

**GRANDVIEW PLANNING COMMISSION
REGULAR MEETING AGENDA
WEDNESDAY, JULY 29, 2026**



**This meeting will be held in person
and will also be available via teleconference.**

PLEASE NOTE: The maximum occupancy of the Council Chambers is 49 individuals at one time. Access to exits must be kept clear to ensure everyone in the Chambers can safely exit in the event of an emergency.

REGULAR MEETING – 6:00 PM

PAGE

1. CALL TO ORDER & ROLL CALL

2. MINUTE APPROVAL

- | | | |
|----|---|-----|
| A. | Minutes of the April 29, 2026 Planning Commission Meeting | 1-3 |
| B. | Minutes of the May 27, 2026 Planning Commission Meeting | 4 |

3. ACTIVE AGENDA

- | | | |
|----|--|---------|
| A. | Comprehensive Plan Amendment Application – Elite Development | 5-30 |
| B. | Guidance for Adopting County Critical Areas Regulations by Reference | 31-163 |
| C. | Comprehensive Plan Update – Housing Element | 164-189 |
| D. | Comprehensive Plan Update – Land Use Element | 190-231 |
| E. | Comprehensive Plan Update – Climate Element | 232-295 |

4. ADJOURNMENT

The Planning Commission meeting scheduled for Wednesday, July 29, 2026 at 6:00 pm will be held in person and will also be available via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://us06web.zoom.us/j/84983711835?pwd=BWCmWrMKbQbAhKBJyKREIAOlP9Bs1y.1>

To join via phone: +1 253 215 8782

Meeting ID: 849 8371 1835

Passcode: 886315

**GRANDVIEW PLANNING COMMISSION
MEETING MINUTES
APRIL 29, 2026**

1. CALL TO ORDER

Commissioner Don Olmstead Jr. called the meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

Planning Commissioners present were: Don Olmstead Jr., Brenda Saldana and Randy Tucker

Planning Commissioner absent was: Gracie Sexton

Staff present were: Land Use Planner Keelan Naasz with the Yakima Valley Conference of Governments (via Zoom), City Administrator Shane Fisher and City Clerk/Secretary Anita Palacios

2. MINUTE APPROVAL

On motion by Commissioner Tucker, second by Commissioner Saldana, the Commission approved the minutes of the February 25, 2026 regular meeting.

3. ACTIVE AGENDA

The Planning Commission meeting focused on reviewing draft updates to the City's subdivision and zoning ordinances required by new state housing laws.

A. Grandview Subdivision Ordinance – Draft

Staff presented draft changes to the subdivision ordinance, focusing on new affordable housing strategies required by Washington State. The proposed changes include unit lot subdivisions (allowing up to 4 lots with common ownership) and split lots, along with requirements for proportional impact fees based on income levels. The discussion covered implementation details including lot sizes, ADU requirements, and connections to city utilities, though specific minimum lot sizes and implementation details for ADUs remain to be determined.

The Commission discussed specific updates needed to the subdivision ordinance, including changes to development contracts, irrigation district/city signatures, and City Clerk responsibilities for filing final plats with the Yakima County Auditor.

Discussion also included sidewalk requirements for new developments, with staff advocating for sidewalks on both sides of streets rather than just one side. It was agreed that developers typically prefer to install sidewalks on both sides as it improves property sales and provides better amenities for neighborhoods. It was explained that the width of streets and right-of-way would remain consistent regardless of sidewalk placement, as engineers would adjust lot sizes during preliminary design to accommodate both sidewalks.

B. Grandview Zoning Ordinance – Draft

They also reviewed zoning ordinance modifications needed to allow ADUs, emergency supportive housing, and density bonuses for affordable housing developments. Discussion also took place regarding the City's current multi-family density limitations and potential opportunities for encouraging more diverse housing options like duplexes.

The discussion focused on ADU (Accessory Dwelling Unit) regulations and the relationship between the Comprehensive Plan and zoning ordinance. It was noted that ADUs sharing service lines with the main home were possible, but if lot splitting occurs, separate water and sewer connections were required, making it no longer an ADU. It was noted that the current zoning ordinance was essentially word-for-word identical to the Comprehensive Plan, which created issues, and they discussed the need to separate these documents with the Comprehensive Plan containing broad goals and policies while the zoning ordinance should provide more specific details. Staff indicated plans to review and propose edits to both the Comprehensive Plan chapters and related ordinances simultaneously to ensure consistency.

The Commission reviewed updates to the zoning ordinance required by state law, including requirements for allowing at least two ADUs on single-family lots, allowing co-living in zones allowing 6+ multifamily units, and incorporating supportive housing in appropriate zones. The Commission discussed current density limitations for the multi-family zone, which allow for nine (9) units per acre, making it challenging for developers to build new apartment complexes.

C. Comprehensive Plan Update - Proposed and Required Changes

Following were the mandated and proposed changes to the Comprehensive Plan:

Zoning Ordinance

- RCW 36.70A.070(2)(b) and WAC 365-196-410(2)(a) – Moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes, within an urban growth area boundary.
- RCW 36.70A.070(2)(d) new in 2021 – Consideration of housing locations in relation to employment locations and the role of ADUs.
- RCW 36.70A.680-681 – Allow at least two ADUs on all lots that allow for single-family homes within a UGA, among the other standards for ADU siting and regulation.
- RCW 36.70A.538 – Allow co-living housing on all lots located within a UGA that allows at least six multifamily residential units, among other standards for co-living siting and regulation.
- RCW 35.21.685 – Allow emergency and supportive housing in areas required by statute, among other standards for siting and regulation of these uses.
- RCW 36.70A.622 – Incorporate all standards for off-street parking areas and spaces for residential uses outlined in RCW 36.70A.622.
- RCW 35.21.990 – Allow a density bonus for the addition of residential dwelling units in an existing build in commercial, mixed-use or residential zones that allow multifamily housing.
- RCW 36.70A.810 & 815 – May not adopt standards for façade modulation, non-conforming setbacks, and upper-level setbacks for building retrofits, residences using specified construction types, and affordable housing.

- RCW 35.21.915 – Regulate temporary shelters and encampments on religious property in accordance with statutory guidelines. See RCW for specific limitations. Local municipalities have the discretion to protect the health and safety of both residents in temporary settings that are hosted by religious organizations and the surrounding community. The legislature encourages local jurisdictions and religious organizations to work together collaboratively to protect the health and safety of residents and the surrounding community while allowing religious organizations to fulfill their mission to serve the homeless.
- RCW 36.70A.545 – Allow density bonus for affordable development on religious property.
- RCW 35.21.682 – May not limit the number of unrelated people occupying a dwelling unit, except for legal limits on occupant load per square foot or building code.
- RCW 35.21.684 – Regulate siting of manufactured homes the same as siting of traditional site-built homes.
- Fair Housing Act and 1988 Amendments – May not make zoning or land uses decisions that discrimination against housing for people with disabilities.
- RCW 36.70A.050 – Affordable housing incentive programs should conform to statutory provisions of RCW 36.70A.540.
- RCW 36.130.020 – Must not impose requirements on affordable housing that are different than those imposed on housing developments generally.
- RCW 36.70A.070(2)(c) - amended in 2021 (HB 1220) – Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process.

