group demonstrates that long-term management of the habitat area will be
1406 provided;
1407 iv) There is a clear potential for success of the proposed mitigation at the identified
1408 mitigation site;
1409 v) There is a clear likelihood for success of the proposed plan based on supporting
1410 scientific information and demonstrated experience in implementing similar plans;

1411 vi) The proposed project results in equal or greater protection and conservation of critical
1412 areas than would be achieved using parcel-by parcel regulations and/or traditional
1413 mitigation approaches;

1414 vii) The plan is consistent with the general purpose and intent of this chapter;

1415 viii) The plan shall contain relevant management strategies considered effective and
1416 within the scope of this chapter and shall document when, where, and how such
1417 strategies substitute for compliance with the specific standards herein; and

1418 ix) The plan shall contain clear and measurable standards for achieving compliance with
1419 the purposes of this chapter, a description of how such standards will be monitored and
1420 measured over the life of the plan, and a fully funded contingency plan if any element
1421 of the plan does not meet standards for compliance.

1422 (b) Conducting mitigation as part of a cooperative process does not reduce or eliminate the
1423 required wetland replacement ratios.

1424 (c) Projects that propose compensatory wetland mitigation shall also use the standards in
1425 Section 16C.07.05 (Compensatory Mitigation Requirements). For those situations where
1426 a mitigation bank may provide an opportunity for mitigation, then the requirements in
1427 Section 16C.07.06 (Wetland Mitigation Banks) shall apply.

16C.03.18 Supplemental Report Requirements for Specific Critical Areas

1429 (1) **Stream Corridors.** When a critical areas report is required for a stream corridor or
1430 hydrologically related critical area, it shall include the following:

1431 (a) A habitat and native vegetation conservation strategy that addresses methods to protect and
1432 enhance the functional properties listed in Section 16C.06.05 (Functional Properties);

1433 (b) Where there is evidence that proposed construction lies within an immediate zone of
1434 potential channel migration, representing a future hazard to the construction, a hydrologic
1435 analysis report may be required. The report shall assume the conditions of the one-hundred-
1436 year flood, include on-site investigative findings, and consider historical meander
1437 characteristics in addition to other pertinent facts and data.

1438 (2) **Upland Wildlife** When a critical areas report is required for Upland Wildlife Habitat
1439 Conservation Areas, it shall include the following:

1440 (a) Habitat Assessment: A habitat assessment is an investigation of the project area to evaluate
1441 the presence or absence of such species, and ~~areas~~habitat types with which such species
1442 have a primary association. The presence or absence assessment shall incorporate the time
1443 sensitive nature of species use. The landowner may submit an assessment prepared by the
1444 state or federal agency with jurisdiction over the species. This assessment is time sensitive
1445 and the assessment must be completed no more than 36 months prior to the date the critical
1446 areas application is deemed complete.

1447 (b) If the habitat assessment determines that such habitat area is present on site, a management
1448 plan is required that follows published federal, or state, management recommendations.
1449 The Administrative Official shall confer with the appropriate agency and consider their
1450 comments through the review process.

1451 (3) **Wetlands** When a critical areas report is required for Wetlands, it shall include the following:

1452 (a) The exact location of a wetland's boundary and wetland rating shall be determined through
1453 the performance of a field investigation by a qualified wetland professional applying the
1454 ~~Washington State Wetlands Identification and Delineation Manual (Ecology Publication~~
1455 ~~#96-941987~~ ~~Corps of Engineers~~ ~~Wetlands Delineation Manual~~ ~~-~~

1457 [http://www.ecy.wa.gov/pubs/9694.pdf](http://www.ecy.wa.gov/programs/sea/wetlands/pdf/corps87manual.pdf) as required by RCW 36.70A.175 (Wetlands to be delineated in
1458 accordance with manual), *Regional Supplement to the Corps of Engineers Wetland
1459 Delineation Manual: Arid West Region (Version 2.0)* (<http://www.ecy.wa.gov/programs/sea/wetlands/pdf/AridWest Sept2008.pdf>), and
1460 *Western Mountains, Valleys, and Coast Region (Version 2.0)* (<http://www.ecy.wa.gov/programs/sea/wetlands/pdf/WestMt May2010.pdf>), and the
1461 *Washington State Wetland Rating System for Eastern Washington* (Ecology Publication #
1462 ~~0414-06-15030~~ - <https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html>),
1463 as amended;

1464 (b) All delineated wetlands and required buffers within two hundred (200) feet of the project
1465 area shall be depicted on the site plan. For areas off-site of the project site, wetland
1466 conditions within 200 feet of the project boundaries may be estimated using the best
1467 available information. Best available information should include, but not be limited to
1468 aerial photos, land based photos, soils maps, or topographic maps;

1469 (c) A critical area report for wetlands shall contain an analysis of the wetlands including the
1470 following site- and proposal-related information:
1471 i) A statement specifying all assumptions made and relied upon;
1472 ii) Documentation of any fieldwork performed on the site, including field data sheets for
1473 delineations, the wetland rating form, baseline hydrologic data, etc.;
1474 iii) A description of the methodologies used to conduct the wetland delineations, or impact
1475 analyses including references;
1476 iv) Wetland category, including vegetative, faunal, and hydrologic characteristics;
1477 (d) For projects that will affect the wetland or its buffer, provide the following:
1478 i) A habitat and native vegetation conservation strategy that addresses methods to protect
1479 and enhance on-site habitat and wetland functions and values listed in Section
1480 16C.07.04(1) (Wetland Functions and Rating), and Section 16C.06.05 (Functional
1481 Properties);
1482 ii) Mitigation sequencing pursuant to Section 16C.03.10 (Mitigation Requirements) to
1483 avoid, minimize, and mitigate impacts. Mitigation shall result in no net loss of wetland
1484 functions and values. Mitigation ratios may be necessary and should follow the
1485 guidance provided in Section 16C.07.05 (Compensatory Mitigation) of the wetland
1486 chapter.

1487 (4) **Geologically Hazardous Areas** When a critical areas report is required for a Geologically
1488 Hazardous Area, it shall include the following, provided that the Administrative Official may
1489 determine that any portion of these requirements is unnecessary given the scope and/or scale
1490 of the proposed development:

1491 (a) A description of the site features, including surface and subsurface geology. This may
1492 include surface exploration data such as borings, drill holes, test pits, wells, geologic
1493 reports, and other relevant reports or site investigations that may be useful in making
1494 conclusions or recommendations about the site under investigation;

1495 (b) A description of the geologic processes and hazards affecting the property, including a
1496 determination of the actual hazard types for any Suspected and Risk Unknown hazards
1497 identified in the affirmative determination of hazard (16C.08.04);

1498 (c) A description of the vulnerability of the site to seismic and other geologic processes and
1499 hazards;

1500

1503 (d) A description of any potential hazards that could be created or exacerbated as a result of
1504 site development;
1505 (e) For developments in or affecting landslide hazard areas the report shall also include:
1506 i) Assessments and conclusions regarding slope stability including the potential types of
1507 landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip,
1508 etc.) that may affect the site. The stability evaluation shall also consider dynamic
1509 earthquake loading, and shall use a minimum horizontal acceleration as established by
1510 the current version of the YCC Title 13 (Building Code);
1511 ii) An analysis of slope recession rate shall be presented in those cases where stability is
1512 impacted or influenced by stream meandering, or other forces acting on the toe of the
1513 slope;
1514 iii) Description of the run-out hazard of landslide debris to the proposed development that
1515 starts up-slope (whether part of the subject property or on a neighboring property)
1516 and/or the impacts of landslide run-out on down-slope properties and critical areas.

1517 **(5) Flood Hazards**

1518 (a) Prior to authorization of any major construction project within a floodplain which can be
1519 anticipated to displace floodwaters or alter the depth or velocity of floodwaters during the
1520 base flood, an engineering report shall be prepared that establishes any new flood
1521 elevations that would result for the one-hundred-year flood frequency if the project were
1522 implemented.

1523 **6) Critical Aquifer Recharge Areas**

1524 When a hydrogeological report is required for CARAs, it shall include the following:
1525 a) The report shall address the impact the proposed land use will have on both the quality
1526 and quantity of the water transmitted to the aquifer.
1527 b) The hydrogeologic report shall be prepared by a hydrogeologist licensed in the state of
1528 Washington.
1529 c) The report shall contain recommendations on appropriate BMPs (Best Management
1530 Practices) or mitigation to assure no significant degradation of groundwater quality.

1531 **Permit Review Criteria**

1532 **16C.03.20 Standard Development Permit**

1533 (1) **Classification Criteria** – Standard Development permits include any development not subject
1534 to RCW Chapter 90.58 (Shoreline Management Act).
1535 (2) **Process** Standard Development permits shall be processed as either a Type I or II permit at the
1536 judgment of the Administrative Official, in accordance with YCC Title 16B (Project Permit
1537 Administration). Applications that are of a significant size or scope shall be processed as a
1538 Type II review with public notice. Examples of such projects include those that typically
1539 require environmental review (SEPA), filling or excavating a stream channel or wetlands,
1540 involve large amounts of fill, require large amounts of parking, etc.
1541 (3) **Decision Criteria** – Decisions on Standard Development permits shall be based on the general
1542 decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action).

1543 **16C.03.23 Adjustment**

1544 (1) **Classification Criteria** – For projects not required to be processed under RCW Chapter 90.58
1545 (Shoreline Management Act), the Administrative Official is authorized to administratively

1549 adjust the development standards specified herein. Existing structures, parcel size, property
1550 boundaries, and other constraints may preclude conformance with building setbacks, vegetative
1551 buffers, and other provisions of this chapter. Given such constraints, administrative
1552 adjustments may be authorized where the site plan and project design include measures which
1553 ensure the protection and performance of the functional properties identified in Section
1554 16C.06.05 (Functional Properties). Adjustments from prohibited use limits are not allowed.

1555 (2) **Process** – Requests for an Adjustment permit shall be processed as a Type II permit, in
1556 accordance with YCC Title 16B (Project Permit Administration). Requests for adjustments of
1557 development standards shall be made in writing and shall specify the standard(s) for which an
1558 adjustment is sought and the reasons why the adjustment is sought.

1559 (3) **Decision Criteria** - Decisions on Adjustment permits shall be based on the general decision
1560 criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action) together with
1561 the criteria below.

1562 (a) A particular standard may be reduced or modified as long as the Administrative Official
1563 determines that the adjustment and/or reduction:

- 1564 i) is consistent with the purpose of this title;
- 1565 ii) is consistent with the intent of the standard; and,
- 1566 iii) will not result in degradation of the critical area.

1567 (b) The Administrative Official shall consider the following:

- 1568 i) The proximity and relationship of the project to any critical area and its impact on the
1569 critical area;
- 1570 ii) The functions and values that the critical area performs;
- 1571 iii) The overall intensity of the proposed use;
- 1572 iv) The presence of threatened, endangered, or sensitive species;
- 1573 v) The site's susceptibility to severe erosion;
- 1574 vi) The use of a buffer averaging or buffer enhancement plan by the applicant which uses
1575 native vegetation or other measures which will enhance the functions and values of the
1576 Hydrologically Related Critical Area (HRCA).

1577 (c) When granting an adjustment to the provisions of this chapter, the Administrative Official
1578 may require alternative measures to be taken to protect the function and value of the HRCA.
1579 These alternative measures may include, but are not limited to, the following:

- 1580 i) Restoration of impaired channels and banks to conditions which support natural stream
1581 flows, fish habitat, and other values;
- 1582 ii) Restoration, enhancement, and preservation of soil characteristics and the quantity and
1583 variety of native vegetation;
- 1584 iii) Provisions for erosion control and for the reduction and filtration of stormwater runoff
1585 to moderate the effects of the project on the stream channel and the available area of
1586 vegetation separating the project from the stream channel;
- 1587 iv) Removal or alteration of existing manmade facilities associated with stream channels,
1588 or drainage ways which improve stream-flow characteristics or improve the movement
1589 or exchange of surface waters or floodwaters;
- 1590 v) Replacement of lost wetlands or other stream corridor features on an acre-for-acre and
1591 equivalent value or at a higher acre and/or value basis;
- 1592 vi) Conservation easements for key portions of stream corridor property and/or their
1593 inclusion within public or private conservation programs which provide for their long-
1594 term preservation and maintenance.

vii) Vegetative Buffer Averaging. Vegetative buffers may be modified by averaging buffer widths. Buffer averaging is preferred in the use of mitigation sequencing (16C.03.10 Mitigation Requirements), over a reduction in the buffer standards.

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

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

ii) The buffer width shall be the maximum possible while meeting the minimum needs of the proposal.

iii) The development will not result in a reduction of habitat functions and values.

iv) The buffer reduction will not adversely affect salmonid habitat.

16C.03.24 Reasonable Use Exception

(1) **Classification Criteria** - If the application of this title would deny all reasonable economic use of the subject property, the property owner may apply for a Reasonable Use Exception pursuant to this section.

(2) **Process** - A Reasonable Use Exception shall be processed as a Type III review with a public hearing in accordance with YCC Title 16B.03 (Classification by Project Permit Type).

(3) **Decision Criteria** - Decisions on the Reasonable Use request shall be based on the general decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action), together with the criteria below. The Reasonable Use request shall be accompanied by the evidence necessary to demonstrate conformance with the criteria below. Failure to satisfy any one of the criteria shall result in denial of the request. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(a) The application of this title would deny all reasonable use of the property; provided that the inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant;

(b) No other reasonable use of the property has less impact on the critical area;

(c) Any alteration is the ~~minimum~~ necessary to allow for reasonable use of the property.

16C.03.25 Minor Revisions to Approved Uses or Developments

(1) **Classification Criteria** – Minor revisions to a project that has been approved under a permit are allowed in certain circumstances.

(a) Changes that are not substantive are not required to obtain a revision and may be allowed as activities to implement the original permit. Examples of such include minor changes in facility orientation or location, minor changes in structural design that does not change the height or increase ground floor area, and minor accessory structures (such as equipment covers or small sheds near the main structure, etc.).

(b) Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements. Such changes may be approved as a minor revision, if the Administrative Official determines that the proposed revision and all previous revisions are within the scope and intent of the original permit, and meet the criteria listed below. Changes not able to meet the criteria must obtain a new permit.

1639 i) No additional over water construction will be involved, except that pier, dock, or float
1640 construction may be increased by five hundred square feet or ten percent from the
1641 provisions of the original permit, whichever is less;
1642 ii) Lot coverage and height may be increased a maximum of ten percent from the
1643 provisions of the original permit: PROVIDED, that revisions involving new structures
1644 not shown on the original site plan shall require a new permit, and: PROVIDED
1645 FURTHER, that any revisions authorized under this subsection shall not exceed height,
1646 lot coverage, setback or any other requirements of these regulations;
1647 iii) Landscaping may be added to a project without necessitating an application for a new
1648 permit: PROVIDED, that the landscaping is consistent with conditions (if any) attached
1649 to the original permit and is consistent with this title for the area in which the project is
1650 located;
1651 iv) The use authorized pursuant to the original permit is not changed;
1652 v) No additional significant adverse environmental impact will be caused by the project
1653 revision.

1654 (2) **Process** – Minor revisions to existing permits shall be processed as a Type I review, as
1655 provided under YCC Title 16B (Project Permit Administration). Parties of record to the
1656 original permit shall be notified of the revision, though a comment period is not required.

1657 (3) **Decision Criteria** - Decisions on permit revisions shall be based on the general decision
1658 criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action).

16C.03.26 Non-Conforming Uses and Facilities

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

(1) **Classification Criteria** – There may be situations that do not conform to the standards or regulations of this title. These situations are characterized as:

(a) **Non-conforming Uses**. Uses of a structure or land that were lawfully established at the time of their initiation but are currently prohibited by this title are non-conforming uses, and may utilize structures or land areas that are also non-conforming. A non-conforming use that is discontinued for any reason for more than one year shall have a presumption of intent to abandon, shall not be re-established, and shall lose its non-conforming status, unless an Adjustment (16C.03.23) is obtained to extend the length of time, based on documentation showing that an intent to abandon did not exist during the period of discontinuance. An Adjustment request may be submitted after the deadline has passed. In the case of destruction or damage where reconstruction costs exceed 50% of the assessed value, the structure shall not be rebuilt;

(b) **Conforming Uses with Non-Conforming Structures or Areas** are structures or areas for conforming uses that were lawfully established at the time of their initiation, but currently do not conform to the bulk, dimensional or other development standards of this title. Structures or areas in locations approved under a permit shall not be considered non-conforming. Non-conforming outdoor areas that have not been used or maintained for 5 consecutive years shall lose their non-conforming status and may not be reestablished;

(c) Any non-conforming structure, area, or use may be maintained with ordinary care according to the provisions in 16C.01.05 (Applicability) and 16C.03.05 (Minor Activities

1684 Allowed without a Permit), and do not require additional review under these non-
1685 conforming provisions.

1686 **(2) Process**

1687 (a) Alterations to conforming uses with non-conforming structures or areas shall be allowed
1688 under the following process requirements with the understanding that other permits or
1689 reviews may also be required under this title:

1690 i) Those that do not increase the existing non-conformity and otherwise conform to all
1691 other provisions of this title are allowed without additional review under these non-
1692 conforming provisions;

1693 ii) Those that increase the non-conformity, including establishing additional square
1694 footage within a buffer, are allowed without additional review under these non-
1695 conforming provisions; however, an Critical Areas Adjustment Permit must be
1696 obtained for the increased non-conformity;

1697 iii) Reconstruction or repair of a structure damaged less than 75% of the assessed value
1698 shall be processed as provided in subsections i) and ii) above;

1699 iv) A nonconforming structure which is moved any distance shall be processed as provided
1700 in subsections 1 and 2 above;

1701 v) Reconstruction or repair of structures destroyed or damaged 75% or more of the
1702 assessed value of the structure (not the whole property), including that resulting from
1703 neglect of maintenance or repair, shall be processed under these non-conforming
1704 provisions as a Type II review under YCC Title 16B (Project Permit Administration).

1705 (b) **Alterations to Non-Conforming Uses**

1706 i) Those involving expansion or alteration within an existing structure, but do not include
1707 alterations to outdoor areas, or expansions of the building's height or square footage
1708 are allowed without additional review under these non-conforming provisions.

1709 ii) Alterations to non-conforming uses including their non-conforming structures or areas
1710 that do not qualify under paragraph i) above, shall be processed under these non-
1711 conforming provisions as a Type II review, as provided under YCC Title 16B (Project
1712 Permit Administration).

1713 **(3) Decision Criteria**

1714 (a) Decisions on projects that require review under the non-conforming provisions, as
1715 identified under subsection (1) above shall be based on the general decision criteria found
1716 in section 16C.03.14 (Authorization Decisions – Basis for Action) together with the criteria
1717 below.

1718 (b) Applications for conforming uses with non-conforming structures or areas that are subject
1719 to subsection 2(a)(v) above, shall not be approved unless a finding is made that the project
1720 meets all of the following criteria:

1721 i) Using the original location will not place the structure or people in danger of a hazard;

1722 ii) The previous structure and any structural shore modification used to protect the
1723 structure did not increase hazards or damage to other properties;

1724 iii) The previous structure and any shore modification used to protect the structure did not
1725 cause significant impacts to the functions and values of the critical area.

1726 (c) Decisions on non-conforming uses:

1727 i) A non-conforming use may not be altered or expanded in any manner that would bring
1728 that use into greater non-conformity.

1730 **16C.03.27 General Critical Areas Protective Measures**

1731 The standards below apply to all permits and reviews performed under this title.

1732 (1) Financial guarantees to ensure mitigation, maintenance, and monitoring.