Subdivision Ordinance

- RCW 58.17.060(3) – Include procedures for unit lot subdivision in short plan regulations.
- RCW 58.17.145 – Include procedures for lot splits.
- RCW 82.02.060(1) – If utilized, impact fees must be determined using a method that produces proportionately lower fees for smaller housing units.
- Standards for requiring parks for new subdivisions.

4. ADJOURNMENT

The Planning Commission meeting adjourned at 6:50 p.m.

Commissioner Don Olmstead Jr.

Anita Palacios, City Clerk

**GRANDVIEW PLANNING COMMISSION
MEETING MINUTES
MAY 27, 2026**

1. CALL TO ORDER

Commissioner Randy Tucker called the meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

Planning Commissioners present were: Brenda Saldana and Randy Tucker

Planning Commissioners absent were: Don Olmstead Jr. and Gracie Sexton

Staff present were: Land Use Planner Keelan Naasz with the Yakima Valley Conference of Governments, City Administrator Shane Fisher and City Clerk/Secretary Anita Palacios

2. MINUTE APPROVAL

Due to lack of quorum the minutes of the April 29, 2026 regular meeting were not considered for approval.

3. ACTIVE AGENDA

A. Comprehensive Plan Update – Transportation Element

The Planning Commission meeting focused on reviewing the Transportation Element of the Comprehensive Plan update ahead of its June 12th certification by the Yakima Valley COG Transportation Advisory Committee (TAC). Staff presented the element, which included transportation network characteristics, public transportation information, freight and goods transportation systems, functional classifications, level of service calculations, traffic forecasts, funding sources, and policy language. The Commission discussed several updates needed, including corrections to road classifications, adjustments to level of service ratings, and potential changes to policy language from "may" to "shall" for greater enforceability. They also reviewed sidewalk needs, particularly along Wine Country Road, and discussed the importance of including current ADA transition plan strategies.

Staff would incorporate further revisions based on the Commission's feedback.

4. ADJOURNMENT

The Planning Commission meeting adjourned at 6:40 p.m.

Commissioner Randy Tucker

Anita Palacios, City Clerk

July 22, 2026

Grandview Planning Commission
Grandview, Washington

Project: Elite Development, AHBL No. 2250383.30
Subject: Comprehensive Plan Amendment Application

Dear Members of the Planning Commission:

We respectfully request a text amendment to the Grandview Comprehensive Plan, Land Use Element - Section V: Future Land Use. Our focus is on the language in the Plan pertaining to the R-3 zoning district. In our application (submitted in August 2025), we outlined the following:

- The City's current Comprehensive Plan is far too restrictive on development in areas intended for high-density development.
- City regulations requiring large lot sizes may be impeding the construction of higher density housing, which is badly needed in the community (Housing Action Plan, 2023).

The R-3 zoning district is one of the zoning districts in the city that implements the "Residential" land use designation (as assigned on the City's Future Land Use Map, Figure 2-6). As indicated by its name, the R-3 district is the location where structures with multiple units, such as triplexes, fourplexes, apartment buildings, and so forth, could be constructed. In contrast, the R-1 and R-2 zoning districts are intended for residential uses at a lower planned density.

The plan sets out a good and very helpful introduction to the purposes of the R-3 zoning district:

"The R-3 district is established to provide a high density residential environment. Lands within this district generally contain multiple-unit residential structures..."

However, a portion of the following phrase (underlined portion) is problematic because it seems to suggest that development, as regulated in the R-3 district, should be more or less the same in terms of density, as compared to lower density districts:

"Lands within this district generally contain multiple-unit residential structures of a scale compatible with the structures in low density districts and with useful yard spaces."

Further, the same section sets out a minimum lot size requirement for multifamily housing in the R-3 zoning districts of the city which effectively limits the number of housing units allowed in the R-3 zoning district to a tremendous extent, resulting in an extreme limitation on how apartment buildings can be developed and situated on lots within the city. We contend that this restriction would conflict with the City's soon-to be updated goals and policies to increase options for housing.

www.ahbl.com

Civil Engineering
Structural Engineering
Landscape Architecture
Land Use Planning
Land Surveying

Request

Based on the explanation above, we respectfully request the comprehensive plan text be changed, as follows:

"... The R-3 district is established to provide a high density residential environment. Lands within this district generally contain multiple-unit residential structures ~~of a scale compatible with the structures in low density districts and with useful yard spaces~~. The R-3 district is intended to allow for a gradual increase in density from lower density residential districts and, where compatible, can provide a transition between different use areas. Minimum area of lot for single-family dwelling is 7,500 square feet; for two-family dwelling attached, minimum lot area is 8,000 square feet, and governed by the standards in R-1 and R-2 districts. ~~Minimum area of lot for multifamily dwellings is 3,000 square feet per dwelling unit for the first four dwelling units and 6,000 square feet per each additional dwelling unit.~~"

Next, we propose the zoning code at GMC 17.35.05(B) be changed:

Minimum area of lot for multifamily dwellings: 3,000 square feet per dwelling unit for first four dwelling units; ~~6,000 square feet per each additional dwelling unit;~~

Discussion

Our request is supported by the following five factors, as detailed in our application:

1. Many of the policies of the City's existing Comprehensive Plan – Land Use Element directly call for infill development to occur;
2. The Housing Element of the City's existing Comprehensive Plan has language supporting increased housing options and density;
3. New State regulations to plan for and accommodate housing at a variety of income levels;
4. The City has an obligation to plan for additional housing to be built, per the housing unit allocations set out by Yakima County for the forthcoming 2026-2046 planning period; and
5. The City Council recently adopted a Housing Action Plan (HAP).

It is our sincere hope that you will view our request positively and see this as an opportunity to help meet the housing allocations with high-quality and safe housing, designed to fit in well with surrounding developments.

Sincerely,



Nicole Stickney
Associate Principal

Cc: J. Trinidad Garibay – Elite Investment Group LLC

NS/ac



August 8, 2025

Anita G. Palacios, Clerk
City of Grandview
207 West Second Street
Grandview, WA 98930

Sent via email: anitap@grandview.wa.us

Project: Elite Development, AHBL No. 2250383.30
Subject: Comprehensive Plan Amendment Application

Dear Anita:

Thank you for answering our recent questions related to the Comprehensive Plan update process. We understand that City of Grandview has initiated a process to update the City's Comprehensive Plan according to the State Periodic Update requirements. We further understand that text amendment applications will be reviewed by the Planning Commission, together with proposed changes to the City's implementing development regulations (including changes to the zoning ordinance).

We have included the following items that comprise our formal application for a text amendment to the City's Comprehensive Plan, as well as modifications to GMC 17.35.05:

- Comprehensive Plan Amendment Application
- SEPA Non-Project Environmental Checklist

In addition, this letter contains a narrative explanation of our request.

Introduction

We are requesting a text amendment to the Grandview Comprehensive Plan, Land Use Element - *Section V: Future Land Use*. Our focus is on the language in the Plan pertaining to the R-3 zoning district. In this letter, we outline the following:

- The City's Comprehensive Plan is far too restrictive on development in areas intended for high-density development.
- The Plan goes into greater detail than what is typically found in Comprehensive Plan documents and should be modified; some statements contained in the Comprehensive Plan are far too detailed and prescriptive.
- City regulations requiring large lot sizes may be impeding the construction of higher density housing, which is badly needed in the community (HAP, 2023).