1733 (a) When mitigation required pursuant to a development proposal is not completed prior to the
1734 Yakima County's final permit approval, such as final plat approval or final building
1735 inspection, the Administrative Official may require the applicant to post a financial
1736 guarantee to ensure that the work will be completed. If the development proposal is subject
1737 to compensatory mitigation for wetlands and streams, the applicant must post a financial
1738 guarantee to ensure mitigation is fully functional. Where financial guarantees are required
1739 by other state or federal agencies for specific mitigation features, additional financial
1740 guarantees for those features are not required under this provision.

1741 (b) The financial guarantee shall be in the amount of one hundred and twenty-five percent
1742 (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of
1743 restoring the functions and values of the critical area that are at risk.

1744 (c) The financial guarantee may be in the form of a surety bond, performance bond, assignment
1745 of savings account, an irrevocable letter of credit guaranteed by an acceptable financial
1746 institution, or other form acceptable to the Administrative Official, with terms and
1747 conditions acceptable to the Yakima County attorney.

1748 (d) The financial guarantee shall remain in effect until the Administrative Official determines,
1749 in writing, that the standards bonded for have been met. Financial guarantees for wetland
1750 or stream compensatory mitigation shall be held for a minimum of five years after
1751 completion of the work to ensure that the required mitigation has been fully implemented
1752 and demonstrated to function, and may be held for longer periods when necessary.

1753 (e) Public development proposals shall be relieved from having to comply with the bonding
1754 requirements of this section if public funds have previously been committed for mitigation,
1755 maintenance, monitoring, or restoration.

1756 (f) Any failure to satisfy critical area requirements established by law or condition, including
1757 but not limited to the failure to provide a monitoring report within thirty (30) days after it
1758 is due or comply with other provisions of an approved mitigation plan, shall constitute a
1759 default, and the Administrative Official may demand payment of any financial guarantees
1760 or require other action authorized by the Yakima County code or any other law.

1761 (g) Any funds recovered pursuant to this section shall be used to complete the required
1762 mitigation. Such funds shall not be deposited in the County General Fund, but rather
1763 provided with a separate account. The County will use such funds to arrange for
1764 completion of the project or mitigation, and follow-up corrective actions.

1765 (h) Depletion, failure, or collection of financial guarantees shall not discharge the obligation
1766 of an applicant or violator to complete required mitigation, maintenance, monitoring, or
1767 restoration.

1768 (2) Declarative Covenants

1769 (a) When a development is authorized by a critical areas permit or review, a declarative
1770 covenant shall, unless determined not to be necessary by the Administrative Official, be
1771 filed with the Yakima County Auditor to inform future owners of the existence of a critical
1772 areas decision that runs with the land and contains limits relating to critical areas on the
1773 property. The declarative covenant shall read substantially as follows:

1775 “This declarative covenant is intended to reduce the incidence of unintentional
1776 violation of the Critical Areas Ordinance. Please be informed about your property
1777 and the laws that apply to it.

1778
1779 This declarative covenant is provided by Yakima County to the current and future
1780 owners of the property described as [enter property description] to inform them that,
1781 at the time of this notice, [enter Critical Areas present] existed within or adjacent to
1782 the property which are protected and regulated by the Yakima County Critical Areas
1783 Ordinance (YCC Title 16C). Development has taken place on the property under
1784 permit or review number [enter permit file number], which includes requirements
1785 that run with the land. Current and future owners should obtain copies of the permit
1786 and also inform themselves about the critical areas that exist on the property.

1787
1788 This declarative covenant may be removed or modified if critical areas conditions
1789 change, or if the permit is no longer applicable. Contact the Yakima County Public
1790 Services for assistance in doing so.”

1791
1792 (b) The declarative covenant shall not be required for a development proposal by a public
1793 agency or public or private utility:
1794 i) Within a recorded easement or right-of-way;
1795 ii) Where the agency or utility has been adjudicated the right to an easement or right-of-
1796 way; or
1797 iii) On the site of a permanent public facility.

1798 (c) The applicant shall submit proof that the declarative covenant has been filed for public
1799 record before the Administrative Official approves any development proposal for the
1800 property or, in the case of subdivisions, short subdivisions, planned unit developments, and
1801 binding site plans, at or before recording.

1802 (3) Subdivision Standards - The following standards apply to all permits or reviews under the
1803 Unified Land Development Code (YCC Title 19) that contain critical areas:

1804 (a) All subdivisions that contain critical areas shall be eligible for density bonuses or other
1805 development incentives, as provided in the Unified Land Development Code (YCC Title
1806 19);

1807 (b) Critical areas shall be actively protected through the following:
1808 i) Roads and utilities for the subdivision shall avoid critical areas and their buffers, as
1809 much as possible;

1810 ii) When Geologically Hazardous Areas (excluding Erosion, Over Steepened Slopes of
1811 Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway,
1812 Channel Migration Zone (CMZ), Streams, Wetlands and/or Vegetative Buffers fall
1813 within the boundary of a subdivision:

1814 (1) Said critical areas shall be protected by placing them entirely within a separate
1815 critical area tract, or by including them entirely within one of the developable
1816 parcels. Other options, such as conservation easements and building envelopes may
1817 be deemed by the Administrative Official as meeting this provision when special
1818 circumstances obstruct the viability of this provision;

1819 (2) For those new lots that do contain said critical areas, useable building envelopes
1820 (5,000 square feet or more for residential uses) shall be provided on the plat that lie
1821 outside said critical areas.

1822 iii) New lots partially within the floodplain shall provide a usable building envelope (5,000
1823 square feet or more for residential uses) outside the floodplain;

1824 iv) New lots entirely within the floodplain shall be at least one acre in area;

1825 v) For new lots containing~~–~~, streams, wetlands, and/or vegetative buffers, outdoor use
1826 envelopes (such as lawns, gardens, play areas, gazebos, etc.) shall be provided on the
1827 plat that lie outside said critical areas;

1828 vi) Degraded vegetative buffers shall be restored, or provided with protection measures
1829 that will allow them to recover;

1830 vii) Floodplains and critical areas shall be depicted on preliminary subdivision plats and
1831 relevant information about them disclosed on the final plat.

1832

BOCC Adopted Ord's-2017

Chapter 16C.04 ENFORCEMENT AND PENALTIES

Sections:

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

16C.04.01 Enforcement Responsibilities Generally

It shall be the duty of the Administrative Official or his designee to enforce the provisions of the Critical Areas Ordinance pertaining to all development within the jurisdiction of this title, except as expressly noted in Section 16.C.04.02 below pertaining to flood hazard permits. Whenever any development is found to be in violation of this title or a development authorization issued pursuant to this title, the Administrative Official or his designee may order any work on such development stopped by serving written notice on any person engaged in the wrongdoing or causing such development to be done. The notice shall be in the form of a "~~cease and desist~~Notice of Violation and/or Stop Work Order" ~~order~~ and shall indicate corrective actions necessary to fulfill authorization conditions and/or terms of this title and the time within which such corrections shall occur, including reclamation requirements outlined in Chapter 16C.06.23. No further development shall be authorized unless and until compliance with the development authorization conditions and/or terms of this title has been achieved to the satisfaction of the Administrative Official.

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

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

16C.04.03 Penalties

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

1879 ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement
1880 actions, such violations are declared to be public nuisances. Any person, firm, or corporation
1881 violating the provisions of this title shall be liable for all costs of such proceedings, including
1882 reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in
1883 addition to any other remedies available at law or equity.
1884

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Chapter 16C.05

FLOOD HAZARD AREAS

16C.05.20 FLOOD HAZARD AREAS – GENERAL PROVISIONS

Sections:

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

16C.05.20.010 Flood Hazard Areas Established

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

16C.05.20.030 Principles

16C.05.20.050 Principles

(1) Recognizing the right and need of the river channel to periodically carry more than the normal flow of water and desiring to minimize loss of life and property, Chapters 16C.05.20 through 16C.05.72 restrict uses and regulate structures to those that are consistent with the degree of flood hazard.

(2) In advancing the above principals, the intent of Chapters 16C.05.20 through 16C.05.72 and their application is:

- To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;
- To meet the minimum requirement of the National Flood Insurance program;
- To implement state and federal flood protection programs.

16C.05.20.050 Applicability

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

(1) The provisions of Chapters 16C.05.20 through 16C.05.72 shall apply to any development proposed in a special flood hazard area,

1929 (2) Flood hazard permits shall be approved by Yakima County. County approvals shall only be
1930 granted when in accordance with Chapters 16C.05.20 through 16C.05.72 and other applicable
1931 local, state and federal regulations.
1932 (3) Topographic, engineering and construction information necessary to evaluate the proposed
1933 project shall be submitted to the department for approval.
1934 (4) The granting of a permit for any development or use shall not constitute a representation,
1935 guarantee or warranty of any kind or nature by Yakima County, or any official or employee
1936 thereof, of the practicality or safety of any structure or use proposed and shall create no liability
1937 upon or cause of action against such public body, official or employee for any damage that
1938 may result thereto.

1939
1940 **16C.05.060 Exemptions**

1941 The following uses and activities are exempt from the provisions of Chapters 16C.05.20 through
1942 16C.05.72:

1943 (1) The alteration or substantial improvement of any structure listed on the National Register of
1944 Historic Places or a state inventory of historic places;
1945 (2) The installation and maintenance of aboveground utility transmission lines and poles;
1946 (3) Private driveways, fences and other accessory activities and/or uses necessary for agricultural
1947 uses which the building official determines will not unduly decrease flood storage or capacity,
1948 significantly restrict floodwaters, create a substantial impoundment of debris carried by
1949 floodwaters, and will resist flotation and collapse;
1950 (4) Construction and practices normal or necessary for agricultural uses. The construction of an
1951 accessory barn or similar agricultural structure, designed to have a low flood-damage potential,
1952 not involving substantial cutting, filling, or watercourse modification, is subject to Section
1953 16C.05.28.020(3)(a) through (e). (Ref. IRC 323)

1954
1955 **16C.05.070 Interpretations**

1956 (1) In the interpretation and application of Chapters 16C.05.20 through 16C.05.72, the provisions
1957 shall be considered as minimum requirements, shall be liberally construed in favor of Yakima
1958 County, and deemed neither to limit nor repeal any other powers granted under state statute.
1959 Its provisions shall be applied in addition to and as a supplement to provisions of the Yakima
1960 County Codes (YCC), Title 13, Building and Construction, YCC Title 19 – Unified Land
1961 Development Code and the Shoreline Master Program (YCC Title 16D). Chapters 16C.05.20
1962 through 16C.05.72 are not intended to repeal, abrogate or impair any existing easements,
1963 covenants, or deed restrictions. However, where these chapters and other ordinances,
1964 easements, covenants or deed restrictions conflict or overlap, whichever imposes the more
1965 stringent requirement shall prevail.
1966 (2) In an interpretation as to an exact location of the boundaries of the special flood hazard areas
1967 (i.e., conflict between a mapped boundary and actual field conditions), the person contesting
1968 the location of the boundary shall be given a reasonable opportunity to appeal the
1969 interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of
1970 the rules and regulations of the National Flood Insurance Program (44 CFR 59, etc.) (Ref. IBC
1971 104.1).

1972
1973 **16C.05.080 Compliance**

1974 No structure or land shall hereafter be used, constructed, located, extended, converted or altered
1975 without full compliance with the terms of Chapters 16C.05.20 through 16C.05.72 and other
1976 applicable regulations.

1977

1978

1979 **16C.05.20.090 Warning and Disclaimer of Liability**

1980 The degree of flood protection required by Chapters 16C.05.20 through 16C.05.72 is considered
1981 reasonable for regulatory purposes and is based on scientific and engineering considerations.
1982 Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade
1983 or natural causes. Chapters 16C.05.20 through 16C.05.72 do not imply that land outside the area
1984 of special flood hazards or uses permitted within such area will not be subject to flooding or flood
1985 damage.

1986

1987 **16C.05.28 FLOOD HAZARD PROTECTION STANDARDS**

1988 Sections:

1989 16C.05.28.010 General Standards
1990 16C.05.28.020 Specific Standards

1991

1992 **16C.05.28.010 General Standards**

1993 The following regulations shall apply in all special flood hazard areas:

1994 (1) Anchoring and Construction Techniques.

1995 (a) All new construction and substantial improvements shall be:

1996 (i) Anchored to prevent flotation, collapse or lateral movement of the structure; and
1997 (ii) Constructed using materials and utility equipment resistant to flood damage; and
1998 (iii) Constructed using methods and practices that minimize flood damage; and
1999 (iv) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other
2000 service facilities shall be designed and/or otherwise elevated or located so as to prevent
2001 water from entering or accumulating within the components during conditions of
2002 flooding.

2003 (b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral
2004 movement, and shall be installed using methods and practices that minimize flood damage.
2005 Anchoring methods may include, but are not limited to, use of over-the-top or frame ties
2006 to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard
2007 Areas guidebook for additional techniques). Anchoring shall meet the specifications set
2008 forth below for structures located within one hundred feet of a floodway or the ordinary
2009 high water mark if no floodway has been established.

2010 (c) All new construction and any improvements or additions to existing floodproofed structures
2011 that would extend beyond the existing floodproofing located within one hundred feet of
2012 the floodway or one hundred feet of the ordinary high water mark if no floodway has been
2013 established, shall be elevated to a height equal to or greater than the base flood, using zero-
2014 rise methods such as piers, posts, columns, or other methodology, unless it can be
2015 demonstrated that non-zero-rise construction methods will not impede the movement of
2016 floodwater or displace a significant volume of water. The size and spacing of any support
2017 devices used to achieve elevation shall be designed to penetrate bearing soil, and be
2018 sufficiently anchored, as specified above in subsection (1)(a) of this section.

2019 (d) Except where otherwise authorized, all new construction and substantial improvements to
2020 existing structures shall require certification by a registered professional engineer, architect
2021 or surveyor that the design and construction standards are in accordance with adopted
2022 floodproofing techniques.

2023 (2) Utilities.

2024 (a) All new and replacement water supply systems and sanitary sewage systems shall be
2025 designed to minimize or eliminate infiltration of floodwaters into the systems and discharge
2026 from the systems into floodwaters; and on-site waste disposal systems shall be located to
2027 avoid impairment to them or contamination from them during flooding.

2028 (3) Subdivision Proposals.

2029 Subdivision proposals shall:

2030 (a) Be consistent with the need to minimize flood damage;
2031 (b) Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water
2032 systems located and constructed to minimize flood damage;
2033 (c) Have adequate drainage provided to reduce exposure to flood damage; and
2034 (d) Include base flood elevation data.

2035 (4) Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of
2036 any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a
2037 watercourse in riverine situations, the department shall notify adjacent communities, the
2038 Department of Ecology and FEMA of the proposed development.

2040 **16C.05.28.020 Specific Standards**

2041 In all special flood hazard areas where base elevation data has been provided as set forth in Section
2042 16C.05.20.010, the following regulations shall apply, in addition to the general regulations of
2043 Section 16C.05.28.010:

2044 (1) Residential Construction. (ref. IRC323.2)

2045 (a) New construction and substantial improvement of any residential structure shall have the
2046 lowest floor, including basement, elevated at a minimum to or above the base flood
2047 elevation.

2048 (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or
2049 shall be designed to automatically equalize hydrostatic flood forces on exterior walls by
2050 allowing for the entry and exit of floodwaters. Designs for meeting this requirement must
2051 either be certified by a registered professional engineer or architect or must meet or exceed
2052 the following minimum criteria:

2053 (i) A minimum of two openings having a total net area of not less than one square inch
2054 for every square foot of enclosed area subject to flooding shall be provided.

2055 (ii) The bottom of all openings shall be no higher than one foot above grade.

2056 (iii) Openings may be equipped with screens, louvers, or other coverings or devices,
2057 provided that they permit the automatic entry and exit of floodwaters.

2058 (c) Residential construction within one hundred feet of a floodway or the ordinary high water
2059 mark, if no floodway has been established, shall also meet the requirements of Section
2060 16C.05.28.010(1)(c).

2061 (2) Nonresidential Construction. New construction and substantial improvement of any
2062 commercial, industrial or other nonresidential structure, and any addition to an existing
2063 floodproofed structure that would extend beyond the existing floodproofing, shall either have

2064 the lowest floor, including basement, elevated a minimum of one foot above the base flood
2065 elevation; or, together with attendant utility and sanitary facilities, shall:

2066 (a) Be floodproofed so that below an elevation one foot above base flood level the structure is
2067 watertight, with walls substantially impermeable to the passage of water; and
2068 (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and
2069 effects of buoyancy;
2070 (c) Be certified by a registered professional engineer or architect that the design and method
2071 of construction are in accordance with accepted standards of practice for meeting
2072 provisions of this subsection, based on their development and/or review of the structural
2073 design, specifications and plans. Such certifications shall be provided to the building
2074 official;
2075 (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards
2076 for space below the lowest floor as described in Section 16C.05.28.020(1)(b) above;
2077 (e) Meet the special standards for structures set forth in Section 16C.05.28.010(1)(c) above if
2078 within one hundred feet of a floodway or within one hundred feet of the ordinary high
2079 water mark and no floodway has been established;
2080 (f) Applicants floodproofing nonresidential buildings shall be notified that flood insurance
2081 premiums will be based on rates that are one foot below the floodproofed level (e.g., a
2082 building constructed to the base flood level will be rated as one foot below the level). Flood
2083 proofing the building an additional foot will reduce insurance premiums significantly. (Ref.
2084 IBC 1612.5)

2085 (3) Agricultural Construction. New construction and substantial improvement of any agricultural
2086 structure shall either have the lowest floor, including basement, elevated at a minimum to or
2087 above the base flood elevation; or meet the floodproofing requirements of subsection (2) of
2088 this section. Agricultural construction or other accessory structures that constitute a minimal
2089 investment and comply with the floodway encroachment standards may be exempt from the
2090 floodproofing and elevation requirements of subsection (2) above when such structures,
2091 together with attendant utility sanitary facilities:

2092 (a) Have a low potential for structural flood damage;
2093 (b) Are designed and oriented to allow the free passage of floodwaters through the structure in
2094 a manner affording minimum flood damage; and
2095 (c) Ensure that all electrical and mechanical equipment subject to floodwater damage and
2096 permanently affixed to the structure be elevated a minimum of one foot above the base
2097 flood elevation or higher, or floodproofed;
2098 (d) Are constructed and placed on the building site so as to offer the minimum resistance to
2099 the flow of floodwaters; and
2100 (e) Will not be used for human habitation.

2101 All such structures shall be anchored to resist flotation, collapse, and lateral movement,
2102 and that only flood resistant materials be used for elements of these buildings below the
2103 base flood elevation.

2104 (4) Manufactured Homes.

2105 (a) Manufactured homes shall be anchored in accordance with Section 16C.05.28.010(1)(b),
2106 shall have the lowest floor elevated to or above the base flood elevation, and shall be
2107 securely anchored to an adequately anchored foundation system to resist flotation, collapse
2108 and lateral movement in accordance with Section 16C.05.28.010(1)(b).

2110 **16C.05.32 FLOODWAY FRINGE USES**

2111 Sections:

2112 16C.05.32.010 Permitted Uses
2113 16C.05.32.020 Prohibited Uses

2115 **16C.05.32.010 Permitted Uses**

2116 The following uses are permitted in the floodway fringe areas:

2117 (1) Any use permitted in the zoning district in accordance with YCC Title 19 of the Yakima County
2118 Code, unless prohibited by Section 16C.05.32.020.

2119 (2) Utility Transmission Lines. Utility transmission lines shall be permitted when consistent with
2120 YCC Title 19 and where not otherwise inconsistent with Chapters 16C.05.20 through
2121 16C.05.72; except that when the primary purpose of such a transmission line is to transfer bulk
2122 products or energy through a floodway fringe or special flood hazard area, such transmission
2123 line shall conform to the following:

2124 (a) Electric transmission lines shall cross floodway fringe and special flood hazard areas by
2125 the most direct route feasible. When support towers must be located within floodway fringe
2126 or special flood hazard areas, they shall be placed to avoid high floodwater velocity and/or
2127 depth areas, and shall be adequately floodproofed.

2128 (b) Buried utility transmission lines transporting hazardous materials, including but not limited
2129 to crude and refined petroleum products and natural gas, shall be buried a minimum of four
2130 feet. Such burial depth shall be maintained within the floodway fringe or special flood
2131 hazard area to the maximum extent of potential channel migration as determined by
2132 hydrologic analyses. All such hydrologic analyses shall conform to requirements of Section
2133 16C.05.36.010(2)(c).

2134 (c) Beyond the maximum extent of potential channel migration, utility transmission lines
2135 transporting hazardous and nonhazardous materials shall be buried below existing natural
2136 and artificial drainage features. Burial depth in all other agricultural and nonagricultural
2137 floodway fringe or special flood hazard areas shall be determined on the basis of accepted
2138 engineering practice and in consideration of soil conditions and the need to avoid conflict
2139 with agricultural tillage.

2140 (d) Aboveground utility transmission lines, not including electric transmission lines, shall only
2141 be allowed for the transportation of nonhazardous materials. In such cases, applicants must
2142 demonstrate that line placement will have no appreciable effect upon flood depth, velocity
2143 or passage. Such lines shall be adequately protected from flood damage.

2144 (e) Aboveground utility transmission line appurtenant structures, including valves, pumping
2145 stations or other control facilities, shall not be permitted in floodway fringe or special flood
2146 hazard areas except where no other alternative is available, or in the event a floodway
2147 fringe or special flood hazard location is environmentally preferable. In such instances,
2148 aboveground structures shall be located so that no appreciable effect upon flood depth,
2149 velocity or passage is created, and shall be adequately floodproofed.

2151 **16C.05.32.020 Prohibited Uses**

2152 The following uses shall be prohibited in floodway fringe areas:

2153 (1) New manufactured home parks and the expansion of manufactured home/parks.

2156 **16C.05.36 FLOODWAY USES**

2157 Sections:

2158	16C.05.36.010	Permitted Uses
2159	16C.05.36.020	Prohibited Uses

2160

2161 **16C.05.36.010 Permitted Uses** Permitted uses include any use permitted in the zoning
2162 district in accordance with YCC Title 19 of this code, provided that said use is in compliance with
2163 the flood hazard protection standards of Chapter 16C.05.28 and other applicable provisions of this
2164 title, and will have a negligible effect upon the floodway in accordance with the floodway
2165 encroachment provisions of Section 16C.05.36.020(2):

2166 (1) Surface mining, provided that the applicant can provide clear evidence that such uses will not
2167 divert flood flows causing channel-shift or erosion, accelerate or amplify the flooding of
2168 downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or
2169 in any other way threaten public or private properties. When allowed, such removal shall
2170 comply with the provisions of Title 19 and the Yakima County Shoreline Management Master
2171 Program Regulations (Shoreline Master Program [\(Title 16D\)](#), where applicable).

2172 (2) Utility transmission lines, unless otherwise prohibited by this division; except that when the
2173 primary purpose of such a transmission line is to transfer bulk products or energy through a
2174 floodway en route to another destination, as opposed to serving customers within a floodway,
2175 such transmission lines shall conform to the following:

2176 (a) All utility transmission lines shall cross floodways by the most direct route feasible as
2177 opposed to paralleling floodways.

2178 (b) Electric transmission lines shall span the floodway with support towers located in flood
2179 fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width,
2180 support towers shall be located to avoid high floodwater velocity and/or depth areas, and
2181 shall be adequately floodproofed.

2182 (c) Buried utility transmission lines transporting hazardous and nonhazardous materials,
2183 including but not limited to crude and refined petroleum products and natural gas, water
2184 and sewage, shall be buried a minimum of four feet below the maximum established scour
2185 of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall
2186 be maintained horizontally within the hydraulic floodway to the maximum extent of
2187 potential channel migration as determined by hydrologic analyses. In the event potential
2188 channel migration extends beyond the hydraulic floodway, conditions imposed upon
2189 floodway fringe and special flood hazard areas shall also govern placement. All hydrologic
2190 analyses are subject to acceptance by Yakima County, shall assume the conditions of a
2191 one-hundred-year frequency flood as verified by the U.S. Army Corps of Engineers, and
2192 shall include on-site investigations and consideration of historical meander characteristics
2193 in addition to other pertinent facts and data. The use of riprap as a meander containment
2194 mechanism within the hydraulic floodway shall be consistent with the Yakima County
2195 Shoreline Management Master Program Regulations,

2196 (d) Beyond the maximum extent of potential channel migration, utility transmission lines
2197 transporting hazardous and nonhazardous materials shall be buried below existing natural
2198 and artificial drainage features. Burial depth in all agricultural areas requiring or potentially
2199 requiring subsurface drainage shall be a minimum of six feet as measured from ground
2200 surface to the top of the transmission line, or at other such depth as deemed necessary by
2201 on-site investigations performed by a qualified soils expert familiar with Yakima County

soils. Burial depth in all other agricultural and nonagricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage,

(e) Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of nonhazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the one-hundred-year flood, the transmission line shall be placed on the downstream side and protected from flood debris. In such instances, site-specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such aboveground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (2)(C) of this section;

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

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

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

(4) Improvements to existing residential structures that are not substantial improvements per Section 16C.02.395; provided, the improvement complies with the requirement set forth in Section 16C.05.36.020(2).

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

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

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

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

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

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

16C.05.36.020 Prohibited Uses

2248 The following uses/developments are prohibited in the floodway:

2249 (1) Any structure, including manufactured homes, designed for, or to be used for human habitation
2250 of a permanent nature (including temporary dwellings authorized by Section 15.72.060);

2251 (2) All encroachments, including fill, new construction and other development unless certification
2252 by a registered professional engineer is provided demonstrating through hydrologic and
2253 hydraulic analysis performed in accordance with standard engineering practice that the effect
2254 of the subject encroachment together with the cumulative effects of all similar potential
2255 encroachments shall not materially cause water to be diverted from the established floodway,
2256 cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway,
2257 or result in any increase in flood levels during the occurrence of the base flood discharge;

2258 (3) Construction or reconstruction of residential structures within designated floodways, except
2259 for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground
2260 floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which
2261 does not exceed fifty percent of the assessed value of the structure either (A) before the repair,
2262 reconstruction or improvement is started, or (B) if the structure has been damaged and is being
2263 restored, before the damage occurred. Work done on structures to correct existing violations
2264 of existing health, sanitary or safety codes, or to structures identified as historic places shall
2265 not be included in the fifty percent. If subsection (2) of this section is satisfied, all new
2266 construction and substantial improvements shall comply with all applicable flood hazard
2267 reduction provisions of Chapters 16C.05.20 through 16C.05.72, including those set forth in
2268 subsection (5) below;

2269 (4) The construction or storage of any object subject to flotation or movement during flood level
2270 periods;

2271 (5) The following uses, due to their high degree of incompatibility with the purpose of establishing
2272 and maintaining a functional floodway, are specifically prohibited:

2273 (a) The filling of wetlands, except as authorized under Chapter 16C.06 (Fish and Wildlife
2274 Habitat and the Stream Corridor) and Chapter 16C.07 (Wetlands) of this title,

2275 (b) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,

2276 (c) Damming or relocation of any watercourse that will result in any downstream increase in
2277 flood levels during the occurrence of the base flood discharge;

2278 (6) The listing of prohibited uses in this section shall not be construed to alter the general rule of
2279 statutory construction that any use not permitted is prohibited.

16C.05.40 NON-CONFORMING USES AND STRUCTURES

Sections:

16C.05.40.010	Generally
16C.05.40.020	Non-conforming Uses of Land
16C.05.40.030	Non-conforming Structures
16C.05.40.040	Improvements
16C.05.40.050	Restoration
16C.05.060	Discontinuance

16C.05.40.010 Generally

(1) Within the special flood hazard areas established by Chapters 16C.05.20 through 16C.05.72 or
2292 amendments thereto, there may exist structures and uses of land and structures which were
2293 lawful before these chapters were adopted or amended, but which would be prohibited,

2294 regulated or restricted under the terms of Chapters 16C.05.20 through 16C.05.72 or future
2295 amendment.

2296 (2) It is the intent of Chapters 16C.05.20 through 16C.05.72 to permit these lawful pre-existing
2297 nonconformities to continue until they are removed by economic forces or otherwise, but not
2298 to encourage their survival except in cases where continuance thereof would not be contrary
2299 to the public health, safety or welfare, or the spirit of said chapters.

2300 (3) To avoid undue hardship, nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed
2301 to require a change in the plans, construction, or designated use of any building on which actual
2302 construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted
2303 Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program,
2304 and upon which actual building construction has been diligently carried on; namely, actual
2305 construction materials placed in permanent position and fastened in a permanent manner.
2306 Where demolition or removal of an existing building has been substantially begun preparatory
2307 to rebuilding, such demolition or removal shall be deemed to be actual construction, provided
2308 that work shall be diligently carried on until completion of the building involved. October 1,
2309 1995, the effective date of the ordinance codified in Title 16A shall be used as it applies to all
2310 other Critical Areas requirements established under Title 16A by Ordinance 8-1995.
2311

2312 **16C.05.40.020 Non-conforming Uses of Land**

2313 If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a lawful use
2314 of land not conducted within a building exists that is made no longer permissible under the terms
2315 of said chapters as adopted or amended, such use may be continued as long as it remains otherwise
2316 lawful, subject to the following provisions:

2317 (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater
2318 area of the lot of record than that which it occupied at the effective date of adoption or
2319 amendment of Chapters 16C.05.20 through 16C.05.72.

2320 (2) At such time as a structure is erected thereon, the structure and the use of the land shall conform
2321 to the regulations specified by Chapters 16C.05.20 through 16C.05.72 and YCC Title 19.
2322

2323 **16C.05.40.030 Non-conforming Structures**

2324 (1) If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a structure
2325 is nonconforming only because the structure is not in conformance with the applicable
2326 elevation and/or floodproofing requirement of said chapters and Chapter 19.33 of YCC Title
2327 19, provided that the degree of nonconformity shall not be increased and the applicable
2328 elevation and/or floodproofing requirements of this title shall be observed, any structural
2329 alterations or enlargements of an existing structure under such conditions shall not increase the
2330 degree of nonconformity.

2331 (2) A structure, nonconforming only because the structure is not in conformance with the applicable
2332 elevation and/or floodproofing requirements of Chapters 16C.05.20 through
2333 16C.05.72, destroyed to an extent such that restoration costs would exceed fifty percent of the
2334 assessed value of the structure immediately prior to such occurrence, shall be considered
2335 completely destroyed and shall be required to meet all applicable requirements of this titles
2336 and YCC Title 19 upon restoration.

2337 **16C.05.40.040 Improvements**

2339 Nothing in Chapters 16C.05.20 through 16C.05.72 shall be construed to restrict normal structural
2340 repair and maintenance activities, including replacement of walls, fixtures and plumbing, provided
2341 that the value of work and materials in any twelve-month period does not exceed twenty-five
2342 percent of the assessed value of the structure prior to such work.

2343

16C.05.40.050 Restoration

2344 Nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed to prohibit the restoration of
2345 the structural portions of a nonconforming use within six months from the date of its accidental
2346 damage by fire, explosion, or act of God; provided that the applicable elevation and/or
2347 floodproofing requirements of said chapters shall be adhered to if the structure is destroyed. A
2348 structure shall be considered to be destroyed if the restoration costs exceed fifty percent of the
2349 assessed value.

2350

16C.05.40.060 Discontinuance

2351 If the nonconforming use is discontinued for a period of twelve consecutive months or more, the
2352 nonconforming status of the use is terminated and any future use of the land or structures shall be
2353 in conformity with the provisions of this title. The mere presence of a structure, equipment, or
2354 material shall not be deemed to constitute the continuance of a nonconforming use unless the
2355 structure, equipment or material is actually being occupied or employed in maintaining such use.
2356 The ownership of property classed as nonconforming may be transferred without that fact alone
2357 affecting the right to continue such nonconforming use.

2358

16C.05.44 FLOOD HAZARD PROTECTION ADMINISTRATION

Sections:

- 2363 16C.05.44.010 Administration
- 2364 16C.05.44.020 Authority
- 2365 16C.05.44.030 Permit – Required
- 2366 16C.05.44.040 Permit – Application
- 2367 16C.05.44.050 Permit – Review
- 2368 16C.05.44.060 Use of Available Data
- 2369 16C.05.44.070 Limitations
- 2370 16C.05.44.080 Permit – Expiration & Cancellation
- 2371 16C.05.44.090 Performance Bonds
- 2372 16C.05.44.100 Appeals
- 2373 16C.05.44.110 Coordination

2374

16C.05.44.010 Administration

2375 The Chief Building Official is vested with the duty of administering the rules and regulations
2376 relating to flood hazard protection in accordance with the provisions of Chapters 16C.05.20
2377 through 16C.05.72 and may prepare and require the use of such forms as are essential to such
2378 administration.

2379

16C.05.44.020 Authority

2382 Upon application, the Chief Building Official shall have the authority to grant a flood hazard
2383 permit when compliance with the applicable conditions as set forth in Chapters 16C.05.20 through
2384 16C.05.72 and in other applicable local, state and federal regulations has been demonstrated and
2385 the proposal is found to be consistent with the purpose of the policies of the Critical Areas
2386 Ordinance.

2387

2388 16C.05.44.030 Permit – Required

2389 Prior to any development within a special flood hazard area a flood hazard permit shall be obtained.
2390 This permit may be in addition to the critical area development authorization as set forth in Chapter
2391 16C.03 of this title.

2392

2393 16C.05.44.040 Permit – Application

2394 All persons applying for a flood hazard permit shall submit a written application, accompanied by
2395 an application fee as specified in YCC Title 20, using the forms supplied. The application shall
2396 not be considered complete until the following minimum information is provided:

2397 (1) Name, address and telephone number of applicant;
2398 (2) Name, address and telephone number of property owner;
2399 (3) Project description and taxation parcel number;
2400 (4) Name of the stream or body of water associated with the floodplain in which the development
2401 is proposed;
2402 (5) Site plan map showing:
2403 (a) Actual dimensions and shape of the parcel to be built on,
2404 (b) Sizes and location of existing structures on the parcel to the nearest foot,
2405 (c) Location and dimensions of the proposed development, structure or alteration,
2406 (d) Location, volume and type of any proposed fill,
2407 (e) The application shall include such other information as may be required by the
2408 administrative official, to clarify the application, including existing or proposed building
2409 or alteration, existing or proposed uses of the building and land, and number of families,
2410 housekeeping units or rental units the building is designed to accommodate, conditions
2411 existing on the lot, and such other matters as may be necessary to determine conformance
2412 with, and provide for the enforcement of Chapters 16C.05.20 through 16C.05.72;
2413 (6) Information required by other sections of Chapters 16C.05.20 through 16C.05.72.

2414

2415 16C.05.44.050 Permit – Review

2416 Flood hazard permit applications will be reviewed to determine:

2417 (1) That the floodproofing requirements and other provisions of Chapters 16C.05.20 through
2418 16C.05.72 have been satisfied;
2419 (2) If the proposed development is located in the floodway, the floodway encroachment provisions
2420 of Section 16C.05.36.020(2) are met;
2421 (3) If the proposed development includes the alteration or relocation of a watercourse, the
2422 provisions of Section 16C.05.28.010(4) are met;
2423 (4) That the proposed development is a use permitted under Chapters 16C.05.20 through
2424 16C.05.72 and YCC Title 19;
2425 (5) That all necessary permits have been obtained from those federal, state or local governmental
2426 agencies from which prior approval is required.

2427

2428 **16C.05.44.060 Use of Available Data**
2429 When base flood elevation data has not been provided in accordance with Section 16C.05.20.010;
2430 (Flood hazard areas established), the county shall obtain, review, and reasonably utilize any flood
2431 area extent from frequently flooded areas, base flood elevation, and floodway data available from
2432 a federal, state or other source, in order to administer Section 16C.05.28.020 (Specific Standards)
2433 and 16C.05.36.020 (Floodway Prohibited Uses) and Chapter 16C.04 (Enforcement and Penalties).
2434 For flood hazard areas without elevations from FIRMs, they shall be determined for proposed
2435 structures by the flood official as the greater of the ground elevation at the flood map extent or the
2436 maximum ground elevation plus two feet at the proposed structure footprint.

2437
2438 **16C.05.44.070 Limitations**

2439 Permits issued on the basis of plans and applications approved by the administrative official
2440 authorize only the use, arrangement and construction set forth in such approved plans and
2441 applications, and no other use, arrangement or construction. Use, arrangement or construction at
2442 variance with that authorized is a violation of Chapters 16C.05.20 through 16C.05.72 and
2443 punishable as provided by 16C.04 (Enforcement and Penalties).

2444
2445 **16C.05.44.080 Permit – Expiration & Cancellation**

2446 If the work described in any permit has not begun within one hundred eighty days from the date
2447 of issuance thereof, the permit shall expire and be canceled by the chief building official.

2448
2449 **16C.05.44.090 Performance bonds**

2450 (1) The county may require bonds in such form and amounts as may be deemed necessary to assure
2451 that the work shall be completed in accordance with approvals under Chapters 16C.05.20
2452 through 16C.05.72. Bonds, if required, shall be furnished by the property owner, or other
2453 person or agent in control of the property.
2454 (2) In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the
2455 department in an amount equal to that which would be required in the surety bond.

2456
2457 **16C.05.44.100 Appeals**

2458 The decision to grant, grant with conditions or deny a flood hazard permit shall be final and
2459 conclusive unless the applicant appeals the decision pursuant to the procedure established for
2460 appeals in Chapter 16C.03.

2461
2462 **16C.05.44.110 Coordination**

2463 Upon application, the Chief Building Official shall have the authority to grant a flood hazard
2464 permit when compliance with the applicable conditions as set forth in Chapters 16C.05.20 through
2465 16C.05.72 and in other applicable local, state and federal regulations has been demonstrated and
2466 the proposal is found to be consistent with the purpose of this title.

2467
2468 **16C.05.48 ELEVATION AND FLOODPROOFING CERTIFICATION**

2469 Sections:

2470 16C.05.48.010 Applicability
2471 16C.05.48.020 Certification Form
2472 16C.05.48.030 Information to be Obtained and Maintained
2473 16C.05.48.040 Certification Responsibility

2474

2475 **16C.05.48.010 Application**

2476 Certification shall be provided to verify that the minimum floodproofing and elevation standards
2477 of Chapter 16C.05.28 have been satisfied. Certification shall be required only for the new
2478 construction or substantial improvement of any residential, commercial, industrial or
2479 nonresidential structure located in a special flood hazard area, except that agricultural and certain
2480 accessory structures constructed in accordance with the standards of Section 16C.05.28.020(3)
2481 shall not require certification. Such structures are still subject to elevation or floodproofing
2482 certification for flood insurance purposes.

2483

2484 **16C.05.48.020 Certification Form**

2485 The form of the elevation and floodproofing certificate shall be specified by the Chief Building
2486 Official and shall be generally consistent with that required by FEMA for the administration of the
2487 National Flood Insurance Program.).

2488

2489 **16C.05.48.030 Information to be obtained and maintained**

2490 The elevation and floodproofing certificate shall verify the following flood hazard protection
2491 information:

2492 (1) The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of
2493 all new or substantially improved structures, and whether or not the structure contains a
2494 basement;

2495 (2) The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially
2496 improved floodproofed structures, and that the floodproofing measures utilized below the base
2497 flood elevation render the structure watertight, with walls substantially impermeable to the
2498 passage of water;

2499 (3) Where a base flood elevation has not been established according to Section 16C.05.20.010,
2500 obtain and record the actual elevation (in relation to mean sea level) of the lowest floor
2501 (including basement) as related to the highest adjacent grade, and whether or not the structure
2502 contains a basement.