The R-3 zoning district is one of the zoning districts in the city that implements the "Residential" land use designation (as assigned on the City's Future Land Use Map, Figure 2-6). As indicated by its name, the R-3 district is the location where structures with multiple units, such as triplexes, fourplexes, apartment buildings, and so forth, could be constructed. In contrast, the R-1 and R-2 zoning districts are intended for residential uses at a lower planned density.

Civil Engineers

Structural Engineers

Landscape Architects

Community Planners

Land Surveyors

Neighbors

TRI-CITIES

5804 Road 90

Suite H

Posco, WA 99301

509.380.5883 TEL

www.ahbl.com



The plan sets out a good and very helpful introduction to the purposes of the R-3 zoning district:

"The R-3 district is established to provide a high density residential environment. Lands within this district generally contain multiple-unit residential structures..."

However, a portion of the following phrase (underlined portion) is problematic because it seems to suggest that development, as regulated in the R-3 district, should be more or less the same in terms of density, as compared to lower density districts:

"Lands within this district generally contain multiple-unit residential structures of a scale compatible with the structures in low density districts and with useful yard spaces."

Further, the same section sets out a minimum lot size requirement for multifamily housing in the R-3 zoning districts of the city:

"[The] minimum area of lot for multifamily dwellings is 3,000 square feet per dwelling unit for the first four dwelling units and 6,000 square feet per each additional dwelling unit."

This language effectively limits the number of housing units allowed in the R-3 zoning district to a tremendous extent, resulting in an extreme limitation on how apartment buildings can be developed and situated on lots within the city. We contend that this restriction actually conflicts with the City's goals and policies to allow a variety of housing types throughout the city to increase options for housing.

Request

Based on the explanation above, we respectfully request that the council approve our proposal to strike out certain portions of the comprehensive plan text, as follows:

*"... The R-3 district is established to provide a high density residential environment. Lands within this district generally contain multiple-unit residential structures **of a scale compatible with the structures in low density districts and with useful yard spaces.** The R-3 district is intended to allow for a gradual increase in density from lower density residential districts and, where compatible, can provide a transition between different use areas. Minimum area of lot for single-family dwelling is 7,500 square feet; for two-family dwelling attached, minimum lot area is 8,000 square feet, and governed by the standards in R-1 and R-2 districts. **Minimum area of lot for multifamily dwellings is 3,000 square feet per dwelling unit for the first four dwelling units and 6,000 square feet per each additional dwelling unit.**"*

Next, we propose the zoning code at GMC 17.35.05(B) be changed:

Minimum area of lot for multifamily dwellings: 3,000 square feet per dwelling unit for first four dwelling units; ~~6,000 square feet per each additional dwelling unit;~~

Discussion

On the topic of what the Comprehensive Plan should and should not include, we fully recognize and support the City's prerogative and responsibility to include language in the Comprehensive Plan that is appropriately detailed, easy to understand, and which sets forth a vision for development. We highly value the local preferences, choices, and guidance that the Council (as presently formed and in previous time) has made. However, we request that Council re-evaluate the language contained in the plan to determine if it is still useful and the right approach for the city.



Our request is supported by all five factors detailed below:

1. Many of the policies of the City's existing Comprehensive Plan – Land Use Element directly call for infill development to occur;
2. The Housing Element of the City's existing Comprehensive Plan has language supporting increased housing options and density;
3. New State regulations to plan for and accommodate housing at a variety of income levels;
4. The City has an obligation to plan for additional housing to be built, per the housing unit allocations set out by Yakima County for the forthcoming 2026-2046 planning period; and
5. The City Council recently adopted a Housing Action Plan (HAP).

1. Land Use Element

- Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development. (Policy 1.3)
- Accommodate future population growth through infilling and utilization of undeveloped subdivision lots in order to avoid conversion of agricultural land to residential uses. (Policy 1.4)
- Building where adequate public facilities and services exist. (Policy 3.1)
- Provide residential areas with a variety of housing densities, types, sizes, costs, and locations. (Policy 4.2)
- Attempt to ensure that basic community values and aspirations are reflected in the City's planning program, while recognizing the rights of individuals to use and develop private property in a manner consistent with City regulations. (Policy 4.6)

2. Housing Element

- Encourage a mixture of housing types and densities throughout the Urban Area that are compatible with public service availability. (Goal 3)
- Encourage the construction of new units to increase the local housing supply. New construction should provide for a moderate- to low-income and senior housing market demand, as well as upscale residences. It should also provide for an appropriate mix of housing types and intensities (single-family, multifamily, group homes, adult family homes). (Policy 1.1, Objective 1)

3. State Regulation Changes

New State regulations that have been implemented in an effort to combat the housing affordability crisis include ES2HB 1220 (2021), which requires cities to plan for and accommodate housing at a variety of income levels, which assumes a certain amount of variation in housing types. Indeed, there is a slew of other new housing- and parking-related legislation that has occurred to achieve the same goal of reducing housing costs, which could also be considered in Grandview's update cycle, whether or not the City is subject to the requirements (some requirements do not apply to Grandview due to its population size).



4. Housing Allocations

Yakima County has provided Housing Allocations for the 20-year period (from 2026 to 2045), which are organized according to income band. Typically, apartment buildings are a housing type that may potentially serve the housing needs of those in the 0% to 80% AMI income band. Grandview is allocated for 860 new units of non-permanent, supportive housing between the 0% and 80% income band. According to the data in the Comprehensive Plan and the Housing Action Plan, Grandview has added approximately only 101 multifamily units between 2013 and 2023.

5. The Grandview Housing Action Plan (2023)

The Grandview Housing Action Plan details several high-level findings that illustrate the need for changes to how Grandview adds additional housing:

- Housing prices have increased faster than income.
- Workers are traveling long distances to their jobs in Grandview.
- Grandview needs more housing diversity.
- Lot size regulations may impede building for higher density within the city.

These are just some of the considerations that directly support our request. The changes we have proposed will be advantageous for the City of Grandview overall and will benefit the residents.

We recognize that "higher density" can sometimes be perceived negatively. However, we want to stress that it is one important solution to the current housing crisis. Higher-density housing results in efficiencies in city infrastructure uses such as the sewer system, supporting transit opportunities and options, potentially reducing vehicle miles traveled, and allowing for a sufficient residential base to patronize local commercial businesses.

Additionally, the Comprehensive Plan details that Grandview's economy relies on productive farmlands and that those lands must be preserved to ensure economic vitality for future generations. Simply put, building more housing "here" means there is less pressure to convert lands from farming "there."

The Plan also contains straightforward land use planning principles to accommodate the protection of wetlands, wildlife habitats, and other environmentally critical areas. Removing restrictive minimum lot size requirements and increasing the number of housing units allowed in areas intended for high-density will help to foster appropriate development in areas that are suitable, and likewise direct development away from areas that should be protected.

The HAP does not make specific recommendations on lot size for multifamily residential, although it does acknowledge that the current lot size restrictions "places a substantial barrier to efforts to create multi-family housing even in the highest density zoning district of Grandview." We propose something that more closely aligns with the density of existing development located within Grandview in areas zoned R-3 that were built prior to the ordinance that created the limitations, which are the subject of our request.



Our Next Steps

We want to be transparent as to the full intent of this request. We are seeking these policy and regulatory changes specifically to facilitate completion of a planned 46-unit apartment complex, to be arranged in nine buildings with parking and associated amenities. This development, situated at 1007 Grandridge Road, is already partially built out (or in active construction) by Elite Investments, in full compliance and alignment with the current zoning regulations, but the current zoning contains the true potential for an attractive, appealing complex with units to house many families and households seeking options in the community.

We will be quite clear—all units will be offered at market rate. Therefore, the City will need to continue to work toward regulations and likely form partnerships to actually attract and accommodate housing for the low-income bands. Nonetheless, adding capacity (through zoning) for housing options, including apartments, is what the State has required of cities. Therefore, our proposal meets your needs in that regard.

In closing, we remain grateful to you, City staff, and your consultants for your assistance through this process. Please let me know if City staff, YVCOG staff, or Council will require any additional items to process this request. We would welcome any opportunity to provide a presentation to staff, Council, or any other interested groups.

It is our sincere hope that the City, Planning Commission, and City Council members see this as an opportunity to help meet the housing allocations with high-quality and safe housing, designed to fit in well with surrounding developments.

Sincerely,

Nicole Stickney, AICP
Associate Principal

NS/ac/lsk

c: J. Trinidad Garibay - Elite Investment Group LLC

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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

a. Name of proposed project, if applicable:

Proposed Text Amendment - City of Grandview Comprehensive Plan

b. Name of applicant:

Nicole Stickney, AHBL

and

J. Trinidad Garibay, Elite Investment Group LLC

c. Address and phone number of applicant and contact person:

Applicant: Trini Garibay
Elite Investment Group LLC
5804 Road 90, Suite A
Pasco, WA 99301-8551
Phone: 509.545.3975
Email: trini@elitecnd.com

Contact: Nicole Stickney
AHBL, Inc.
5804 Road 90 Suite H
Pasco, WA 99301
Phone: 509.316.7131
Email: nstickney@ahbl.com

d. Date checklist prepared:

July 31, 2025

e. Agency requesting checklist:

City of Grandview

f. Proposed timing or schedule (including phasing, if applicable):

We anticipate this can be initially presented to the City's Planning Commission in August or September of 2025. It is our understanding that the City is performing a periodic update to the Comprehensive Plan and adoption is due by December of 2026.

g. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

If the proposed Comprehensive Plan amendment (and changes to the development regulations) are approved, the development at 1007 Grandridge Road (new apartments at "Grandridge Meadows Lofts") will be expanded with new buildings containing additional apartment units.

h. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None known.

- i. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

- j. List any government approvals or permits that will be needed for your proposal, if known.

Passage of an Ordinance by the City of Grandview City Council adopting a Comprehensive Plan Amendment. Likewise, an amendment to Grandview Municipal Code (GMC) 17.35.050(B); Development standards for the R-3 High Density Residential District would be needed to update the GMC to align with the amended Comprehensive Plan. We anticipate this procedure to be modified and our proposed text amendment and subsequent modifications to the development standards be incorporated into the statutory Comprehensive Plan update.

- k. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

We are requesting the city amend the Comprehensive Plan **Chapter 2 - Land Use Element**, Section V. Future Land Use.

The current text specifies the exact allowed density in the R-3 zoning district which generally restricts the practical placement of apartment buildings. This restriction of a specific housing type conflicts with the Comprehensive Plan's goals and policies to allow a variety of housing types throughout the city to increase options for affordable housing.

Our proposed change is shown below with a strikethrough of the text to represent the requested removal of the language regarding density (expressed as a minimum lot size requirement and a description that high density residential development should be at a scale compatible with low-density development).

"... The R-3 district is established to provide a high density residential environment. Lands within this district generally contain multiple-unit residential structures ~~of a scale compatible with the structures in low density districts and with useful yard spaces.~~ The R-3 district is intended to allow for a gradual increase in density from lower density residential districts and, where compatible, can provide a transition between different use areas. Minimum area of lot for single-family dwelling is 7,500 square feet; for two-family dwelling attached, minimum lot area is 8,000 square feet, and governed by the standards in R-1 and R-2 districts. ~~Minimum area of lot for multifamily dwellings is 3,000 square feet per dwelling unit for the first four dwelling units and 6,000 square feet per each additional dwelling unit.~~"

- l. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a

range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed text amendment is a non-project action that would apply generally to the whole city and would apply specifically to all parcels within the R-3 High Density Residential zoning district.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

N/A, this is a non-project action. All future site-specific development is subject to review.

b. What is the steepest slope on the site (approximate percent slope)?

N/A, this is a non-project action.

According to the City's current Comprehensive Plan, the City is typically flat or gently rolling, while within the UGA (and outside of the city limits) some areas have slopes which range between 5 percent to 15 percent or more.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A, this is a non-project action.

According to the City's current Comprehensive Plan *Physical Character Element*, the lower Yakima River Basin in the area of Grandview includes recent alluvial, lacustrine and eolian soil deposits. Surficial soils typically include about 1.5 feet of silt type loam overlying stratified silt loam, loam and very fine sandy loam to depths of 5 feet or more. Table 1-1 of the plan specifies "Soil Classifications and Limitations for the City of Grandview and Vicinity" and Figure 1-1 provides a map showing soil types.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A, this is a non-project action.

According to the City's current Comprehensive Plan *Physical Character Element*, native soils are underlain by volcanic bedrock including the Saddle Mountains Basalt of the Columbia River Basalt Group.

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

N/A, this is a non-project action.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

N/A, this is a non-project action.

- f. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

N/A, this is a non-project action.

- g. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

None proposed.

2. **Air** [\[help\]](#)

- 1) **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- 2) **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

N/A, this is a non-project action.

- 3) **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None proposed.

3. **Water** [\[help\]](#)

a. **Surface Water:** [\[help\]](#)

- 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- 2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

N/A, this is a non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

No fill or dredge material will be placed in or removed from water bodies as a result of this proposal.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

No water will be withdrawn or diverted as a result of this proposal.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

N/A, this is a non-project action.

According to the City's current Comprehensive Plan *Physical Character Element*, the floodplain of the Yakima River in the Grandview area is narrow and not proximate to the built-up portion of the City; an area of the UGA / City limits that is affected by the 100-year floodplain is a small section of the southern noncontiguous portion of the City that houses the wastewater treatment plant and sprayfields.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

N/A, this is a non-project action.

No waste materials will be discharged to surface waters as a result of the proposal.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

The N/A, this is a non-project action. The city is served by City of Grandview sewer; no wastewater will be discharged to the ground as a result of this proposal.

c. Water runoff (including stormwater):

- 1) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- 2) **Could waste materials enter ground or surface waters? If so, generally describe.**

N/A, this is a non-project action.

- 3) **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

N/A, this is a non-project action.

- d. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

None proposed.

4. **Plants** [\[help\]](#)

- a. **Check the types of vegetation found on the site:**

N/A, this is a non-project action.

The Comprehensive Plan identifies a wide range of vegetation found within the area.

___ deciduous tree: alder, maple, aspen, other

___ evergreen tree: fir, cedar, pine, other

___ shrubs

___ grass

___ pasture

___ crop or grain

___ Orchards, vineyards or other permanent crops.

___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

___ water plants: water lily, eelgrass, milfoil, other

___ other types of vegetation

- b. **What kind and amount of vegetation will be removed or altered?**

N/A, this is a non-project action.