2503

2504 **16C.05.48.040 Certification Responsibility**

2505 The project proponent shall be responsible for providing required certification data to the Chief
2506 Building Official prior to the applicable construction inspection specified in the certification form.
2507 All elevation and floodproofing data specified in Section 16C.05.48.030 must be obtained and
2508 certified by a registered professional engineer, architect, or surveyor. The elevation and
2509 floodproofing certification shall be permanently maintained by the chief building official.

2510

2511 **16C.05.52 VARIANCES**

2512 **Sections:**

2513 16C.05.52.010 Procedure
2514 16C.05.52.020 Variance limitations
2515 16C.05.52.030 Conditions for Authorization
2516 16C.05.52.040 Administrative Official's Decision
2517 16C.05.52.050 Notification and Final Decision
2518 16C.05.52.060 Power to Refer Decisions
2519 16C.05.52.070 Appeals

2520

2521 **16C.05.52.010 Procedure**

2522 Any person seeking a variance from the requirements of Chapters 16C.05.20 through 16C.05.72
2523 authorized under Section 16C.05.52.020 shall make such request in writing to the department on
2524 forms supplied by the department. Upon receipt of a completed application and application fee for
2525 the variance, a notice of the variance request shall be forwarded to all landowners of adjacent
2526 property within twenty days of the receipt of completed application and fee. The notice shall solicit
2527 written comment on the variance request and specify a time period not less than ten days from the
2528 date of mailing, during which written comments may be received and considered. The notice shall
2529 also state that copies of the administrative official's final decision will be mailed upon request. The
2530 administrative official may also solicit comments from any other person or public agency he or
2531 she feels may be affected by the proposal.

2532

2533 **16C.05.52.020 Variance limitations**

2534 (1) Variances shall be limited solely to the consideration of:
2535 (a) Elevation requirements for lowest floor construction;
2536 (b) Elevation requirements for floodproofing;
2537 (c) The type and extent of floodproofing.
2538 (2) Variances shall not be considered for any procedural or informational requirements or use
2539 prohibitions of Chapters 16C.05.20 through 16C.05.72.

2540

2541 **16C.05.52.030 Conditions for Authorization**

2542 Before a variance to the provisions of Chapters 16C.05.20 through 16C.05.72 may be authorized,
2543 it shall be shown that:

2544 (1) There are special circumstances applicable to the subject property or to the intended use, such
2545 as size, topography, location or surroundings, that do not apply generally to other property in
2546 the same vicinity and zone; and
2547 (2) The granting of such variance will not be materially detrimental to the public welfare or
2548 injurious to the property or improvements in the vicinity and zone in which the subject property
2549 is located; and
2550 (3) Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and
2551 (4) Failure to grant the variance would result in exceptional hardship to the applicant; and
2552 (5) The granting of such a variance will not result in:
2553 (a) Increased flood heights,
2554 (b) Additional threats to public safety,
2555 (c) Creation of nuisances,
2556 (d) Extraordinary public expense,
2557 (e) Conflicts with other existing local laws or ordinances.

2558

2559 **16C.05.52.040 Administrative Official's Decision**

2560 After considering any comments received from other agencies, jurisdictions or adjoining property
2561 owners, the administrative official shall approve, approve with conditions, or deny the variance
2562 request. The administrative official shall prepare written findings and conclusions stating the
2563 specific reasons upon which the decision is based.

2564

2565 **16C.05.52.050 Notification and Final Decision**

2566 The decision shall be issued within seven days from the end of the comment period. Further, the
2567 administrative official shall mail the findings and decision to the applicant and to other parties of
2568 record requesting a copy.

2569

2570 **16C.05.52.060 Power to Refer Decisions**

2571 In exercising the duties and powers of implementing and administrating Chapters 16C.05.20
2572 through 16C.05.72, the administrative official may refer any variance application to the hearing
2573 examiner for action at a public hearing.

2574

2575 **16C.05.52.070 Appeals**

2576 Any decision by the administrative official to approve or deny a variance request may be appealed
2577 subject to the procedures set forth in Section 16C.03.13 (Development Authorization – Review
2578 Procedure).

2579

2580 **16C.05.72 MAP CORRECTION PROCEDURES**

2581

2582 **Sections:**

2583 **16C.05.72.010 Federal Flood Hazard Map Correction Procedures**

2584

2585 **16C.05.72.010 Federal flood hazard map correction procedures.**

2586 The procedures for federal flood hazard map correction, as provided in federal regulations Section
2587 70 CFR of the National Insurance Program are hereby adopted by reference.

2588

BOCC Adopted on 5-2017

Chapter 16C.06

FISH AND WILDLIFE HABITAT AND THE STREAM CORRIDOR SYSTEM

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2593 16C.06.01 Purpose and Intent
2594 16C.06.02 Protection Approach

2596 Designation and Mapping

- 2597 16C.06.03 Hydrologically Related Critical Area Features
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- 2610 16C.06.14 Water-related Uses
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- 2612 16C.06.16 Vegetative Buffers

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2615	16C.06.17	Roads, Railroads and Parking
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2617	16C.06.19	Shore Stabilization
2618	16C.06.20	Dredging and Excavation
2619	16C.06.21	Filling
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2621	16C.06.23	Reclamation

BOO

2623 **16C.06.01 Purpose and Intent**

2624 (1) The stream corridor system includes hydrologically related critical areas, streams, lakes, ponds, and wetlands, and are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:

2625 (a) Meet the requirements of the Growth Management Act (RCW 36.70A.172) to protect the functions and values of fish and wildlife habitat, wetlands, stream undercutting geologic hazards and frequently flooded areas; and to give special consideration to anadromous fish;

2626 (b) Meet eligibility requirements of the National Flood Insurance Program (NFIP), and the authorities set forth in RCW 86.12.

2627 (2) The guidelines, policies, and standards of this chapter are intended to:

2628 (a) Provide alternatives for necessary development, construction, and uses within a designated stream corridor and other hydrologically related critical areas;

2629 (b) Prevent further degradation in the quantity and quality of surface and subsurface waters;

2630 (c) Conserve, restore, and protect sensitive or unique fish and wildlife habitats, vegetation, and ecological relationships;

2631 (d) Protect public and private properties from adverse effects of improper development within hazardous or sensitive areas of the stream corridor;

2632 (e) Provide a zero net loss of natural wetlands functions and values together with, a gain of wetlands in the long term, if reasonably possible through voluntary agreements or government incentives;

2633 (f) Establish measures to protect streams, lakes, ponds, and wetlands;

2634 (g) Recognize that, based on WAC 365-190-130~~080~~⁽¹⁵⁾ (Fish and Wildlife Habitat Conservation Areas) ~~wildlife habitat conservation~~ means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability. ~~land use planning is critically important; Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.~~

2635 **16C.06.02 Protection Approach**

2636 (1) To maintain viable populations of fish and wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include fragmentation, the presence of essential resources such as food, water, nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. As a method of linking large habitat areas, migration corridors offer a means by which to connect publicly protected lands and other intact habitat areas. Riparian corridors

offer a natural system of such linkages. Yakima County accomplishes fish and wildlife habitat protection in 3 parts:

- (a) Protect habitat for aquatic (in-water) species through stream, lake, pond- and wetland standards;
- (b) Protect habitat for riparian (near-water) species through stream, lake, pond, and wetland standards and buffer requirements;
- (c) Protect upland habitat conservation areas using the habitat protection measures of Chapter 16C.11.

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

(3) To accomplish upland wildlife protection on private lands, Yakima County ~~performed an assessment to map uses Washington State Department of Fish and Wildlife staff consultation and Priority Habitat and Species mapping to identify~~ wildlife habitat. ~~Only a small percentage of the mapped area is within private ownership and that is largely in remote areas of forest and rangeland. Consequently, part of~~ Yakima County's ~~relies upon large lot/low density provisions of the Remote/Extremely Limited Development Potential (40-acre minimum), Forest Watershed (80-acre minimum) and Agriculture (40 acre minimum) zoning districts~~ approach to protect upland wildlife on private land ~~is to rely on the large lot/low density provisions of the Remote (40 acre minimum), Forest (80 acre minimum) and Agriculture (40 acre minimum) zoning districts.~~ ~~Proposed development within upland wildlife habitat areas is reviewed in accordance with 16C.03.02(3)(c)(ii) to determine if a habitat assessment is required.~~

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

(5) Through the wildlife habitat analysis, habitat for listed state and federal threatened, endangered, and sensitive species was assessed and incorporated for upland species. Consequently, Yakima County's approach to protect habitat for listed state and federal threatened, endangered, and sensitive upland species is outlined in Section 16C.11.060 and 16C.11.070. Protection measures for Bull Trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and Steelhead ~~—~~ (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the standards in Chapter 16C.06.

Designation and Mapping

2714 **16C.06.03 Hydrologically Related Critical Area Features**

2715 The stream corridor and other hydrologically related critical areas are designated critical areas and
2716 include one or more of the following features:

2717 (1) Any floodway and floodplain identified as a special flood hazard area. Special flood hazard
2718 areas are those identified by the Federal Insurance Administration in the Flood Insurance Study
2719 for Yakima County which, together with accompanying Flood Insurance Rate Maps and
2720 frequently flooded, -is areas are hereby adopted by reference and declared to be a part of this
2721 title as set forth in Chapters 16C.05.20 through 16C.05.72;

2722 (2) Perennial and intermittent streams, excluding ephemeral streams, including the stream main
2723 channel and all secondary channels within the Ordinary High Water Mark;

2724 (3) Naturally occurring ponds under twenty acres and their submerged aquatic beds; and man-
2725 made lakes and ponds created within a stream channel designated under (2) above;

2726 (4) All wetlands, that meet the definition found in Section 16C.02.425, as required by WAC 365-
2727 190-080(1), and as designated in Section 16C.07.02(1) of the wetland chapter;

2728 (5) Where specifically cited, any flood-prone area not included in a designated floodway and
2729 floodplain, but indicated as flood-prone ~~by U.S. Soil Conservation Service soil survey data or~~
2730 ~~geologic evidence developed through professional geologists or engineers (i.e. specific flood~~
2731 ~~frequency, stream channel migration), by information observable in the field such as soils or~~
2732 ~~geological evidence, or by materials such as flood studies, topographic surveys, photographic~~
2733 ~~evidence or other data.;~~

2734 (6) A buffer area extending on a horizontal plane from the ordinary high water mark of a stream
2735 channel, lake, or pond, designated in this section or from the edge of a wetland designated in
2736 this section according to the distances set forth in Section 16C.06.16 (Vegetative Buffers);

2738 **16C.06.05 Functional Properties**

2739 (1) Streams, lakes and ponds and wetlands require a sufficient riparian area to support one or more
2740 of the following functional properties:

2741 (a) Streambank and shore stabilization;

2742 (b) Providing sufficient shade through canopy cover to maintain water temperatures at
2743 optimum levels and to support fish habitat;

2744 (c) Moderating the impact of stormwater and meltwater runoff;

2745 (d) Filtering solids, nutrients, and harmful substances;

2746 (e) Surface erosion prevention;

2747 (f) Providing and maintaining migratory corridors for wildlife;

2748 (g) Supporting a diversity of wildlife habitat;

2749 (h) Providing floodplain functions noted below;

2750 (i) Contributing woody debris and organic matter to the aquatic environment;

2751 (j) Providing altered climatic conditions different from upland areas.

2752 (2) Stream channels generally support one or more of the following functional properties:

2753 (a) Groundwater recharge and/or discharge;

2754 (b) Water transport;

2755 (c) Sediment transport and/or storage;

2756 (d) Biogeochemical functions (see lakes, ponds and wetland functions below);

2757 (e) Channel migration and creation of a dynamic habitat mosaic;

2758 (f) Food web and habitat functions

2759 (3) Lakes, ponds and wetlands generally provide similar functions, sometimes to a greater or lesser
2760 degree. Wetlands are often located along the margins of lakes and ponds, which often mixes
2761 the functions between the two. Lakes, ponds and wetlands generally provide one or more of
2762 the following functional properties:

2763 (a) Biogeochemical functions, which are related to trapping and transforming chemicals and
2764 include functions that improve water quality in the watershed such as: nutrient retention
2765 and transformation, sediment retention, metals and toxics retention and transformation;

2766 (b) Hydrologic functions, which are related to maintaining the water regime in a watershed,
2767 such as: flood flow attenuation, decreasing erosion, groundwater recharge;

2768 (c) Food web and fish and wildlife habitat functions, which includes habitat for: invertebrates,
2769 amphibians, anadromous fish, resident fish, birds, mammals.

2770 (4) Floodplains generally provide one or more of the following functional properties:

2771 (a) Floodwater storage and passage, including the movement of high velocity flood waters;

2772 (b) Sediment storage and recruitment;

2773 (c) Food web and habitat functions;

2774 (d) Nutrient sink and/or source;

2775 (e) Groundwater recharge and/or discharge.

2776 (5) Some functions, as, for example, supporting a diversity of wildlife habitat, require larger areas
2777 which may not be achievable due to existing development and construction constraints. In
2778 these instances, adjustments to the minimum standards to accommodate such constraints may
2779 be necessary. However, a reduction of standards impairs the hydrologically related critical
2780 area's ability to support some functional properties. Reductions of standards should be offset
2781 by enhancement, restoration or preservation measures which replace lost functions or
2782 strengthen other functional properties if replacement of the lost functions is not possible.

2783

2784 **16C.06.06 Stream, Lake and Pond Typing System**

2785 For purposes of this title, Yakima County hereby adopts a stream, lake and pond typing system,
2786 for those features designated as critical areas in Section 16C.06.03 (Hydrologically Related
2787 Critical Area Features), as follows:

2788 (1) **Type 1 streams**, lakes and ponds are those waters-, within their ordinary high water mark
2789 (OHWM), meeting the criteria as "shorelines of the state" and "shorelines of statewide
2790 significance" under RCW Chapter 90.58, but not including those waters' associated wetlands
2791 as defined in RCW Chapter 90.58. The current list of Shoreline waters, along with their specific
2792 shoreline environments are provided in Appendix B and C of the Shoreline Master Program.
2793 Type 1 streams and lakes are protected by the Shoreline Mater Program (YCC Title 16D),
2794 rather than the CAO;

2795 (2) **Type 2 streams** are those streams that may be perennial or seasonal and that are known to be
2796 used by anadromous fish or resident salmonids. Type 2 streams require protection due to the
2797 nature of their contributions to the functional properties listed in Section 16C.06.05.
2798 Designated Type 2 streams are listed in Appendix A of this title.

2799 (3) **Type 3 streams** include all perennial streams within Yakima County not classified as Type 1
2800 or 2;

2801 (4) **Type 4 streams** are all intermittent streams within Yakima County not classified as Type 1, 2
2802 or 3;

2803 (5) **Type 5 streams** are all ephemeral streams within Yakima County not classified as Type 1, 2,
2804 3 or 4. Type 5 streams are not regulated under this title;

2805 (6) **Lakes and ponds** not designated as a shoreline that receive water from the OHWM of a Type
2806 2, 3, or 4 stream shall have the same surface water type as the highest stream type associated
2807 with it;
2808 (7) **Natural lakes and ponds**, not designated as a shoreline, that do not receive water from the
2809 OHWM of a Type 1, 2, 3, or 4 stream shall be Type 3 ponds.

2810
2811 **16C.06.07 Wetland Rating System**

2812 Wetlands within Yakima County are defined in Section 16C.02.425 and are shown on the data
2813 maps referenced in Section 16C.06.08 (Maps). Most, but not all, of the wetlands within Yakima
2814 County occur near streams. All wetlands deserve a standard of protection, through the use of
2815 vegetative buffers, that is directly related to their contribution to the functional properties listed in
2816 Section 16C.06.05 (Functional Properties) and Section 16C.07.04 (Wetland Functions and
2817 Rating). For regulatory purposes, wetlands are classified into four categories according to the
2818 Wetland Rating System found in Section 16C.07.04(2) (Wetland Functions and Rating) of the
2819 wetland chapter.

2820
2821 **16C.06.08 Maps**

2822 Certain fish and wildlife habitat and hydrologically related critical areas have been inventoried and
2823 are depicted on a series of paper and electronic maps maintained at the Yakima County Public
2824 Services Department. The best available graphic depiction of critical areas within the county will
2825 be used and continuously updated as reliable data becomes available. Maps may be both regulatory
2826 and non-regulatory in nature as described below:

2827 (1) Regulatory maps are created with a defined process not necessarily corresponding directly with
2828 easily observable physical features such as streams and wetlands. These maps define the
2829 regulated critical areas. They are also formally adopted by the Board of Yakima County
2830 Commissioners and may only be changed by that body. Regulatory maps include the
2831 following:
2832 (a) Any floodway or floodplain identified as a special flood hazard area by the Federal
2833 Insurance Administration in the Flood Insurance Study for Yakima County.

2834 (2) Administrative maps are intended to indicate the approximate presence, location and/or typing
2835 of the subject critical area features, and act as a trigger for further investigation of the extent
2836 and characteristics of critical areas in a specific project location. These maps were created
2837 using reconnaissance level or better data. Given site-specific variations in reconnaissance level
2838 data, more detailed information developed at the site-specific level may be used to modify the
2839 maps as it is developed; the maps maintained by the Yakima County Public Services
2840 Department do not officially define the extent or characteristics of specific critical areas; rather
2841 the physical characteristics that exist "on the ground" define the boundaries of the regulated
2842 critical areas. Administrative maps include, but are not limited to the following:
2843 (a) Wetlands;
2844 (b) Streams;
2845 (c) Channel migration zone;
2846 (d) Priority Habitat and Species (PHS) and Habitats of Local Importance - Mapped habitat
2847 areas for newly listed species will be generated as needed to supplement the existing maps.
2848 PHS and Habitats of local importance currently include:
2849 i) Available maps from WDFW regarding the location of those Priority Habitat and
2850 Species listed in Appendix B.

④ii) Type 2 Streams, lakes and/or ponds listed in Appendix A.

(e) Upland Wildlife Habitat Analysis Map.

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

- (a) Comprehensive Flood Hazard Management Plans and associated studies;
- (b) Soil Survey of Yakima County;
- (c) Natural resource management plans, such as local and federal Recovery Plans, or Forest Plans prepared by the US Forest Service;
- (d) Surficial Geologic Maps;
- (e) Historic and Current Aerial Photo Series;
- (f) Geohydraulic studies – geologic cross sections showing aquifers and confining units;
- (g) Priority Habitat and Species Maps.

General Development Standards

16C.06.10 Prohibited Uses

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

(1) Storage, handling, and disposal of material or substances that are dangerous or hazardous with respect to water quality and life safety;

(2) Confinement feeding operations including livestock feedlots and dairy confinement areas;

(3) The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;

(4) The draining or filling of a wetland, lake or pond, except as provided for in Section 16C.06.21 (Filling);

(5) The removal and transport of material for fill outside of the stream corridor;

(6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities. This provision does not include municipal wastewater lines or septic systems approved by a local or state agency with authority to permit such facilities;

(7) Solid waste disposal sites;

(8) Automobile wrecking yards;

(9) Fill for the sole purpose of increasing land area within the stream corridor;

(10) Those uses located within the floodway fringe that are listed in 16C.05.32.020 (new and expanded mobile or manufactured home parks);

(11) Those uses located within the floodway that are listed in 16C.05.36.020 (dwellings, filling wetlands, landfills, junkyards, storage of vehicles and material, damming streams, and any use causing flood impacts.)