- c. **List threatened and endangered species known to be on or near the site.**

N/A, this is a non-project action.

- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

N/A, this is a non-project action.

- e. **List all noxious weeds and invasive species known to be on or near the site.**

N/A, this is a non-project action.

5. Animals [\[help\]](#)

- a. **List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:**

N/A, this is a non-project action. The city's current Comprehensive Plan *Physical Character Element* identifies the type of wildlife and fish found within the area, and discusses habitats.

birds: hawk, heron, eagle, songbirds, other: _____

mammals: deer, bear, elk, beaver, other: _____

fish: bass, salmon, trout, herring, shellfish, other _____

- b. **List any threatened and endangered species known to be on or near the site.**

N/A, this is a non-project action.

- c. **Is the site part of a migration route? If so, explain.**

Yes, Washington State is part of the Pacific Flyway, a bird migration route.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

None proposed.

- e. **List any invasive animal species known to be on or near the site.**

N/A, this is a non-project action.

6. Energy and Natural Resources [\[help\]](#)

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

N/A, this is a non-project action.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

N/A, this is a non-project action.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- 1) Describe any known or possible contamination at the site from present or past uses.**

N/A, this is a non-project action.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

N/A, this is a non-project action.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

N/A, this is a non-project action.

- 4) Describe special emergency services that might be required.**

N/A, this is a non-project action.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

None proposed.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

N/A, this is a non-project action. All future site-specific development is subject to review.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic,**

construction, operation, other)? Indicate what hours noise would come from the site.

N/A, this is a non-project action.

3) Proposed measures to reduce or control noise impacts, if any:

None proposed.

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

N/A, this is a non-project action.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

The proposal will not affect or be affected by surrounding working farm or forest land operations.

- c. Describe any structures on the site.**

N/A, this is a non-project action.

- d. Will any structures be demolished? If so, what?**

N/A, this is a non-project action.

- e. What is the current zoning classification of the site?**

The proposal is related to the R-3 High Density Residential zoning district.

- f. What is the current comprehensive plan designation of the site?**

The proposed text amendment will affect parcels with the land use designation of Residential in the comprehensive plan (Future Land Use map, Figure 2-6).

- g. If applicable, what is the current shoreline master program designation of the site?**

N/A, this is a non-project action. It does not appear that any properties zoned R-3 High Density Residential are within shoreline jurisdiction.

All future site-specific development is subject to review.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

N/A, this is a non-project action.

- i. Approximately how many people would reside or work in the completed project?**

N/A, this is a non-project action.

- j. Approximately how many people would the completed project displace?**

N/A, this is a non-project action.

- k. Proposed measures to avoid or reduce displacement impacts, if any:**

No measures proposed as no displacement is anticipated to occur.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

None proposed.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

No measures proposed as impacts to agricultural and forest lands are not anticipated as a result of this proposal.

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

N/A, this is a non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:**

None proposed.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

N/A, this is a non-project action. All future site-specific development is subject to review.

b. What views in the immediate vicinity would be altered or obstructed?

N/A, this is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None proposed.

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A, this is a non-project action. All future site-specific development is subject to review.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A, this is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

N/A, this is a non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A, this is a non-project action.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A, this is a non-project action.

The City's Comprehensive Plan describes park, recreation and open space land as well as open space corridors in the *Land Use Element*.

All future site-specific development is subject to review.

b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A, this is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed.

13. Historic and cultural preservation [\[help\]](#)

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.**

N/A, this is a non-project action. The Comprehensive Plan includes a listing of Historic Building and Places in Table 2-2.

All future site-specific development is subject to review.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

N/A, this is a non-project action.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

N/A, this is a non-project action.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None proposed.

14. Transportation [\[help\]](#)

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

N/A, this is a non-project action. All future site-specific development is subject to review.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

N/A, this is a non-project action.

- c. **How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

N/A, this is a non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A, this is a non-project action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A, this is a non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A, this is a non-project action.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A, this is a non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any:

None proposed.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A, this is a non-project action. All future site-specific development is subject to review.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

N/A, this is a non-project action. All future site-specific development is subject to review.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None proposed.

C. Signature [HELP]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Nicole Stickney

Name of signee Nicole Stickney, AICP

Position and Agency/Organization Associate Principal / AHBL, Inc.

Date Submitted: August 8, 2025

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The text amendment will not result in an increased discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise. The intent of the text amendment is to remove specific minimum lot size requirements from the comprehensive plan.

Proposed measures to avoid or reduce such increases are:

Any future construction activity related to the text amendment will be subject to SEPA review as well as state and local regulations.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed non-project action will not affect plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None proposed.

3. How would the proposal be likely to deplete energy or natural resources?

The text amendments will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

The proposed text amendment to remove specific minimum lot size development standards from the comprehensive plan may encourage infill development to occur in locations where infrastructure is already in place. Building where infrastructure systems already exist facilitates energy efficiency. Additionally, infill development often allows residents to live closer to where they work or go to school which also reduces demands on energy and natural resources. Finally, infill development helps decrease a pattern of sprawling development which preserves natural resources such as farmland and open space.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed text amendment will not affect environmentally sensitive areas. Removing restrictive minimum lot size requirements may help to foster appropriate development in areas that are suitable and direct development away from areas that should be protected.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will positively affect land use by facilitating development in areas where suitable infrastructure (roads, utilities) and services are available or can be provided and in turn protect areas that are sensitive from development pressures.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed text amendment will not increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will comply with all other local, state, and federal laws and requirements for the protection of the environment.

CITY OF GRANDVIEW
207 WEST SECOND STREET
GRANDVIEW, WA 98930
509-882-9200

COMPREHENSIVE PLAN AMENDMENT APPLICATION

APPLICATION MUST INCLUDE:

1. A completed, signed application form.
2. A completed, signed environmental checklist.
3. A vicinity map showing the location, the zoning, and the uses of all property within 300 feet of the site; and
4. All applicable fees.

Applicant(s): Nicole Stickney, AICP - AHBL, Inc

Mailing Address: 5804 Road 90, Suite H, Pasco, WA 99301

Telephone: (Home) _____ (Business) 509-380-5883

Co-applicant:

Owner (If other than applicant): Trini Garibay - Elite Investment Group LLC

Mailing Address: 5804 Road 90, Suite A, Pasco, WA 99301

Telephone: (Home) _____ (Business) 509-545-3975

Amendment(s) Requested: We respectfully request an amendment to the text regarding the R-3 High Density Residential Zoning district as detailed in the Grandview Comprehensive Plan, Land Use Element - Section V: Future Land Use shown in the box below (see strikeouts).

The proposed text amendment would apply generally to the whole city and would apply
Land Effected: specifically to all parcels within the R-3 High Density Residential zoning district.

Property Generally Located at: N/A (text amendment)

Current Zoning: N/A (text amendment)

Proposed Zoning: N/A (text amendment)

Current Use of the Site: N/A

Amend text to read as follows: "... The R-3 district is established to provide a high density residential environment. Lands within this district generally contain multiple-unit residential structures ~~of a scale compatible with the structures in low density districts and with useful yard spaces.~~ The R-3 district is intended to allow for a gradual increase in density from lower density residential districts and, where compatible, can provide a transition between different use areas. ~~Minimum area of lot for single-family dwelling is 7,500 square feet; for two-family dwelling attached, minimum lot area is 8,000 square feet, and governed by the standards in R-1 and R-2 districts. Minimum area of lot for multifamily dwellings is 3,000 square feet per dwelling unit for the first four dwelling units and 6,000 square feet per each additional dwelling unit.~~"

Proposed Use of the Site: N/A (text amendment)

Use of Adjacent Sites:

East: _____

West: _____

South: _____

North: _____

N/A (text amendment)

Why is the proposed amendment(s) in the public interest: It is in the public interest and stated in the Comprehensive Plan's goals and policies to allow a variety of housing densities, sizes, types, costs and locations throughout the city to increase options for housing. Amending the Plan's text to remove the density standards would be in the public interest by ensuring the city's goals can be met.

How is the site designated in Grandview Comprehensive Plan? N/A (text amendment)

RELEASE/HOLD HARMLESS AGREEMENT

The undersigned applicant, his heirs and assigns, in consideration for the City processing the application agrees to release, indemnify, defend and hold the City of Grandview harmless from any and all damages and/or claims for damages, including reasonable attorneys' fees, arising from any action or inaction which is based in whole or in part upon false, misleading or incomplete information furnished by the applicant, his agents or employees.

APPLICANT CERTIFICATE OF TRUTH

The applicant/property owner hereby certifies that all of the above statements and the statements in any exhibits and maps transmitted herewith are true under penalty of perjury by the laws of the State of Washington; and the applicants acknowledge that any conditional use granted based on this application may be revoked if any such statement is false.

PRESENCE AT PUBLIC HEARINGS

The applicant/property owner hereby acknowledges that their presence at any and all public hearings concerning this application is required.

Signature of Applicant: Michael Strenny Date Aug. 8, 2025

Co-applicant:

Signature of Owner: _____

(If other than Applicant): _____

Date Aug. 8, 2025

Memo: City of Grandview Planning Commission

RE: Guidance for Adopting County Critical Areas Regulations by Reference

Purpose

This memo summarizes the 2025 guidance for Washington cities (population <25,000) considering adoption of their county's critical areas regulations by reference, as permitted under the Growth Management Act (GMA) and recent legislative changes.

Background

The GMA requires all Washington counties and cities to designate and protect critical areas (wetlands, aquifer recharge areas, fish and wildlife habitat, flood-prone, and geologically hazardous areas). As of 2023, cities under 25,000 population may adopt their county's critical areas regulations by reference (RCW 36.70A.060(4)), streamlining compliance and reducing the need for separate city updates.

Key Requirements

Eligibility: City population must be under 25,000 (per OFM estimates). County regulations must not be under outstanding administrative or judicial appeal. City adoption must incorporate all future county amendments. County is entitled to a portion of the city's periodic update grant funding after adoption. **Process:** Conduct SEPA environmental review. Draft staff report and supporting documentation. Issue public notices and make SEPA determination. Submit notice to Commerce for 60-day review. Take legislative action (adopt ordinance). Submit notice of adoption to Commerce and publish updates.

Recommendations

YVCOG is recommending that Grandview adopt County Regulations in Full. **Interlocal Agreement:** Clearly define roles, responsibilities, funding, and procedures for appeals and updates.

Other Considerations

Rescinding Adoption: If a city later rescinds adoption, it must adopt new, GMA-compliant regulations.

Appeals: Adoption by reference is appealable; future county amendments automatically apply to the city.

RESOLUTION NO. 2026-___

A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON, EXPRESSING THE CITY COUNCIL'S INTENT AND AGREEMENT TO ADOPT THE YAKIMA COUNTY CRITICAL AREAS ORDINANCE BY REFERENCE AT A FUTURE DATE, AUTHORIZING STAFF TO PROCEED WITH REQUIRED REVIEW, PUBLIC PROCESS, AND COORDINATION, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Grandview ("City") is a City with a population of fewer than 25,000 residents and plans under the Washington State Growth Management Act ("GMA"), Chapter 36.70A RCW; and

WHEREAS, RCW 36.70A.060 requires local governments planning under the GMA to adopt development regulations that designate and protect critical areas using best available science; and

WHEREAS, RCW 36.70A.170 and RCW 36.70A.130 require periodic review and update of critical areas regulations to ensure continued compliance with the GMA; and

WHEREAS, RCW 36.70A.060(4) allows for cities with a population under 25,000 to adopt the County's Critical Areas Ordinance by reference; and

WHEREAS, Yakima County has adopted a Critical Areas Ordinance codified in Yakima County Code Title 16C, developed and maintained in accordance with the requirements of the GMA; and

WHEREAS, the City Council has reviewed the Yakima County Critical Areas Ordinance and finds it generally appropriate for potential adoption by reference within the City; and

WHEREAS, the City Council desires to formally express its intent to adopt the Yakima County Critical Areas Ordinance by reference at a future date, following completion of all required review, public process, environmental review, and coordination with affected agencies and tribes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON, AS FOLLOWS:

Section 1. Statement of Intent.

The City Council hereby expresses its intent and agreement, in concept, to adopt the Yakima County Critical Areas Ordinance, codified as Yakima County Code Title 16C, by reference as the City of Grandview's Critical Areas Ordinance, subject to completion of all required procedural, environmental, and legislative steps.

Section 2. Authorization to Proceed.

City staff are authorized and directed to:

- A. Coordinate with Yakima County and prepare an Interlocal Agreement (ILA) setting forth duties and responsibilities of each jurisdiction;
- B. Prepare a proposed ordinance adopting the Yakima County Critical Areas Ordinance by reference;
- C. Conduct or complete any required review under the State Environmental Policy Act (SEPA);
- D. Coordinate with Yakima County, applicable state agencies, and affected tribes as required by law;
- E. Provide public notice and conduct hearings consistent with applicable requirements; and
- F. Return a proposed adoption ordinance to the City Council for consideration at a future meeting.

Section 3. No Immediate Adoption.

This resolution does not adopt, amend, or modify any development regulation and shall not be construed as an adoption of the Yakima County Critical Areas Ordinance or any portion thereof.

Section 4. Effective Date.

This resolution shall take effect immediately upon adoption.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on _____, 2026.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Title 16C

CRITICAL AREAS

Chapter 16C.01
GENERAL PROVISIONS

- 16C.01.01. Title and Authority.
- 16C.01.02. Language Interpretation.
- 16C.01.03. Purpose of Title.
- 16C.01.04. Intent of Title.
- 16C.01.05. Applicability.
- 16C.01.06. Science and Protection of Anadromous Fish.
- 16C.01.08. Administrative Authority.
- 16C.01.09. Severability.

Chapter 16C.02
DEFINITIONS

- § 16C.02.001. Definitions Generally.
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Editor's Note: Ord. 13-2007 adopts this title, Title 16C, Critical Areas, which applies to all unincorporated lands under Yakima County's land use jurisdiction. Ord. 14-2007, codified as Title 16D of this code, adopts the Shoreline Master Program, which shall regulate

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critical areas within shoreline jurisdiction.

**CHAPTER 16C.01
GENERAL PROVISIONS**

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."

(Ord. 13-2007 § 1 (Exh. A)(16C.01.01), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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.