(12) Construction or placement of an inhabitable structure within an identified landslide hazard area, landslide run-out area, or their buffers.

16C.06.11 General Policies and Standards

2896 The following policies and standards shall apply to any development, construction, or use carried
2897 out within a designated hydrologically related critical area:

2898 (1) The Ordinary High Water Mark of a stream or lake, the edge of a wetland, and the outside
2899 edges of stream and/or wetland buffers shall be marked on the ground before any development,
2900 construction, or use is initiated.

2901 (2) Any disturbance to Existing riparian vegetation and any unique or sensitive vegetative species
2902 identified on the project site within the stream corridor shall be mitigated according to the
2903 standards set forth in 16C.03.10~~disturbed to the minimum extent possible~~.

2904 (3) Any disturbance to Nesting areas and other sensitive wildlife habitat identified within a
2905 stream corridor shall be mitigated according to the standards set forth in 16C.03.10~~disturbed~~
2906 ~~to the minimum extent possible~~.

2907 (4) Projects within the stream corridor shall be scheduled to occur at times and during seasons
2908 having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling
2909 recommendations from the appropriate state and/or federal agency may be considered.

2910 (5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by
2911 a local, state or federal agency, and transportation projects using stormwater manuals that are
2912 deemed equivalent to the ~~Eastern Washington Yakima Regional~~ Stormwater Manual ~~are~~
2913 ~~exempt from the requirements below. are considered to have met the following required~~
2914 ~~development standards that apply to all projects:~~

2915 (a) Excavation, grading, cut/fills, compaction, and other modifications which contribute to
2916 erosion of upland soils shall be confined to the minimum necessary to complete the
2917 authorized work and avoid increased sediment load.

2918 (b) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for
2919 periods when soils are the least vulnerable to erosion, compaction and movement unless
2920 suitable protective measures are used to prevent erosion.

2921 (c) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to
2922 ensure the minimal duration of exposed, unprotected soils.

2923 (d) Increases in impervious surface area, compaction of soil, changes in topography, and other
2924 modifications of land within a stream corridor which are determined will permanently
2925 increase stormwater and meltwater runoff into stream channels, drainage ways, and
2926 conduits, shall provide on-site or off-site facilities for the detention, control, and filtration
2927 of such increases.

2928 (e) The discharge point for controlled stormwater and meltwater runoff and other outfall shall
2929 be designed and constructed to avoid causing erosion through the use of native riparian
2930 vegetation where possible or by reducing velocity, use of rock spillways, riprap, splash
2931 plates, or other demonstrably effective means.

2932 (f) Matting or approved temporary ground cover shall be used to control erosion until natural
2933 vegetative ground cover is successfully established.

2934 (6) Development, construction, and uses shall not directly or indirectly degrade surface water and
2935 groundwater through the introduction of nutrients, fecal coliform, toxins, and other
2936 biochemical substances.

2937 (7) Prior to the approval of development, construction, or uses within a designated stream corridor,
2938 any existing source of biochemical or thermal degradation identified as originating on the
2939 project property or on contiguous properties of the same ownership shall be corrected.

2940 (8) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk
2941 products, application schedules, and other protective methodology to minimize the surface and
2942 subsurface transfer of biochemical materials into the stream corridor.

2943 (9) Modifications to natural channel gradient, channel morphology, drainage patterns, and other
2944 stream features shall not permanently alter or obstruct the natural volume or flow of surface
2945 waters.

2946 (10) Development, construction, or uses within the stream corridor shall not alter or divert flood
2947 flows causing channel shift or erosion, increase or accelerate the flooding of upstream or
2948 downstream flood hazard areas, or otherwise threaten public or private properties.

2949 (11) Wells located within a stream corridor shall be protectively lined and installed in a deep
2950 aquifer with an acceptable minimum hydraulic continuity with either surface waters or a
2951 shallow aquifer.

2952 (12) Structures placed in close proximity to the outer edge of bends in stream channels identified
2953 as having a high potential to meander shall be located to minimize the hazard from stream
2954 undercutting and stream bank erosion stemming from potential future stream migration.

2955 (13) Adjacent communities and the Department of Ecology shall be notified prior to any
2956 alteration or relocation of a watercourse and evidence of such notification shall be submitted
2957 to the Federal Emergency Management Agency.

2958 (14) Require that maintenance is provided within the altered or relocated portion of said
2959 watercourse so that the flood-carrying capacity is not diminished.

2960 (15) Development, construction, or uses within the hydrologically related critical area that
2961 would contribute to the degradation of the functions and values shall be avoided or mitigated
2962 using mitigation sequencing as outlined in Section 16C.03.10 (Mitigation Requirements).

2963 (16) Development shall not obstruct, cut off, or isolate stream corridor features.

2964 (17) Nothing in these regulations shall constitute authority of any person to trespass or in any
2965 way infringe upon the rights of private ownership.

2966 (18) Yakima County will utilize the Washington State Department of Archaeology and Historic
2967 Preservation's (DAHP) archaeological and historic database to determine if prospective land
2968 use permits may impact archaeological or cultural resources. As part of permit review, if the
2969 property is within 500' of an identified archaeological or cultural resource site, applicants will
2970 be required to consult with both the Confederated Tribes and Bands of the Yakama Nation
2971 (Yakama Nation) and DAHP to determine if their project has any potential impacts to those
2972 resources. On project permits beyond 500' of an identified archaeological or cultural resource
2973 site, Yakima County will notify the Yakama Nation on projects that require notification, as
2974 well as DAHP through the SEPA register. If archaeological resources are uncovered during
2975 excavation, developers and property owners shall immediately stop work and notify Yakima
2976 County, the Washington State Office of Archaeology and Historic Preservation and any
2977 affected Indian tribes. Archaeological sites are subject to RCW 27.44 (Indian graves and
2978 records) and RCW 27.53 (Archaeological sites and records), and development or uses that may
2979 impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal
2980 Permit).

2981 (19) The provisions of Chapters 16C.05.20 through 16C.05.72 of this title shall also apply to
2982 the development of lots and the placement, construction, or installation of structures in
2983 floodways and floodplains.

2984 (20) Any portion of the vegetative buffer temporarily damaged or disturbed as a result of
2985 construction activities (excluding approved permanent use areas) shall be repaired at the
2986 completion of construction using reclamation standards in Section 16C.06.23 (Reclamation).
2987 (21) Projects located within the floodway must meet the requirements of 16C.05.36.010
2988 (Floodway – Permitted Uses).
2989 (22) Projects within a floodplain must meet the requirements of Section 16C.05.28. (Flood
2990 Hazard Protection Standards) and 16C.05.32 (Floodway Fringe Uses).
2991 (23) Changing from an existing use or development which does not meet the provisions of this
2992 chapter to a new use shall be reviewed in light of the following:
2993 (a) The conversion will demonstrably reduce impacts to stream corridor and other
2994 hydrologically related critical area features; and
2995 (b) The conversion will restore and/or enhance the functional properties outlined in Section
2996 16C.06.05 (Functional Properties).
2997

Water Dependency Development Standards and Buffer Requirements

16C.06.12 Use Classifications

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

(1) Water Oriented Uses are one of the following two categories of uses:

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

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

16C.06.13 Water-dependent Uses

The following provisions shall apply to water-dependent uses:

- (1) Structures shall be clustered at locations on the water's edge having the least impact to the surface water and shore;
- (2) Use areas and structures which require direct shore locations shall be located and constructed to minimize impacts to the shore area and the vegetative buffer specified in Section 16C.06.16 (Vegetative Buffers);

3030 (3) Use areas and structures requiring direct shore locations shall minimize any obstruction or
3031 impairment of normal public navigation of the surface water.

3032

3033 **16C.06.14 Water-related Uses**

3034 The following provisions shall apply to water-related uses:

3035 (1) Structures and use areas shall be located as far landward from the ordinary high water mark or
3036 wetland edge as is possible and still preserve the essential or necessary relationship with the
3037 surface water;

3038 (2) Structures and use areas shall not be located within the vegetative buffer specified in Section
3039 16C.06.16 (Vegetative Buffers) except where existing development or the requirements
3040 associated with the use make such a location unavoidable.

3041

3042 **16C.06.15 Non-water Oriented Uses**

3043 The following provisions shall apply to non-water-oriented uses:

3044 (1) Structures and use areas shall be set back so as not to be located within the vegetative buffer
3045 specified in Section 16C.06.16 (Vegetative Buffers);

3046 (2) Construction abutting the vegetative buffer specified in Section 16C.06.16 (Vegetative
3047 Buffers) shall be designed and scheduled to ensure there will not be permanent damage or loss
3048 of the vegetative buffer.

3049

3050 **16C.06.16 Vegetative Buffers**

3051 (1) Establishment. There is hereby established a system of vegetative buffers that are necessary to
3052 protect and maintain the functions and values of certain hydrologically related critical areas.
3053 Standard buffers for streams, lakes, ponds and wetlands, based on a review of the best available
3054 science, are listed in table 6-1 and 6-2.

3055 (a) Vegetative buffers shall be measured horizontally from the Ordinary High Water Mark
3056 (OHWM) for streams, lakes and ponds, and from the wetland edge for wetlands, as
3057 identified in the field. The width of the buffer shall be determined according to the stream
3058 or wetland type.

3059 (b) Buffer width may be reduced through an Adjustment (16C.03.23) permit process. Type 1
3060 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D)
3061 rather than the Critical Areas Ordinance (YCC Title 16C).

3062 (c) The adequacy of these standard buffer widths presumes the existence of a relatively intact
3063 native vegetation community in the buffer zone adequate to protect the stream functions
3064 and values at the time of the proposed activity. If the vegetation is degraded, then no
3065 adjustment to the buffer width should be granted and re-vegetation should be considered.
3066 Where the use is being intensified, a degraded buffer should be re-vegetated to maintain
3067 the standard width.

3068

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Stream Type	Buffer Width See 16C.06.16, subsections (1)(a)-(c).
Type 1 Shoreline streams, lakes and ponds	100' (Type 1 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D) rather than the Critical Areas Ordinance (YCC Title 16C))

Type 2 streams, lakes and ponds	100'
Type 3 streams (Perennial), lakes and ponds	50'
Type 4 streams (Intermittent), lakes and ponds	25'
Type 5 streams (Ephemeral)	No buffer standards Type 5 streams are not regulated through buffer requirements, <u>but</u> <u>However</u> , activities such as clearing, grading, dumping, filling, or activities that restrict or block flow, redirect flow to a point other than the original exit point from the property or result in the potential to deliver sediment to a drainage way/channel, are regulated under clearing and grading regulations. These drainages may also be protected under geologically hazardous area, floodplain, stormwater, building and construction, or other development regulations.

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Table 6-2

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

Land Modification Development Standards

16C.06.17 Roads, Railroads and Parking

The following provisions shall apply to the location and construction of roads, railroads and parking within a designated hydrologically related critical area; except that logging roads, being a special category of roads, may be regulated as Forest Practices under this title (refer to those relevant sections):

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

3095 (4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the
3096 stream corridor;

3097 (5) Bridges and water-crossing structures shall not constrict the stream channel or impede the
3098 flow of the ordinary high water, sediment and woody debris;

3099 (6) The preservation of natural stream channels and drainage ways shall be preferred over the use
3100 of culverts, where culverts are the preferred method, large, natural bottom culverts, multi-plate
3101 pipes and bottomless arches are preferred;

3102 (7) The alignment and slope of culverts shall parallel and match the natural flow of streams or
3103 drainage ways, unless doing so conflicts with subsection (1) and (2), and shall be sized to
3104 accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.

3105 (8) Where fish are present ~~or there is potential for fish to be present~~, culverts shall be designed
3106 and constructed to specifications provided through the Department of Fish and Wildlife ~~or a~~
3107 ~~comparable source of expertise~~;

3108 (9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed
3109 away during high water;

3110 (10) Roads must be designed and constructed using established flood resistant and design and
3111 construction methods when they may be subject to damage by flood waters;

3112 (11) Roads and bridges within floodways must meet the requirements of Section 16C.05.36.010
3113 (2) and (7).

3115 **16C.06.18 Utility Transmission Lines and Facilities**

3116 The following provisions shall apply to the location, construction, or installation of utility
3117 transmission lines and facilities (such as those for wastewater, water, communication, natural gas,
3118 etc.) within a designated hydrologically related critical area:

3119 (1) Utility transmission lines and facilities shall be permitted within the stream corridor only where
3120 it is necessary to cross the corridor or where existing development, topography, and other
3121 conditions preclude locations outside the stream corridor.

3122 (a) Utility transmission lines and facilities across stream corridors shall be by the most direct
3123 route possible having the least impact to the stream corridor.

3124 (b) The construction of utility transmission lines and facilities within a stream corridor shall
3125 be designed and located to ensure minimum disruption to the functional properties
3126 specified under Section 16C.06.05 (Functional Properties) of this title.

3127 (2) Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy
3128 replacement or repair with minimal disturbance to the stream corridor;

3129 (3) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four
3130 feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is
3131 greater, and for a similar depth below any associated floodway and floodplain to the maximum
3132 extent of potential channel migration as determined by hydrologic analysis;

3133 (4) Wherever possible, new aboveground installations shall use available, existing bridge and
3134 utility locations and stream corridor crossings as opposed to creating new locations and stream
3135 corridor crossings;

3136 (5) Aboveground electrical support towers and other similar transmission structures shall be
3137 located as far upland as is practical;

3138 (6) Transmission support structures shall be located clear of high flood velocities, located in areas
3139 of minimum flood depth which require the least floodproofing, and shall be adequately
3140 floodproofed;

3141 (7) Underground utility transmission lines shall be constructed so they do not alter, intercept or
3142 dewater groundwater patterns that support streams, wetlands and hyporheic flow;
3143 (8) All new and replacement water supply systems and wastewater systems within a special flood
3144 hazard area must meet the requirements of 16C.05.28.010(2) (re: infiltration or discharge into
3145 or out of the system);
3146 (9) Utility transmission lines within the Floodway Fringe shall meet the standards of
3147 16C.05.32.010(2);
3148 (10) Utility transmission lines within the Floodway shall meet the standards of
3149 16C.05.36.010(2).

3150

3151 **16C.06.19 Shore Stabilization**

3152 (1) The following provisions shall apply to shore stabilization projects:
3153 Shore stabilization projects shall be allowed only where there is evidence of erosion which
3154 clearly represents a threat to existing property, structures, or facilities, and which
3155 stabilization will not jeopardize other upstream or downstream properties;
3156 (2) Stabilization projects shall be developed under the supervision of, or in consultation with,
3157 agencies or professionals with appropriate expertise using the Washington State Aquatic
3158 Habitat Guidelines Program Integrated Streambank Protection Guidelines (ISPG), or other
3159 accepted guidelines;
3160 (3) Stabilization projects shall be confined to the minimum protective measures necessary to
3161 protect the threatened property;
3162 (4) The use of fill to restore lost land may accompany stabilization work, provided no fill is
3163 placed waterward of the resultant shore does not extend beyond the new ordinary high water
3164 mark, finished grades are consistent with abutting properties, a restoration plan is approved
3165 for the area, and the fill material is in compliance with Section 16C.06.21 (Filling);
3166 (5) Stabilization projects shall use design, material, and construction alternatives that do not
3167 require high or continuous maintenance and which prevent or minimize the need for
3168 subsequent stabilization to other segments of the shore. Junk car bodies and other unsuitable
3169 debris are not to be used in shore stabilization projects;
3170 (6) Alternative Preferences. Vegetation, berms, bioengineering techniques, and other
3171 nonstructural alternatives which preserve the natural character of the shore shall be preferred
3172 over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization.
3173 Riprap using rock or other natural materials shall be preferred over concrete revetments,
3174 bulkheads, breakwaters, and other structural stabilization;
3175 (7) Applications to construct or enlarge dikes or levees shall meet the requirements of
3176 16C.05.36.010(6);
3177 (8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore;
3178 (9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or
3179 other solid construction methods;
3180 (10) All new flood control projects shall define maintenance responsibilities and a funding
3181 source for operations, maintenance, and repairs for the life of the project.

3182

3183 **16C.06.20 Dredging and Excavation**

3184 The following provisions shall apply to dredging and excavation within a designated
3185 hydrologically related critical area:

3186 (1) Dredging in surface waters shall be allowed only where necessary because of existing
3187 navigation needs, habitat restoration or improvement, maintenance or construction of water-
3188 dependent uses;

3189 (2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the
3190 intended purpose or use;

3191 (3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom
3192 materials shall be preferred over agitation forms of dredging;

3193 (4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of
3194 sediments and other dredge materials;

3195 (5) Entries across shore and wetland edges to accomplish dredging or excavation shall be confined
3196 to the minimum area necessary to gain entry and shall be confined to locations with the least
3197 potential for site disturbance and damage;

3198 (6) Dredging and excavation shall be scheduled at times having the least impact to fish spawning,
3199 nesting patterns, and other identified natural processes;

3200 (7) Dredge spoils are also considered fill, and shall not be deposited within the stream except
3201 where such deposit is in accordance with approved procedures intended to preserve or enhance
3202 wildlife habitat, natural drainage, or other naturally occurring conditions.

16C.06.21 Filling

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

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

(2) Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a manner consistent with the policies of this chapter;

(3) Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods;

(4) Fill in floodplains shall meet the requirements of Chapters 16C.05.20 through 16C.15.072 (Flood Hazard Areas);

(5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities;

(6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality;

(7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes;

(8) Fill and finished surface material shall require low maintenance, provide high resistance to erosion, and prevent or control the migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless the Washington Department of Fish and Wildlife indicates other options are preferred;

(9) Projects that propose fill ~~shall make every effort to~~must acquire the fill onsite (also known as compensatory storage), unless documentation is provided demonstrating that onsite fill is not available or substandard~~suitable for the project where appropriate~~;

(10) Fill should not obstruct, cut off, or isolate stream corridor features.

3232

3233 **16C.06.22 Commercial Mining of Gravels**

3234 The following provisions shall apply to the commercial mining of gravels within a designated
3235 hydrologically related critical area, except that mining may be regulated as Forest Practices under
3236 this title, (refer to those relevant sections):

3237 (1) Prior to the authorization of a commercial gravel mining operation, the project proponent shall
3238 provide maps to scale which illustrate the following:
3239 (a) The extent to which gravel excavation and processing will affect or modify existing stream
3240 corridor features, including existing riparian vegetation;
3241 (b) The location, extent and size in acreage of any pond, lake, or feature that will be created as
3242 a result of mining excavation;
3243 (c) The description, location, and extent of any proposed subsequent use that would be
3244 different than existing uses.
3245 (2) Wherever feasible, the operations and any subsequent use or uses shall not cause permanent
3246 impairment or loss of floodwater storage, wetland, or other stream corridor features.
3247 Mitigation shall provide for the feature's replacement at equal value;
3248 (3) Any surface mining allowed within the floodway shall meet the standards of 16C.05.36.010(1);
3249 (4) Except where authorized by Yakima County in consultation with the State Department of Fish
3250 and Wildlife and Department of Ecology, the following shall apply:
3251 (a) The excavation zone for the removal of gravels shall be located a minimum of one hundred
3252 feet upland from the ordinary high water mark (OHWM) of the stream channel;
3253 (b) Equipment shall not be operated, stored, refueled, or provided maintenance within one
3254 hundred feet of the OHWM;
3255 (c) Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within
3256 one hundred feet of the OHWM.
3257 (5) Mining proposals shall be consistent with the Washington Department of Natural Resources
3258 Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).

3260 **16C.06.23 Reclamation**

3261 The following guidelines shall apply to the reclamation of disturbed sites resulting from
3262 development activities within a designated hydrologically related critical area:

3263 (1) Development, construction, or uses shall include the timely restoration of disturbed features to
3264 a natural condition or to a stabilized condition that prevents degradation within the stream
3265 corridor;
3266 (2) Large-scale projects or projects extending over several months shall be phased to allow
3267 reclamation of areas where work or operations have been completed;
3268 (3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season,
3269 and other seasonal variables that influence restoration and recovery;
3270 (4) Topography shall be finished to grades, elevations, and contours consistent with natural
3271 conditions in adjacent and surrounding areas;
3272 (5) Where existing development and construction prevent the return of a site to its natural
3273 condition, sites may be finished to conditions comparable to surrounding properties provided
3274 suitable protective measures are used to prevent stream corridor degradation;
3275 (6) Cut-and-fill slopes shall be stabilized at, or at less than the normal angle of repose for the
3276 materials involved;

3277 (7) The replacement or enhancement of vegetation within ~~wetlands~~critical areas ~~and~~or their
3278 ~~required~~ vegetative buffers shall use naturally occurring, native plant species. ~~In other parts of~~
3279 ~~the stream corridor, naturally occurring, native plant species shall be used, unless a showing~~
3280 ~~of good cause acceptable to the Administrative Official is provided, in which case self-~~
3281 ~~maintaining or low maintenance plant species compatible with native vegetation shall be~~
3282 ~~preferred over non-native and high maintenance species.~~
3283

BOCC Adopted Ord 5-2017

Chapter 16C.07

WETLANDS

Sections:

- 3288 16C.07.01 Purpose and Intent
- 3289 16C.07.02 Designating and Mapping
- 3290 16C.07.03 Protection Approach
- 3291 16C.07.04 Wetland Functions and Rating
- 3292 16C.07.05 Compensatory Mitigation Requirements
- 3293 16C.07.06 Wetland Mitigation Banks

3295 **16C.07.01 Purpose and Intent** - The purpose and intent of the provisions protecting wetland
3296 critical areas is equivalent to the purpose and intent for Chapter 16C.06.01 (Purpose and Intent).

16C.07.02 Designating and Mapping

3299 (1) Wetlands are those areas that meet the definition found in Section 16C.02.425 as provided in
3300 RCW 36.70A.030(21). All areas within Yakima County meeting the wetland definition are
3301 hereby designated critical areas and are subject to the provisions of this title. The following
3302 clarifications guide the application of the wetland definition:

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

3307 (2) The approximate location and extent of wetlands are shown on maps maintained by Yakima
3308 County, which may include information from the National Wetlands Inventory produced by
3309 the US Fish and Wildlife Service and soil maps produced by United States Department of
3310 Agriculture National Resources Conservation Service that are useful in helping to identify
3311 potential wetland areas. These maps are to be used as a guide for Yakima County, project
3312 applicants and/or property owners, and may be continuously updated as wetlands are more
3313 accurately identified, located and delineated.

16C.07.03 Protection Approach

3316 (1) Wetlands will be protected using the Protection Approach for Hydrologically Related Critical
3317 Areas found in 16C.06.02 (Protection Approach), which accommodates issues affecting
3318 wetlands.

3319 (2) Wetlands and their functions will be protected using the standards found in the Stream Corridor
3320 Chapter (16C.06), which includes provisions to:

3321 (a) Follow mitigation sequencing as outlined in Section 16C.03.10 (Mitigation Requirements);
3322 (b) Avoid degrading the functions and values of the wetland and other critical areas;
3323 (c) Provide a zero net loss of wetland functions and values together with, if reasonably possible
3324 through voluntary agreements or government incentives, a gain in functions and values
3325 through the long term.

16C.07.04 Wetland Functions and Rating

3330 (1) Wetlands are unique landscape features that are the interface between the aquatic and terrestrial
3331 environments. Wetlands provide the following functions:
3332 (a) Biogeochemical functions, which are related to trapping and transforming chemicals and
3333 include functions that improve water quality in the watershed such as: nutrient retention
3334 and transformation, sediment retention, metals and toxics retention, and transformation;
3335 (b) Hydrologic functions, which are related to maintaining the water regime in a watershed,
3336 such as: flood flow attenuation, decreasing erosion, groundwater recharge;
3337 (c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians,
3338 anadromous fish, resident fish, birds, mammals.

3339 (2) Wetlands shall be rated based on categories that reflect the functions and values of each
3340 wetland. Wetland categories shall be based on the criteria provided in the *Washington State*
3341 *Wetland Rating System for Eastern Washington*, ~~revised August 2004~~2014 Update (Ecology
3342 Publication #0414-06-15-030) <http://www.ecy.wa.gov/pubs/0406015.pdf>
3343 <https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html>) as determined using
3344 the appropriate rating forms contained in that publication. These categories are summarized as
3345 follows:
3346 (a) Category I wetlands are those that represent a unique or rare wetland type, are more
3347 sensitive to disturbance than most wetlands, are relatively undisturbed and contain
3348 ecological attributes that are impossible or too difficult to replace within a human lifetime,
3349 and provide a high level of functions. Generally, these wetlands are not common and make
3350 up a small percentage of the wetlands within Yakima County. The following types of
3351 wetlands are Category I:
3352 i) Alkali wetlands ~~are characterized by the presence of shallow saline water with a high~~
3353 ~~pH and provide the primary habitat for several species of migrant shorebirds and are~~
3354 ~~also heavily used by migrant waterfowl and small alkali bee that is used to pollinate~~
3355 ~~alfalfa and onion for seed production~~;
3356 ii) ~~Wetlands of High Conservation Value (formerly called~~ Natural Heritage Wetlands) -
3357 Wetlands that are identified by scientists of the Washington Department of Natural
3358 Resources Natural Heritage Program as ~~important ecosystems for maintaining plant~~
3359 ~~diversity that represent rare plant communities or provide habitat for rare plants are~~
3360 ~~uncommon in eastern Washington~~~~high quality, relatively undisturbed wetlands, or~~
3361 ~~wetlands that support state Threatened, or Endangered plant species~~;
3362 iii) ~~Bogs and Calcareous Fens are peat wetlands sensitive to disturbance and have not been~~
3363 ~~successfully re-created through compensatory mitigation. Bogs are wetlands with peat~~
3364 ~~soils and a low pH, usually a pH <5. Calcareous fens are a type of alkaline, rather than~~
3365 ~~acidic wetland, maintained by groundwater that have a neutral or high pH and high~~
3366 ~~concentrations of calcium and other alkaline minerals~~;
3367 iv) Mature and old-growth forested wetlands with native slow growing trees, which
3368 include Western Red Cedar (*Thuja plicata*), Alaska Yellow Cedar (*Chamaecyparis*
3369 *nootkatensis*), pine spp.~~eeies~~ (mostly White pine - *Pinus monticola*), Western Hemlock
3370 (*Tsuga heterophylla*), Oregon White Oak (*Quercus garryana*) and Englemann Spruce
3371 (*Picea engelmannii*);
3372 v) Forested wetlands with stands of Aspen ~~contribution as a priority habitat far exceeds~~
3373 ~~the small acreage of these stands and relatively small number of stems (Hadfield &~~
3374 ~~Magelssen, 2004)~~. Furthermore, mature stand of aspen and its underground root system

may be difficult to reproduce. Regeneration of aspen stands by sexually produced seeds is an unusual phenomenon (Romme et al., 1997);

vi) Wetlands scoring 2270 points or more (out of 27100) from the rating of functions are Category I wetlands in the Eastern Washington Wetland Rating System.

(b) Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

- i) Forested wetlands in the floodplains of rivers are an important resource in the floodplains of rivers, especially in the areas through which the river may flow regularly (often called the channel migration zone). Trees in the Floodplains are critical to the proper functioning and the dynamic processes of rivers. They influence channel form, create pools, riffles, and side channels that are essential habitat for many fish and other aquatic species. These trees also create localized rearing and flood refuge areas, and contribute to the stabilization of the main river channel (NRC, 2002);
- ii) Mature and old-growth forested wetlands with native fast growing native trees, which include Alders (Red - *Alnus rubra*, Thin-leaf - *A. incana* ssp. *tenuifolia*), Cottonwoods (Narrow-leaf - *Populus angustifolia*, Black - *P. balsamifera*), Willows (Peach-leaf - *Salix amygdaloidea*, Sitka - *S. sitchensis*, Pacific - *S. lasiandra*); Quaking Aspen (*Populus tremuloides*); or Water Birch (*Betula occidentalis*)
- iii) Vernal pools, also called rainpools, are ecosystems located in a landscape with other wetlands retain water until the late spring when they dry out to allow some strictly aquatic organisms to flourish, and provide areas where migrating waterfowl can find food and pair bonding;
- iv) Wetlands scoring between 1951-2169 points (out of 27100) on the questions related to the functions present are Category II wetlands in the Eastern Washington Wetland Rating System.

(c) Category III wetlands are often smaller, less diverse and or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands include:

- i) vernal pools that are isolated, and
- ii) wetlands with a moderate level of functions (scoring between 1630 - 1850 points) in the Eastern Washington Wetland Rating System and can often be adequately replaced with a well-planned mitigation project.

(d) Category IV wetlands have the lowest levels of functions, (scoring less than 1630 points) in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases be improved. These wetlands may provide some important functions, and also need to be protected.

The wetland rating categories as described in section (2), above, shall be applied to projects which are submitted on or after the date of adoption of these provisions. The wetlands shall be rated as they exist on the day of project application submission, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. However, illegal modifications to wetlands which have been made since the original adoption of the Critical Areas Ordinance (YCC Title 16A 1995) shall not be considered when rating the wetland. Information regarding the original condition of illegally modified wetlands that can not be discerned from aerial photographs or other reliable information sources, which is needed to complete the *Eastern Washington Wetland Rating System* data sheets, shall use the highest

3421 appropriate points value within each missing data field of the rating sheet to complete the
3422 rating.

3423

3424 **16C.07.05 Compensatory Mitigation Requirements**

3425 Projects that propose to compensate for wetland acreage and/or functions are subject to State and
3426 Federal regulations. Compensatory mitigation for alterations to wetlands shall provide no net loss
3427 of wetland functions and values, and must be consistent with the Mitigation Plan Requirements in
3428 sectionSection 16C.03.17 (13) (Compensatory Mitigation Plans). The following guidance
3429 documents were developed to assist applicants in meeting the regulations and requirements.

3430 (1) Compensatory mitigation plans -must be consistent with [Wetland Mitigation in Washington](#)
3431 [State Part 1: Agency Policies and Guidance and Guidance on Wetland Mitigation in](#)
3432 [Washington State Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals](#)
3433 or as revised (~~Washington State Department of Ecology, U.S. Army Corps of Engineers~~
3434 ~~(Seattle District,)~~, and ~~U.S. Environmental Protection Agency Region 10; Ecology publication~~
3435 ~~number 0406-06-013B 011B~~
3436 ~~<https://fortress.wa.gov/ecy/publications/summarypages/0606041b.html>~~
3437 ~~http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html~~ see latest update at
3438 ~~<http://www.ecy.wa.gov/programs/sea/Wetlands/mitigation/guidance/index.html>~~).

3439 (2) Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent
3440 with "Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing
3441 Wetlands – Appendix 8-D- Section 8-D.3" or as revised (Washington State Department of
3442 Ecology. Publication number 05-06-008 -
3443 ~~<https://fortress.wa.gov/ecy/publications/parts/0506008part2.pdf>~~
3444 ~~<http://www.ecy.wa.gov/programs/sea/wetlands/peW2014Appendix80.pdf>~~
3445 ~~<https://fortress.wa.gov/ecy/publications/summarypages/0506008.html>~~
3446 ~~http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html~~).

3447

3448 **16C.07.06 Wetland Mitigation Banks**

3449 (1) Credits from a wetland mitigation bank may be approved for use as compensation for
3450 unavoidable impacts to wetlands when:
3451 (a) The bank is certified under RCW 90.84 and its administrative rules WAC 173-700;
3452 (b) The Administrative Official determines that the wetland mitigation bank provides
3453 appropriate compensation for the authorized impacts; and
3454 (c) The proposed use of credits is consistent with the terms and conditions of the bank's
3455 certification.
3456 (2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios
3457 specified in the bank's certification.
3458 (3) Credits from a certified wetland mitigation bank may be used to compensate for impacts
3459 located within the service area specified in the bank's certification. In some cases, bank service
3460 areas may include portions of more than one adjacent drainage basin for specific wetland
3461 functions.

Chapter 16C.08

GEOLOGICALLY HAZARDOUS AREAS

Sections:

- 3467 16C.08.01 Purpose and Intent
- 3468 16C.08.02 Mapping and Designation
- 3469 16C.08.03 Geologically Hazardous Areas Protection Approach
- 3470 16C.08.04 Supplemental Development Review Procedure for Geologically Hazardous Areas
- 3471 16C.08.05 General Protection Requirements

16C.08.01 Purpose and Intent

3475 (1) Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake or
3476 other geological events. They pose a threat to the health and safety of the citizens of Yakima
3477 County when incompatible development is sited in areas of significant hazard. Some risks due
3478 to geologic hazards might be capable of mitigation through engineering, design, or modified
3479 construction standards so the level of risk is reduced to an acceptable level. However, when
3480 mitigation is not feasible, development within geologically hazardous areas is best avoided.
3481 (2) The purposes of this chapter are to:
3482 (a) Minimize risks to public health and safety and reduce the risk of property damage by
3483 regulating development on or adjacent to geologically hazardous areas;
3484 (b) Maintain natural geological processes while protecting existing and new development;
3485 (c) Establish review procedures for development proposals in geologically hazardous areas.

16C.08.02 Mapping and Designation

3488 (1) Geologically hazardous areas are areas that are susceptible to one or more of the following
3489 types of hazards and are designated as critical areas, based on WAC 365-190-120(3)080(4)(b)
3490 through (h):

3491 (a) Erosion hazards;

3492 (b) Landslide hazards, ~~which in the Yakima County inventory includes:~~;

3493 (c) Oversteepened slope hazards;

3494 (d) Alluvial fan/flash flooding hazards;

3495 (e) Avalanche hazards, and;

3496 (f) Stream undercutting hazards;

3497 (g) Seismic hazards (referred to below as earthquake hazards); and

3498 (h) Volcanic hazards;

3499 (2) The approximate location and extent of **Erosion Hazard Areas** are shown on the County's
3500 critical area map titled "Erosion Hazard Areas of Yakima County". Erosion hazard areas were
3501 identified by using the "Soil Survey of Yakima County Area, Washington" and the "Soil Survey
3502 of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County". The
3503 analysis utilized the general soil map unit descriptions of severe and very severe hazard of
3504 water erosion.

3505 (3) The approximate location and extent of the remaining **Geologically Hazardous Areas** are
3506 shown on the County's critical area map titled "Geologically Hazardous Areas of Yakima
3507 County". The following geologically hazardous areas, with the corresponding map code in

3508 parenthesis, are mapped and classified using the stated criteria based on WAC 365-190-
3509 120(3)080(4)-(b) through (h):

3510 (a) Landslide Hazard Areas (LS) – These include places where landslides, debris flows, or
3511 slumps have already occurred. Where sliding is presumed to have occurred within 10,000
3512 years or less is shown as High Risk (LS3) on the map. Slides thought to be older than
3513 10,000 years but still capable of movement are shown as Intermediate Risk (LS2). Areas
3514 where slides are absent are unlabeled and combined with other Low Risk areas.

3515 (b) ~~(i)~~ Oversteepened Slope Hazard Areas (OS) - These include areas with slopes steep
3516 enough to create potential problems. High risk areas (OS3) have a high potential to fail,
3517 and include slopes greater than 40%, and consist of areas of rock fall, creep, and places
3518 underlain with unstable materials. Intermediate Risk areas (OS2) are less likely to fail but
3519 are still potentially hazardous. This category also includes some slopes between 15 and
3520 40%. Low Risk areas, unlikely to fail, are unlabeled and combined with other Low Risk
3521 categories.

3522 (c) Alluvial Fan/Flash Flooding Hazard Areas (AF) - These are areas where flash flooding can
3523 occur, and are often associated with inundation by debris from flooding. They include
3524 alluvial fans, canyons, gullies, and small streams where catastrophic flooding can occur.
3525 They do not include all areas where flash flooding may occur with Yakima County.
3526 Flooding may also occur in larger streams and rivers, but these are depicted in the "Flood
3527 Insurance Study for the Unincorporated Areas of Yakima County," dated March 2, 1998,
3528 with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and
3529 Floodway Maps, and any amendments which may thereafter be made by the Federal
3530 Emergency Management Agency, rather than on the Geologically Hazardous Areas Map.
3531 High Risk areas (AF3) are those most likely to experience flooding. These areas usually
3532 involve larger drainage areas, easily eroded sediments, and steeper gradients. Intermediate
3533 Risk areas (AF2) have some potential for flash flooding but involve smaller drainages and
3534 flatter slopes. Low Risk areas are where flash flooding is unlikely, are unlabeled and
3535 combined with other Low Risk areas on the map.

3536 (d) Avalanche Risk Hazard Areas (AR) - Areas of avalanche hazards are limited (within the
3537 mapped boundaries) to areas near the Cascade Crest. High Risk areas (AF3) are those in
3538 areas of high snowfall where avalanche scars are visible and slopes are steep to moderately
3539 steep. These areas could also be rated OS3. Intermediate Risk areas (AF2) are usually
3540 adjacent to AF3 areas but where vegetation is still in place and slopes are moderate. AF2
3541 and AF3 areas are mapped on the basis of aerial photography and observed scars. Climatic
3542 data (snowfall, wind direction, etc) are necessary for more detailed mapping. Low Risk
3543 areas, where avalanches are unlikely, are unlabeled and combined with other Low Risk
3544 geologic hazards.

3545 (e) ~~(iv)~~ Stream Undercutting Hazard Areas (SU) - These areas are confined to banks near
3546 main streams and rivers where undercutting of soft materials may result. High Risk areas
3547 (SU3) include steep banks of soft material adjacent to present stream courses. Intermediate
3548 Risk areas (SU2) are banks along the edge of a flood plain but away from the present river
3549 course. Low Risk areas are unlabeled and combined with other Low Risk areas on the
3550 maps.