(Ord. 13-2007 § 1 (Exh. A)(16C.01.02), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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 protections measures necessary to reserve or enhance anadromous fisheries.
- (2) Ensure a single, uniform system of procedures and standards be applied to development within designated critical areas of unincorporated Yakima County.

(Ord. 13-2007 § 1 (Exh. A)(16C.01.03), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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

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

(Ord. 13-2007 § 1 (Exh. A)(16C.01.04), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.01.05. Applicability.

- (1) Except as provided in subsection (3) below, the provisions of this title shall apply to any new development, construction or use within the unincorporated portion of Yakima County

designated as a critical area, irrespective of parcel boundaries, outside Shoreline jurisdiction, as determined by the Shoreline Master Program (YCC Title 16D), and upon any land mapped and designated as a special flood hazard area under the National Flood Insurance Program or as a frequently flooded area designated by this title; however, this title does not apply to the situations below, except that the Flood Hazard protection provisions of Chapters 16C.05.20 through 16C.05.72 will continue to apply as determined by the applicability provision in 16C.05.20:

- (a) Within critical areas designated by this title or amendments that may later be adopted, there may exist lots, structures and uses which were lawfully established before this title was initially adopted, amended or readopted, as provided below, but which would be subsequently prohibited, regulated or restricted under this title. It is the intent of this title to permit these pre-existing legal nonconformities to continue without requirement to change said nonconformity until such time as conformance is required through permits for development in the future. The adoption and amendment dates of the relevant regulations are provided below:
 - (i) Critical Areas Ordinance adopted July 12, 1994 (YCC Title 16A);
 - (ii) Critical Areas Ordinance amended October 1, 1995 (YCC Title 16A);
 - (iii) Flood Hazard Ordinance adopted June 5, 1985;
 - (iv) Critical Areas Ordinance amended December 15, 2007 (GMA Update - YCC Title 16C);
 - (v) Critical Areas Ordinance amended June 30, 2017 (GMA Update - YCC Title 16C);
 - (vi) Critical Areas Ordinance amended December 17, 2019 (Repeal of 16A).
- (b) Critical areas on federally owned lands are not subject to this title;
- (c) Forest practices, as defined by this title, carried out under a Washington Department of Natural Resources Forest Practice permit are not subject to this title, except those that involve a conversion of forest land to a nonforestry use, involve a conversion option harvest plan, or take place on lands platted after January 1, 1960;
- (d) Livestock grazing on publicly owned land, when carried out under an agreement that includes a resource management plan that will be monitored by a public entity, is not subject to this title;
- (e) Changing agricultural crops within an existing farming operation is not considered new development, construction or use, provided that the existing area under agricultural production is not extended further into a vegetative buffer identified under Section 16C.06.16, and provided that the natural contour of the land subject to this title is not altered by excavation and filling;
- (f) Minor, temporary or transient activities, including those of a recreational nature, that do not alter the environment or require a dedicated staging area, use area, or route are not subject to this title, and including temporary signs (election, sale, rent, etc.);
- (g) Critical areas within the exterior boundaries of the Yakama Nation that are located

within the designated Closed Areas or not under County jurisdiction as a result of the Supreme Court decision *County of Yakima et al. v. Confederated Tribes and Bands of the Yakima Indian Nation* (1991) are not subject to this title;

- (h) Mining, as defined by this title, that is carried out under a Washington Department of Natural Resources reclamation permit is not subject to the geologically hazardous areas provisions of this title for erosion hazard areas, oversteepened slope hazard areas, landslide hazard areas and suspected geologic hazard areas. Other critical areas provisions continue to apply.
 - (2) Other rules and regulations, including the Yakima County Unified Land Development Code (YCC Title 19), Shoreline Master Program (YCC Title 16D), and the Building and Construction Ordinance (YCC Title 13), shall remain in full force and effect as they apply to a designated critical area. Wherever the requirements of Title 16C conflict with the requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other lawfully adopted County rules or regulations, the most restrictive standards shall govern.
 - (3) Yakima County opted into the Voluntary Stewardship Program (VSP) as an alternative to regulatory protection of critical areas on agricultural lands. A working group comprised of agricultural groups, environmental groups, and the Yakama Nation developed a work plan that identifies goals and benchmarks to protect critical areas while maintaining the viability of agriculture through voluntary, incentive-based measures (WAC 365-191-010).
 - (a) The work plan developed by the VSP working group was approved by the Washington State Conservation Commission on October 30, 2017, therefore the provisions or standards of this title will not apply to agricultural activities prior to July 22, 2011, defined as agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation (RCW 36.70A.703(1) and RCW 90.58.065).
 - (b) If the approved work plan by the Washington State Conservation Commission fails to meet goals, benchmarks, or receive adequate funding, the provisions and policies of this title will apply to agricultural activities (RCW 36.70A.735).
- (Ord. 13-2007 § 1 (Exh. A)(16C.01.05), 2007; Res. 80-2016 (Exh. A) (part), 2016; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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

This title has been updated consistent with the requirements for:

- (1) Using the best available science as required by RCW 36.70A.172 (Critical areas –

Designation and protection – Best available science to be used) and WAC 365-195-900 through WAC 365-195-920 (BAS Background and purpose);

- (2) Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish (salmon, steelhead, pacific lamprey etc.) and their habitat, as required by RCW 36.70A.172 (Best available science to be used) and WAC 365-195-925 (Criteria for demonstrating "special consideration" has been given to anadromous fisheries).

(Ord. 13-2007 § 1 (Exh. A)(16C.01.06), 2007; Ord. 5-2017 §§ 2(C) (Exh. 1) (part), 1 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.01.08. Administrative Authority.

- (1) The Yakima County Public Services Department – Planning Division shall be responsible for the general administration of this title. The Planning Division Manager or the Manager's designee shall serve as the Administrative Official of this title, except as noted in Chapters 16C.05.20 through 16C.05.72. The Administrative Official shall establish procedures for implementation of this title.

- (a) Where the provisions of these regulations may be unclear in special circumstances, or where judgment must be made because of the nature of the language used, the Administrative Official shall make such interpretations. A separate record of all interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may relate to a pending action shall be examined by the Administrative Official for its effect or influence on the pending action.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.01.08), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.01.09. Severability.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.01.09), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

**CHAPTER 16C.02
DEFINITIONS****§ 16C.02.001. Definitions Generally.**

- (1) Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of YCC Title 13 and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.
- (2) Definitions listed in this chapter shall be applied to all critical areas, including Flood Hazard Areas, unless the definition itself identifies the term as applying to Flood Hazard administration, in which case the definition only applies to that situation.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.001), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.005. Abutting.

"Abutting" means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.005), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.010. Adjacent.

"Adjacent" means to be nearby and not necessarily abutting.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.010), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.012. Administrative Official.

"Administrative Official" means the duly appointed planning division manager of the public services department, or his designee, or the relevant decision maker identified in YCC Title 16B (Project Permit Administration); synonymous with "administrator" or "director."
(Ord. 13-2007 § 1 (Exh. A)(16C.02.012), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.020. Agricultural Activities.

"Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.
(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.025. Alluvial Fan.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.025), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.027. Alteration of Watercourse.

"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.029. Appeal.

"Appeal" means a request for a review of the interpretation of any provision of this title or a request for a variance.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.030. Applicant.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.030), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.035. Aquifer.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.035), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.036. Areas of Shallow Flooding.