3551 (f) Earthquake Activity Hazard Areas (EA) - Recorded earthquake activity in Yakima County
3552 is mostly marked by low magnitude events and thus low seismic risk. One exception is an
3553 area along Toppenish Ridge where Holocene faulting may have produced earthquakes of

3554 as much as magnitude 7. Zones of surficial fault scarps are shown on High Risk areas
3555 (EA3) while areas adjacent to the scarps are assigned Intermediate Risk (EA2). The rest of
3556 the county is Low Risk, are unlabeled, and combined with other low risk hazards.
3557 (g) Suspected Geologic Hazard Areas (SUS) – These are areas for which detailed geologic
3558 mapping is lacking but preliminary data indicate a potential hazard. No risk assessment (1-
3559 2-3) is given for these areas. Most are probably OS or LS hazards.
3560 (h) Risk unknown hazard areas (UNK) - In these areas geologic mapping is lacking or is
3561 insufficient to make a determination. All of these areas are associated with other classified
3562 geologic hazards, and most are located in remote areas of Yakima County.
3563 (4) Volcanic Hazard Areas are not mapped but are defined as areas subject to pyroclastic (formed
3564 by volcanic explosion) flows, lava flows and inundation by debris flows, mudflows or related
3565 flooding resulting from volcanic activity. Volcanic Hazard Areas in Yakima County are limited
3566 to pyroclastic (ash) deposits. While Yakima County contains a portion of Mt Adams and is in
3567 close proximity to Mt Rainier, and Mt St. Helens, the threat of volcanic hazards is minimal and
3568 limited to ash deposition. The more devastating effects of volcanic activity such as lava flows,
3569 and lahars (volcanic landslide or mudflow) are not possible due to intervening ridges. No
3570 specific protection requirements are identified for volcanic hazard areas.
3571 (5) This chapter does not imply that land outside mapped geologically hazardous areas or uses
3572 permitted within such areas will be without risk. This chapter shall not create liability on the
3573 part of Yakima County, any officer, or employee thereof for any damages that result from
3574 reliance on this chapter or any administrative decision lawfully made hereunder.
3575

3576 **16C.08.03 Geologically Hazardous Areas Protection Approach**

3577 (1) Erosion Hazard Areas – Protection measures for erosion hazard areas will be accomplished by
3578 implementing the regulatory standards for erosion and drainage control required under YCC
3579 Title 13 (Building Code). Any future stormwater program erosion control measures that may
3580 be formally adopted by the Board of County Commissioners shall supersede YCC Title 13
3581 erosion control requirements. Standards to meet YCC Title 13 requirements can be met by the
3582 application of the Best Management Practices (BMPs) in the ~~Eastern Washington~~Yakima
3583 Regional Stormwater Manual (WDOE Publication number 04-10-076) or equivalent manual
3584 adopted by Yakima County, or any other approved manual deemed appropriate by the Building
3585 Official, including but not limited to applicable Natural Resource Conservation Service
3586 (NRCS) Field Office Technical Guide (FOTG) BMP's and the Washington State Department
3587 of Transportation Highway Runoff Manual. Application of the Environmental Protection
3588 Agency (EPA) "Construction Rainfall Erosivity Waiver" is at the discretion of the Building
3589 Official on a case-by-case basis.
3590 (2) Landslide Hazard Areas - Protection measures for landslide hazard areas will be accomplished
3591 through the review process of 16C.08.04 (Development Review Procedure for Geologically
3592 Hazardous Areas), by implementing the development standards of 16C.08.05 (General
3593 Protection Requirements), and by implementing the appropriate sections of the International
3594 Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design;
3595 Section 18 Soils and Foundations; and, Appendix J Grading).
3596 (3) Alluvial Fan/Flash Flooding Hazard Areas - Protection measures for alluvial fan/flash flooding
3597 hazard areas will be accomplished through the review process of 16C.08.04 (Development
3598 Review Procedure for Geologically Hazardous Areas), by implementing the development
3599 standards of 16C.08.05 (General Protection Requirements), and by implementing the

appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16 Structural Design; Section 18 Soils and Foundations; Appendix J Grading; and, Flood Resistant Design and Construction (ASCE-24-98)).

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

16C.08.04 Development Review Procedure for Geologically Hazardous Areas

- (1) The Administrative Official shall make a determination of hazard to confirm whether the development or its associated facilities (building site, access roads, limits of grading/excavation/ filling, retaining walls, septic drainfields, landscaping, etc.):
 - (a) are located within a mapped geologically hazardous area;
 - (b) are within 500 feet of a mapped landslide hazard area;
 - (c) are abutting, or adjacent to any other 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;
 - (d) are located within a distance from the base of an adjacent landslide hazard area equal to the vertical relief that has been determined to be within the runout area of said hazard area;
 - (e) are located within the potential run-out path of a mapped avalanche hazard.

3645 (2) Developments that receive an affirmative determination of hazard by the Administrative
3646 Official under (1) above, must conduct a geologic hazard report as provided in 16C.03.18(4)
3647 (Supplemental Report Requirements – Geologically Hazardous Areas), which may be part of
3648 a geo-technical report required under additional review below.
3649 (a) If the geologic hazard report determines no hazard exists or that the project area lies outside
3650 the hazard, then no Geologic Hazard review is needed.
3651 (b) The Administrative Official is authorized to waive further geologic hazard review for
3652 oversteepened slope hazards on a determination that the hazards identified in the geologic
3653 hazard report will be adequately mitigated under grading or construction permits.
3654 (3) Developments that receive an affirmative determination of hazard, but do not meet the
3655 provisions of paragraph 2a or 2b above, must:
3656 (a) Obtain a Critical Areas Development Authorization under 16C.03 (Application and
3657 Review Procedures);
3658 (b) Submit a geo-technical report that is suitable for obtaining the grading and construction
3659 permits that will be required for development. The geo-technical report should incorporate
3660 the submitted assessment, include the design of all facilities and include a description and
3661 analysis of the risk associated with the measures proposed to mitigate the hazards, ensure
3662 public safety, and protect property and other critical areas, and;
3663 (c) Be consistent with the General Protection Requirements of Section 16C.08.05 (General
3664 Protection Requirements).
3665

16C.08.05 General Protection Requirements

3666 (1) Grading, construction, and development and their associated facilities shall not be located in a
3667 geologically hazardous area, or any associated setback for the project recommended by the
3668 geo-technical report, unless the applicant demonstrates that the development is structurally safe
3669 from the potential hazard, and that the development will not increase the hazard risk onsite or
3670 off-site.
3671 (2) Development shall be directed toward portions of parcels, or parcels under contiguous
3672 ownership, that are at the least risk of hazard in preference to lands with higher risk, unless
3673 determined to be infeasible in the geo-technical report.
3674 (3) The geo-technical report shall recommend methods to ensure the information and education
3675 about the hazard and any recommended buildable area for future landowners over the long
3676 term.
3677 (4) The applicable requirements of grading and construction permits for developments in
3678 hazardous areas must be included in the development proposal and geo-technical report.
3679

3680 **Chapter 16C.09**

3681 **CRITICAL AQUIFER RECHARGE AREAS (CARAs)**

3682 Sections:

3684 16C.09.01 Purpose and Intent
3685 16C.09.02 Designation
3686 16C.09.03 Mapping
3687 16C.09.04 Submittal Requirements
3688 16C.09.05 Performance Standards – General Requirements
3689 16C.09.06 Performance Standards – Specific Uses
3690 16C.09.07 Uses Prohibited from Critical Aquifer Recharge Areas

3691 **16C.09.01 Purpose and Intent**

3692 (1) The Growth Management Act (RCW 36.70A) requires local jurisdictions to protect, through
3693 designation and protection, areas with a critical recharging effect on aquifers used for potable
3694 water, or areas where a drinking aquifer is vulnerable to contamination that would affect the
3695 potability of the water. These areas are referred to as Critical Aquifer Recharge Areas
3696 (CARAs) in this title.
3697
3698 (2) Potable water is an essential life sustaining element. Much of Yakima County's drinking water
3699 comes from groundwater supplies. Once groundwater is contaminated it can be difficult,
3700 costly, and sometimes impossible to clean up. In some cases, the quality of groundwater in an
3701 aquifer is inextricably linked to its recharge area.
3702
3703 (3) The intent of this chapter is to:
3704 (a) Preserve, protect, and conserve Yakima County's CARAs from contamination;
3705 (b) Establish a protection approach that emphasizes the use of existing laws and regulations,
3706 and minimizes the use of new regulations.
3707
3708 (4) It is not the intent of this ordinance to:
3709 (a) Regulate everyday activities (including the use of potentially hazardous substances that are
3710 used according to State and Federal regulations and according to label specifications);
3711 (b) Enforce or prevent illegal activities;
3712 (c) Regulate land uses that use or store small volumes of hazardous substances (including in-
3713 field agricultural chemical storage facilities, which do not require permits, or are already
3714 covered under existing state, federal, or county review processes and have detailed permit
3715 review);
3716 (d) Establish additional review for septic systems, which are regulated by the Washington
3717 Department of Health and Yakima County Health District as mandated by WAC 246-270,
3718 246-271, 246-272, 246-272A, 246-272B, 246-272C and 246-273;
3719
3720 (e) Establish additional review for stormwater control, which are covered under existing
3721 County YCC Title 12.10 as required by Washington State Department of Ecology's Eastern
3722 Washington Phase II Municipal Stormwater Permit, or;
3723
3724 (f) Require review for uses that do not need building permits and/or zoning review.

3725 The above items are deemed to have small risks of CARA contamination or are beyond the
3726 development review system's ability to control.

3726 **16C.09.02 Designation**

3727 Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers
3728 used for potable water as defined by WAC 365-190-030(2). CARAs are designated as critical
3729 areas. CARAs have prevailing geologic conditions associated with infiltration rates that create a
3730 high potential for contamination of ground water resources or contribute significantly to the
3731 replenishment of ground water. The following areas have been identified based on local conditions.
3732 (1) Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of
3733 the ten-year time of ground water travel, or boundaries established using alternate criteria
3734 approved by the Department of Health in those settings where ground water time of travel is
3735 not a reasonable delineation criterion, in accordance with WAC 246-290-135.
3736 (2) Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S.
3737 Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.
3738 (3) Susceptible Ground Water Management Areas. Susceptible ground water management areas
3739 are areas that have been designated as moderately or highly vulnerable or susceptible in an
3740 adopted ground water management program developed pursuant to Chapter 173-100 WAC.
3741 (4) Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-
3742 090.
3743 (5) Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are
3744 moderately or highly vulnerable to degradation or depletion because of hydrogeologic
3745 characteristics are those areas delineated by a hydrogeologic study prepared in accordance with
3746 the State Department of Ecology guidelines.
3747 (6) Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately
3748 or highly susceptible to degradation or depletion because of hydrogeologic characteristics are
3749 those areas meeting the criteria established by the State Department of Ecology.

3750 **16C.09.03 Mapping**

3751 (1) **Mapping Methodology** – The CARAs are depicted in the map titled “Critical Aquifer
3752 Recharge Areas of Yakima County”. The CARA map was developed through a geographic
3753 information system (GIS) analysis using the methodology outlined in the Washington
3754 Department of Ecology - “Guidance Document”
3755 (<https://fortress.wa.gov/ecy/publications/SummaryPages/0510028.html> - Publication 05-10-
3756 028). This map depicts the general location of the critical aquifer recharge areas designated in
3757 YCC 16C.09.02. Yakima County has developed a GIS database of the CARA map that shows
3758 the location and extent of critical aquifer recharge areas. This database will be used by the
3759 County to determine whether proposed developments could potentially impact CARA. All
3760 applications for development within the County that are located within a mapped CARA will
3761 be required to follow the performance standards of this chapter. The CARA map estimates
3762 areas of moderate, high and extreme susceptibility to contamination, in addition to wellhead
3763 protection areas. To characterize hydrogeologic susceptibility of the recharge area to
3764 contamination, the GIS analysis used the following physical characteristics:
3765 (a) Depth to ground water;
3766 (b) Soil (texture, permeability, and contaminant attenuation properties);
3767 (c) Geologic material permeability;
3768 (d) Recharge (amount of water applied to the land surface, including precipitation and
3769 irrigation).

3772 (2) **Wellhead Protection Areas** - The CARA map includes those Wellhead Protection Areas for
3773 which the County has maps. Wellhead Protection Areas are required for all Class A public
3774 water systems in the State of Washington. The determination of a wellhead protection area is
3775 based upon the time of travel of a water particle from its source to the well. Water purveyors
3776 collect site specific information to determine the susceptibility of the water source to surface
3777 sources of contamination. Water sources are ranked by the Washington State Department of
3778 Health with a high, moderate or low susceptibility to surface contamination. Wellhead
3779 protection areas are defined by the boundaries of the ten (10) year time of ground water travel,
3780 in accordance with WAC 246-290-135. For purposes of this chapter, all wellhead protection
3781 areas shall be considered highly susceptible.

3782

16C.09.04 Submittal Requirements.

3783 (1) Applications for any development activity or division of land which requires review by
3784 Yakima County and which is located within a mapped Critical Aquifer Recharge Area or
3785 Wellhead Protection Area shall be reviewed by the Administrative Official to determine
3786 whether hazardous materials (see definitions) will be used, stored, transported, or disposed of
3787 in connection with the proposed activity. If there is insufficient information to determine
3788 whether hazardous materials will be used, the Administrative Official may request additional
3789 information, in addition to the submittal requirements outlined in 16C.03.

3790 (2) The Administrative Official shall make the following determination:

3791 (a) No hazardous materials are involved.

3792 (b) Hazardous materials are involved; however, existing laws or regulations adequately
3793 mitigate any potential impact, and documentation is provided to demonstrate compliance.

3794 (c) Hazardous materials are involved and the proposal has the potential to significantly impact
3795 Critical Aquifer Recharge and Wellhead Protection Areas; however, sufficient information
3796 is not available to evaluate the potential impact of contamination. The County may require
3797 a Hydrogeologic Report to be prepared by a qualified groundwater scientist in order to
3798 determine the potential impacts of contamination on the aquifer.

3800

16C.09.05 Performance Standards – General Requirements.

3801 (1) Activities may only be permitted in a critical aquifer recharge area if the applicant can show
3802 that the proposed activity will not cause contaminants to enter the aquifer and that the proposed
3803 activity will not adversely affect the recharging of the aquifer.

3804 (2) The proposed activity must comply with the water source protection requirements and
3805 recommendations of the U.S. Environmental Protection Agency, Washington State
3806 Department of Health, and the Yakima County Health District.

3807

16C.09.06 Performance Standards – Specific Uses.

3808 (1) **Storage Tanks.** All storage tanks proposed to be located in a critical aquifer recharge area must
3809 comply with local building code requirements and must conform to the following
3810 requirements:

3811 (a) **Underground Tanks.** All new underground storage facilities proposed for use in the storage
3812 of hazardous substances or hazardous wastes shall be designed and constructed so as to:

3813 (i) Prevent releases due to corrosion or structural failure for the operational life of the tank;

3816 (ii) Be protected against corrosion, constructed of noncorrosive material, steel clad with a
3817 noncorrosive material, or designed to include a secondary containment system to
3818 prevent the release or threatened release of any stored substances; and
3819 (iii) Use material in the construction or lining of the tank that is compatible with the
3820 substance to be stored.

3821 (b) Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage
3822 of hazardous substances or hazardous wastes shall be designed and constructed so as to:
3823 (i) Not allow the release of a hazardous substance to the ground, groundwaters, or surface
3824 waters;
3825 (ii) Have a primary containment area enclosing or underlying the tank or part thereof, and
3826 (iii) Have a secondary containment system either built into the tank structure or a dike
3827 system built outside the tank for all tanks.

3828 (2) Vehicle Repair and Servicing.

3829 (a) Vehicle repair and servicing must be conducted over impermeable pads and within a
3830 covered structure capable of withstanding normally expected weather conditions.
3831 Chemicals used in the process of vehicle repair and servicing must be stored in a manner
3832 that protects them from weather and provides containment should leaks occur.

3833 (b) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle
3834 repair and servicing. Dry wells existing on the site prior to facility establishment must be
3835 abandoned using techniques approved by the State Department of Ecology prior to
3836 commencement of the proposed activity.

3837 (3) Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides,
3838 and fertilizers shall not exceed times and rates specified on the packaging.

3839 (4) Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for
3840 reclaimed water must be in accordance with the adopted water or sewer comprehensive plans
3841 that have been approved by the State Departments of Ecology and Health.

3842 (a) Use of reclaimed water for surface percolation must meet the groundwater recharge criteria
3843 given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may
3844 establish additional discharge limits in accordance with RCW 90.46.080(2).

3845 (b) Direct injection must be in accordance with the standards developed by authority of RCW
3846 90.46.042.

3847 (5) Proposed new groundwater uses must provide evidence that the proposed water source is
3848 physically and legally available and meets drinking water standards.

16C.09.07 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
3853 waste, wood waste and inert and demolition waste landfills;

(2) Underground Injection Wells. Class I, III and IV wells and subclasses 5F01, 5D03, 5F04,
3854 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
3857 process to occur over permeable surfaces (both natural and manmade);

(4) Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or
3859 dispose of radioactive substances;

(5) Mining. Hard rock; and sand and gravel mining, unless located within the mineral resource
3861 designation; and

3862 (6) Other Prohibited Uses or Activities.

3863 (a) Activities that would significantly reduce the recharge to aquifers currently or potentially

3864 used as a potable water source;

3865 (b) Activities that would significantly reduce the recharge to aquifers that are a source of

3866 significant base flow to a regulated stream.

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Chapter 16C.11

Upland Wildlife Habitat Conservation Areas

Sections:

- 3871 16C.11.010 Purpose and Intent
- 3872 16C.11.020 Protection Approach
- 3873 16C.11.030 Functional Properties
- 3874 16C.11.040 Upland Wildlife Habitat and Habitats of Local Importance
- 3875 16C.11.050 Mapping
- 3876 16C.11.060 Critical Areas Report Requirement
- 3877 16C.11.070 Upland Wildlife and Habitats of Local Importance Development Standards

16C.11.010 Purpose and Intent

103.11.10 Purpose and Intent

(1) Wildlife habitat conservation means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordinationed to help assure long term population viability. Wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs ~~land use planning is critically important~~ (WAC 365-190-130080(15)).

(2) It is the intent of these provisions to classify seasonal ranges and habitat elements with which federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

(3) It is the purpose of these provisions to designate, protect, and conserve natural habitats of upland wildlife species.

16C.11.020 Protection Approach

10.11.2.1 Protection Approach

(1) To maintain viable populations of fish and wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include fragmentation, the presence of essential resources such as food, water, nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. As a method of linking large habitat areas, migration corridors offer a means by which to connect publicly protected lands and other intact habitat areas. Yakima County protects habitat for upland species using the Upland Wildlife Habitat Conservation Area and associated protections measures described below.

(2) Yakima County has a very high proportion of federal, state and other publicly and tribally owned land. ~~These lands are generally managed for the conservation of wildlife habitat~~Conservation of wildlife habitat is among the various goals for these public lands. ~~Consequently, one of~~ Yakima County's approaches to protecting all wildlife habitat types on ~~public lands~~ is to rely on the management of these lands by the responsible entity (i.e. US

3913 Forest Service, US Bureau of Land Management, US Department of Defense, Washington
3914 Department of Fish and Wildlife, Washington Department of Natural Resources, Yakima
3915 Nation, etc.). The protection of Larch Mountain Salamander (*Plethodon larselli*) (State
3916 Sensitive, Federal Species of Concern) and Spotted Owl (*Strix occidentalis*) (State
3917 Endangered, Federal Threatened) habitat is accomplished through this approach, since their
3918 habitat of primary association is located within Federal ownership.

3919 (3) To aid in upland wildlife protection on private lands, Yakima County ~~followed a methodology~~
3920 ~~utilizing~~will utilize current WDFW data and maps to identify ~~Gap Analysis Program (GAP)~~
3921 ~~data to map~~ wildlife habitat. Comparison of the map to public lands shows that a small
3922 percentage of the mapped area is within private ownership. An analysis of the privately owned
3923 lands showed that they are largely in remote areas that are undeveloped with no cultivated
3924 agriculture. The predominate land use on these private lands is forest and rangeland.
3925 Consequently, part of Yakima County's approach to protect upland wildlife on private land is
3926 to rely on the large lot/low density provisions of the Remote (40 acre minimum), Forest (80
3927 acre minimum) and Agriculture (40 acre minimum) zoning districts.
3928 Through the wildlife habitat analysis, habitat for listed state and federal threatened,
3929 endangered, and sensitive species was assessed and incorporated for upland species.
3930 Consequently, Yakima County's approach to protect habitat for listed state and federal
3931 threatened, endangered, and sensitive upland species is to require approval of a standard
3932 development permit, the submittal of a habitat assessment from a qualified professional, and
3933 where necessary, development of a management plan consistent with state and/or federal
3934 guidelines as outlined in Section 16C.11.060 and 16C.11.070 below. Where appropriate,
3935 agencies will be consulted early in the process to determine potential impacts from the
3936 development on wildlife habitat. Protection measures for Bull Trout (*Salvelinus confluentus*)
3937 (State Candidate, Federal Threatened) and Steelhead (*Oncorhynchus mykiss*) (State Candidate,
3938 Federal Threatened) are accomplished by the standards in Chapter 16C.06.

16C.11.030 Functional Properties

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

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

Designation and Mapping

16C.11.040 Upland Wildlife Habitat Conservation Areas

(1) Upland Wildlife Habitat Conservation Areas are those areas within which state or federally designated endangered, threatened, or sensitive species have a primary association and are designated as critical areas. State listed species are those native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or Sensitive (WAC 232-12-011) by the Washington Fish and Wildlife Commission. Federal

3958 listed Threatened, Endangered or Sensitive species means all species of wildlife listed as such
3959 by the United States Secretary of the Interior or Commerce.

3960 (2) Upland Wildlife Habitat Conservation Areas include State Natural Area Preserves and Natural
3961 Resource Conservation Areas.

3962 (3) Upland Wildlife Habitat Conservation Areas include Species and Habitats of Local
3963 Importance. These are habitats or species that due to their declining population, sensitivity to
3964 habitat manipulation or other values make them important on a local level. Habitats of Local
3965 Importance may include a seasonal range or habitat element with which a given species has a
3966 primary association, and which, if altered, may reduce the likelihood that the species will
3967 maintain and reproduce over the long term.

3968 (a) Species and Habitats of Local Importance may be identified, for protection under this title.
3969 State or local agencies, individuals or organizations may identify and nominate for
3970 consideration specific species and habitats, or a general habitat type, including streams,
3971 ponds or other features. The WDFW Priority Habitat and Species list for Yakima County
3972 shall be included as a baseline for this list, to be added to be other organizations~~is included~~
3973 in this Title as Appendix B.

3974 (b) Review of a Species and/or Habitat of Local Importance application is a legislative action,
3975 and shall be processed during the Comprehensive Plan amendment cycle.

3976 (c) Species and/or Habitat of Local Importance applications shall be docketed for official
3977 action with the Planning Commission in accordance with Section 16B.10.090
3978 (Development Regulation Amendments) with no fee requirements.

3979 (d) The Planning Commission may convene a best available science committee to ensure the
3980 Species and/or Habitat of Local Importance application conforms to RCW 36.70A.172 and
3981 WAC 365-195-900 through WAC 365-195-925.

3982 (e) Species and/or Habitat of Local Importance ~~shall be~~ adopted as ~~a~~Appendix B of~~ies to~~
3983 this title.

3984 (f) Species and/or Habitat of Local Importance applications shall be reviewed for conformance
3985 with subsections (g) and (h) below.

3986 (g) Applicants for Species and/or Habitat of Local Importance shall present evidence
3987 concerning the criteria set forth in sub-section (h) below, including maps to illustrate the
3988 proposal and habitat management recommendations for use in the administration of this
3989 chapter, and/or:

3990 (h) The review of nominated habitats, and habitats for species of local importance shall
3991 consider the following,
3992 (i) A seasonal range or habitat element which, if altered, may reduce the likelihood that
3993 the species will maintain or reproduce over the long term;
3994 (ii) Areas of high relative density or species richness, breeding habitat, winter range, and
3995 movement corridors;
3996 (iii) Habitat with limited availability or high vulnerability to alteration;
3997 (iv) Whether these habitats are already identified and protected under the provisions of this
3998 or other county ordinances or state or federal law.

4000 **16C.11.050 Mapping**

4001 (1) The approximate location and extent of upland wildlife habitat conservation areas for,
4002 Endangered, Threatened and Sensitive species are shown on the County's critical area map
4003 titled, "Upland Wildlife Habitat Conservation Areas of Yakima County". This map is to be

4004 used as a guide for the county, project applicants and/or property owners, and may be
4005 updated as more detailed data becomes available. This map is an initial reference and does
4006 not provide a final critical area designation. Wildlife resource agencies shall be consulted
4007 for their expertise on location of habitat conservation areas when insufficient information
4008 exists for an area.

4009 (2) The Upland Wildlife Habitat Conservation Area map utilized GAP (Gap Analysis Project)
4010 and Department of Fish and Wildlife data. GAP data is derived from satellite imagery and
4011 modeling of vegetation and species presence. The wildlife habitat analysis methodology
4012 was chosen to protect wildlife from a regional perspective rather than a species-specific
4013 perspective, to identify areas of high biodiversity for long-term species survival. The
4014 methodology:

4015 (a) Uses the richest habitat areas;
4016 (b) Includes some habitat for all species;
4017 (c) Focuses on large habitat areas that are most remote from human development;
4018 (d) Uses publicly owned lands as much as possible;
4019 (e) Provides corridor links between blocks of habitat areas using streams, and steep ridge
4020 slopes;
4021 (f) Considers WDFW Priority Habitat and Species and Wildlife Heritage data to help test
4022 accuracy, and;
4023 (g) Covers threatened endangered and sensitive species on private land.

4024 **16C.11.060 Permit and Critical Areas Report Requirement**

4025 (1) Developments proposed within an upland wildlife habitat conservation area with which state
4026 or federally endangered, threatened, or sensitive species or a species of local importance has a
4027 primary association may be required to submit Critical Areas Identification Form and site plan
4028 as per 16C.03.02(1). The Administrative Official ~~may shall~~ require a habitat assessment to be
4029 submitted if it is determined that the development proposal could impact the UWHCA. A
4030 habitat assessment is an investigation of the project area to evaluate the presence or absence of
4031 such species, and areas with which such species has a primary association.

4032 (2) In addition to the general critical area report requirements of Section 16C.03.17, habitat
4033 assessments and habitat management plans must be prepared by a qualified professional who
4034 is a biologist with experience preparing reports for the relevant species and habitat. Critical
4035 area reports for two or more types of critical areas must meet the report requirements for each
4036 relevant type of critical area.

4037 (3) If the habitat assessment determines that such species or habitat area is present on site, and are
4038 likely to be impacted by the development proposal, then a standard development permit and
4039 management plan are required.

4040 (4) If a standard development permit and management plan are required, as determined by the
4041 habitat assessment, it shall follow management recommendations published by federal, or state
4042 agencies, or local management recommendations, including Department of Fish and Wildlife
4043 habitat management recommendations, that have been developed for species or habitats
4044 located on or adjacent to the project area. Management plans developed by an independent
4045 third party shall be provided for review by the Department of Fish and Wildlife or the
4046 responsible federal agency. The Administrative Official shall consult with the appropriate
4047 agency and consider their comments through the review process.

4050 **16C.11.070 Upland Wildlife Habitat Conservation Area Development Standards**

4051 Projects located within an Upland Wildlife Habitat Conservation Area as designated in Section

4052 16C.11.040 shall meet the following standards listed below, rather than the development standards

4053 in 16C.06.10 through 16C.06.23 for Hydrologically Related Critical Areas, unless review is also

4054 needed for a Hydrologically Related Critical Areas.

4055

4056 Projects shall be designed using management recommendations established for the species or

4057 habitat by federal and state agencies, or those adopted for Species and Habitats of Local

4058 Importance by Yakima County. The department shall consider the extent such recommendations

4059 are used in its decision on the proposal, and may consider recommendations and advice from the

4060 agencies with expertise.

4061

BOCC Adopted Ord 5-2011

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

The following stream reaches within Yakima County are designated Type-2 Streams under the Critical Areas Ordinance.

FOUNDATION CREEK:

From the mouth of Hacket Canyon (Sec. 13, T12N, R14E) downstream to the North Fork Ahtanum Creek.

LITTLE RATTLESNAKE CREEK:

From the Wenatchee National Forest boundary (Sec. 25-T15N-R15E) downstream to mouth at Rattlesnake Creek (Sec. 3-T15N-R15N).

MIDDLE FORK AHTANUM CREEK:

From the north boundary of Sec. 25, T12N, R14E, downstream to the North Fork Ahtanum.

MULE DRY CREEK:

From the east boundary of Sec. 24, T9N, R20E, downstream to Satus Creek.

NASTY CREEK:

From the east boundary of Sec. 32, T13N, R15E, downstream to the North Fork Ahtanum Creek.

NILE CREEK:

From the east boundary of Sec. 31, T16N, R15E, downstream to the Naches River.

NORTH FORK AHTANUM CREEK:

From east boundary of Sec. 20, T12N, R14E, downstream to shoreline jurisdiction (Sec. 22, T12N, R14E).

REYNOLDS CREEK:

From the east boundary of Sec. 16, T13N, R15E, to South Fork Cowiche Creek (Sec. 18, T13N, R16E).

ROCK CREEK:

From the south boundary of Sec. 8, T16N, R15E, downstream to the Naches River.

SOUTH FORK COWICHE CREEK:

From the north boundary of Sec. 29, T13N, R15E, downstream to shoreline jurisdiction (Sec. 33, T14N, R16E).

4108	SOUTH FORK AHTANUM CREEK:	From the east boundary of Sec. 32, T12N, R15E, downstream to shoreline jurisdiction (the NE 1/4 of the NW 1/4 of Sec. 26, T12N, R15E).
4109		
4110		
4111		
4112		
4113		
4114	WENAS CREEK:	From North Wenas Road <u>the base of the</u> <u>Wenas Dam</u> (Sec.132-T154N- R18E R17E T14N R18E) downstream to <u>shoreline jurisdiction of</u> the Yakima River.
4115		
4116		
4117		
4118		
4119	WIDE HOLLOW CREEK:	From South 96 th Ave. downstream to the municipal boundary for the City of Yakima (Sec.34-T13N-R18E).
4120		
4121		
4122		
4123	WILDCAT CREEK:	From the Wenatchee National Forest boundary (Sec. 25, T14N, R13E) downstream to the Tieton River.
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YAKIMA COUNTY
CRITICAL AREAS ORDINANCE
Appendix B
Priority Habitat and Species (PHS)

**** Important Note ****

These are the species and habitats identified for Yakima County. This list of species and habitats was developed using the distribution maps found in the Priority Habitat and Species (PHS) List (see <http://wdfw.wa.gov/conservation/phs/>). Species distribution maps depict counties where each priority species is known to occur as well as other counties where habitat primarily associated with the species exists. Two assumptions were made when developing distribution maps for each species:

1. There is a high likelihood a species is present in a county, even if it has not been directly observed, if the habitat with which it is primarily associated exists.
2. Over time, species can naturally change their distribution and move to new counties where usable habitat exists.

Distribution maps in the PHS List were developed using the best information available. As new information becomes available, known distribution for some species may expand or contract. WDFW will periodically review and update the distribution maps in PHS list.

Priority Habitats

<u>Habitat</u>	<u>Priority Area</u>
<u>Aspen Stands</u>	<u>Pure or mixed stands greater than 1 acre</u>
<u>Biodiversity Areas & Corridors</u>	
<u>Inland Dunes</u>	
<u>Old-Growth/Mature Forest</u>	<u>-</u>
<u>Oregon White Oak Woodlands</u>	<u>Stands greater than 5 acres in size</u>
<u>Shrub-Steppe</u>	<u>-</u>
<u>Riparian</u>	<u>-</u>
<u>Freshwater Wetlands & Fresh Deepwater</u>	<u>-</u>
<u>Instream</u>	<u>-</u>

Priority Habitat Features

<u>Habitat</u>	<u>Priority Area</u>
<u>Caves</u>	<u>-</u>
<u>Cliffs</u>	<u>Greater than 25 feet high and occurring below 5000 ft.</u>
<u>Snags and Logs</u>	<u>-</u>
<u>Talus</u>	<u>-</u>

4147

<u>Fish</u>			
<u>Species</u>	<u>Priority Area</u>	<u>State Status</u>	<u>Federal Status</u>

Pacific Lamprey	Any Occurrence	-	Species of Concern
River Lamprey	Any Occurrence	Candidate	Species of Concern
White Sturgeon	Any Occurrence	-	-
Leopard Dace	Any Occurrence	Candidate	-
Umatilla Dace	Any Occurrence	Candidate	-
Mountain Sucker	Any Occurrence	Candidate	-
Bull Trout	Any Occurrence	Candidate	Threatened
Chinook Salmon	Any Occurrence	-	-
Coho	Any Occurrence	-	-
Kokanee	Any Occurrence	-	-
Rainbow Trout/ Steelhead	Any Occurrence	Candidate *	Threatened *
Sockeye Salmon	Any Occurrence	-	-
Westslope Cutthroat	Any Occurrence	-	-
		* Steelhead only	* Steelhead only

4148

Reptiles and Amphibians

<u>Species</u>	<u>Priority Area</u>	<u>State Status</u>	<u>Federal Status</u>
Cascade Torrent Salamander	Any occurrence	Candidate	-
Larch Mountain Salamander	Any occurrence	Sensitive	Species of Concern
Van Dyke's Salamander	Any occurrence	Candidate	Species of Concern
Columbia Spotted Frog	Any occurrence	Candidate	-
Western Toad	Any occurrence	Candidate	Species of Concern
Common Sharp-tailed Snake	Any occurrence	Candidate	Species of Concern
Striped Whipsnake	Any occurrence	Candidate	-
Sagebrush Lizard	Any occurrence	Candidate	Species of Concern

4149

Birds

<u>Species</u>	<u>Priority Area</u>	<u>State Status</u>	<u>Federal Status</u>
Western Grebe	Regular concentrations, Breeding areas, Migratory stopovers, Regular occurrences in winter	Candidate	-
E WA breeding concentrations of: Grebes, Cormorants	Breeding areas	-	-

E WA breeding: Terns	Breeding areas	-	-
Black-crowned Night-heron	Breeding areas	-	-
Great Blue Heron	Breeding areas	-	-
Cavity-nesting ducks: Wood Duck, Barrow's Goldeneye, Common Goldeneye, Bufflehead, Hooded Merganser	Breeding areas	-	-
Harlequin Duck	Breeding areas	-	-
Tundra Swan	Regular concentrations	-	-
Waterfowl Concentrations	Significant breeding areas, Regular concentrations in winter	-	-
Bald Eagle	Breeding areas, Communal roosts, Regular concentrations	Sensitive	Species of Concern
Ferruginous Hawk	Breeding areas, including alternate nest sites. If breeding area is not known, approximate with a 7.0 km² (4.35 mi²) area around known nest sites, foraging areas	Threatened	Species of Concern
Golden Eagle	Breeding and foraging areas	Candidate	-
Northern Goshawk	Breeding areas, including alternate nest sites, post-fledging foraging areas	Candidate	Species of Concern
Peregrine Falcon	Breeding areas, Regular occurrence	Sensitive	Species of Concern
Prairie Falcon	Breeding areas	-	-
Chukar	Regular concentrations in WDFW primary	-	-

	<u>management zones for Chukar</u>		
<u>Ring-necked Pheasant</u>	<u>Self-sustaining birds observed in regular concentrations in WDFW's eastern Washington Primary Management Zone for pheasant</u>	-	-
<u>Sage Grouse</u>	<u>Breeding areas, leks, Regular concentrations</u>	<u>Threatened</u>	<u>Candidate</u>
<u>Sooty Grouse</u>	<u>Breeding areas, Regular concentrations</u>	-	-
<u>Wild Turkey</u>	<u>Regular concentrations and roosts in WDFW's Primary Management Zones for wild turkeys</u>	-	-
<u>Sandhill Crane</u>	<u>Breeding areas, Regular concentrations, migration staging areas</u>	<u>Endangered</u>	-
<u>E WA breeding occurrences of: Phalaropes, Stilts and Avocets</u>	<u>Breeding areas</u>	-	-
<u>Band-tailed Pigeon</u>	<u>Regular concentrations, Occupied mineral sites</u>	-	-
<u>Yellow-billed Cuckoo</u>	<u>Any occurrence</u>	<u>Candidate</u>	<u>Candidate</u>
<u>Burrowing Owl</u>	<u>Breeding areas, foraging areas, Regular concentrations</u>	<u>candidate</u>	<u>Species of Concern</u>
<u>Flammulated Owl</u>	<u>Breeding sites, Regular occurrences</u>	<u>Candidate</u>	-
<u>Spotted Owl</u>	<u>Any occurrence</u>	<u>Endangered</u>	<u>Threatened</u>

<u>Vaux's Swift</u>	<u>Breeding areas, Communal roosts</u>	<u>Candidate</u>	-
<u>Black-backed Woodpecker</u>	<u>Breeding areas, Regular occurrences</u>	<u>Candidate</u>	-
<u>Lewis' Woodpecker</u>	<u>Breeding areas</u>	<u>Candidate</u>	-
<u>Pileated Woodpecker</u>	<u>Breeding areas</u>	<u>Candidate</u>	-
<u>White-headed Woodpecker</u>	<u>Breeding sites, Regular occurrences</u>	<u>Candidate</u>	-
<u>Loggerhead Shrike</u>	<u>Regular occurrences in breeding areas, Regular concentrations</u>	<u>Candidate</u>	-
<u>Sage Sparrow</u>	<u>Breeding areas. Regular occurrences in suitable habitat during the breeding season</u>	<u>Candidate</u>	-
<u>Sage Thrasher</u>	<u>Breeding areas. Regular occurrences in suitable habitat during the breeding season</u>	<u>Candidate</u>	-

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<u>Mammals</u>			
<u>Species</u>	<u>Priority Area</u>	<u>State Status</u>	<u>Federal Status</u>
<u>Merriam's Shrew</u>	<u>Any occurrence</u>	<u>Candidate</u>	-
<u>Preble's Shrew</u>	<u>Any occurrence</u>	<u>Candidate</u>	<u>Species of Concern</u>
<u>Roosting Concentrations of: Big-brown Bat, Myotis bats, Pallid Bat</u>	<u>Regular concentrations in naturally occurring breeding areas and other communal roosts</u>	-	-
<u>Townsend's Big-eared Bat</u>	<u>Any occurrence</u>	<u>Candidate</u>	<u>Species of Concern</u>
<u>Black-tailed Jackrabbit</u>	<u>Regular concentrations</u>	<u>Candidate</u>	-
<u>White-tailed Jackrabbit</u>	<u>Regular concentrations</u>	<u>Candidate</u>	-

<u>Western Gray Squirrel</u>	<u>Any occurrence</u>	<u>Threatened</u>	<u>Species of Concern</u>
<u>Townsend's Ground Squirrel</u>	<u>Breeding Area, Occurrence, Regular concentrations</u>	<u>Candidate</u>	<u>Species of Concern</u>
<u>Cascade Red Fox</u>	<u>Any occurrence</u>	<u>Candidate</u>	-
<u>Fisher</u>	<u>Any occurrence</u>	<u>Endangered</u>	<u>Candidate</u>
<u>Marten</u>	<u>Regular occurrence</u>	-	-
<u>Wolverine</u>	<u>Any occurrence</u>	<u>Candidate</u>	-
<u>Bighorn Sheep</u>	<u>Breeding areas, Regular concentrations</u>	-	-
<u>Columbian Black-tailed Deer</u>	<u>Regular concentrations, Migration corridors</u>	-	-
<u>Mountain Goat</u>	<u>Breeding areas, Regular concentrations</u>	-	-
<u>Northwest White-tailed Deer</u>	<u>Migration corridors, Regular concentrations in winter</u>	-	-
<u>Elk</u>	<u>Calving Areas, Migration Corridors, Regular concentrations in Winter and in foraging areas along coastal waters</u>	-	-
<u>Rocky Mountain Mule Deer</u>	<u>Breeding areas, Migration corridors, Regular concentrations in winter</u>	-	-

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<u>Invertebrates</u>			
<u>Species</u>	<u>Priority Area</u>	<u>State Status</u>	<u>Federal Status</u>
<u>Mardon Skipper</u>	<u>Any occurrence</u>	<u>Endangered</u>	<u>Species of Concern</u>
<u>Silver-bordered Fritillary</u>	<u>Any occurrence</u>	<u>Candidate</u>	-

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 4154 Critical Areas Ordinance Title 16C BOCC_Adopted_Ord5-2017_6-27-17.docx
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