"Areas of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.037. Areas of Special Flood Hazard Area.

"Areas of special flood hazard area" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, AI-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.038. ASCE 24.

"ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.
(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.040. Critical Aquifer Recharge Area.

"Critical aquifer recharge area" means an area with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.040), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.042. Bank.

"Bank" means the land surface above the ordinary high water mark that abuts a body of water and contains it to the bankfull depth.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.042), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.043. Bankfull depth.

"Bankfull depth" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.043), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.044. Base Flood.

"Base flood" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood." (Ref. IBC 1612.2.)
(Ord. 13-2007 § 1 (Exh. A)(16C.02.044), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.045. Base Flood Elevation.

"Base flood elevation" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the elevation to which floodwater is anticipated to rise during the base flood. (Ref. IBC 1612.2.)
(Ord. 13-2007 § 1 (Exh. A)(16C.02.045), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.046. Basement.

"Basement" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any area of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2.)
(Ord. 13-2007 § 1 (Exh. A)(16C.02.046), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.055. Bed.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.055), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.060. Bedrock.

"Bedrock" means in-place solid rock.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.060), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.065. Berm.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.065), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.067. Best Management Practices.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.067), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.070. Bioengineering.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.070), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.075. Breakwater.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.075), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.080. Bulkhead.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.080), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord.

8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.085. Channel.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.085), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.090. Channel Migration Zone.

"Channel Migration Zone" is the area where the stream channel is likely to shift or migrate to over time.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.092. Chief Building Official.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.092), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.095. Classification.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.095), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.100. Clearing.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.100), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.110. Compaction.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.110), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.115. Confinement Feeding Operation.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.115), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.120. Construction.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.120), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.122. Critical Areas.

"Critical Areas" include the following areas and ecosystems:

- (1) Wetlands;
- (2) Areas with a critical recharging effect on aquifers used for potable water;
- (3) Fish and wildlife habitat conservation areas;
- (4) Frequently flooded areas; and
- (5) Geologically hazardous areas.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.125. Designated.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.125), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.130. Department.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.130), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.135. Development.

"Development" means the division of land into lots or parcels and any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of equipment or materials, or any other activity which results in the removal of vegetation or in the alteration of natural site characteristics. For floodplain management purposes, "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.135), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.140. Dike.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.140), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.145. Dock.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.145), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.150. Dredging.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.150), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.160. Earth Material.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.160), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.165. Elevation Certificate.

"Elevation Certificate" is an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.170. Enhance.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.170), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.175. Ephemeral Stream.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.175), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.180. Erosion.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.180), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.190. Excavation.

"Excavation" means the mechanical removal of earth material.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.190), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.200. Fill.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.200), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.203. Fish and Wildlife Habitat Conservation Areas.

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

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.204. Flood or Flooding.¹

"Flood" means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

1. Code reviser's note: This section, set out in Ord. 8-2021 as Section 16C.02.205, has been editorially renumbered to accommodate additions by Ord. 8-2021 and preserve alphabetization.

- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

(Formerly 16C.02.205; Ord. 13-2007 § 1 (Exh. A)(16C.02.205), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.205. Flood Elevation Study.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.206. Flood Hazard Permit.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.206), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.207. Flood Insurance Rate Maps.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. Preliminary updated Flood Insurance Rate Maps are maps that have been accepted by FEMA, but are not yet effective. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(Ord. 13-2007 § 1 (Exh. A)(16C.02.207), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.208. Flood Insurance Study.

"Flood insurance study." See "Flood Elevation Study."

(Ord. 13-2007 § 1 (Exh. A)(16C.02.208), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.209. Floods of Record.

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

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.210. Floodplain or Flood-Prone Area.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

(Ord. 13-2007 § 1 (Exh. A)(16C.02.210), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.212. Floodplain Administrator.

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.
(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.216. Flood-proofing.

"Flood-proofing" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.216), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.220. Floodway.

"Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."
(Ord. 13-2007 § 1 (Exh. A)(16C.02.220), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.225. Floodway Fringe.

"Floodway fringe" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.225), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.230. Forest Land.

"Forest land" means land primarily devoted to forest practices activities.
(Ord. 13-2007 § 1 (Exh. A)(16C.02.230), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.240. Forest Practices.

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

- (1) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;
- (2) Harvesting, final and intermediate;
- (3) Pre-commercial thinning;
- (4) Reforestation;
- (5) Fertilization;

(6) Prevention and suppression of diseases and insects;

(7) Salvage of trees; and

(8) Brush control.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.240), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.245. Frequently Flooded Areas.

"Frequently flooded areas" are defined by:

(1) Flood Insurance Rate Maps (FIRM) from FEMA;

(2) Preliminary updated FIRM maps from FEMA;

(3) Floods of record;

(4) Mapped channel migration zones; and

(5) Flood-prone.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.247. Functionally Dependent Use.

"Functionally dependent use" is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.250. Grade.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.250), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.255. Grading.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.255), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.260. Groundwater.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.260), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord.

8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.261. Hazardous Materials.

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

(Ord. 1-2011 § 2 (Exh. A (5)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.262. Highest Adjacent Grade.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.263. Historic Structure.

"Historic structure" is any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.265. Hydrologically Related Critical Areas (HRCA).²

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

2. Code reviser's note: This section, set out in Ord. 8-2021 as Section 16C.02.263, has been editorially renumbered to accommodate additions by Ord. 8-2021 and preserve alphabetization.

(Formerly 16C.02.263; Ord. 13-2007 § 1 (Exh. A)(16C.02.263), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.266. Hyporheic.

"Hyporheic" means a groundwater area adjacent to and below channels where water is exchanged with channel water and water movement is mainly in the downstream direction. (Ord. 13-2007 § 1 (Exh. A)(16C.02.266), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.270. Intermittent Streams.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.270), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.275. Lake or Pond.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.275), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.281. Lowest Floor.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.281), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.282. Manufactured Home.

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

as a manufactured or mobile home under any federal or state law. For floodplain management purposes only under this title, park trailers, camping vehicles, travel trailers, tip-outs, and other similar vehicles shall be considered manufactured homes when placed on a site for greater than one hundred eighty days.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.282), 2007; Res. 80-2016 (Exh. A) (part), 2016; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.283. Manufactured Home Park or Subdivision.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.283), 2007; Res. 80-2016 (Exh. A) (part), 2016; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.284. Manufactured Home Park or Subdivision, Existing.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.284), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.285. Mean Sea Level.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.288. Minerals.³

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

(Formerly 16C.02.285; Ord. 13-2007 § 1 (Exh. A)(16C.02.285), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.290. Mining.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.290), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.295. Native.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.295), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord.

3. Code reviser's note: This section, set out in Ord. 8-2021 as Section 16C.02.285, has been editorially renumbered to accommodate additions by Ord. 8-2021 and preserve alphabetization.

8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.300. Natural Conditions.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.300), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.302. New Construction.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.302), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.303. Nonconforming Structure.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.303), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.304. Nonconforming Use.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.304), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.305), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.310. Perennial Stream.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.310), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.320. Project Site.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.320), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.321. Qualified Professional.

"Qualified professional" shall meet the following criteria:

- (1) A qualified professional for wetlands must have a bachelor's degree or higher in biology, ecology, soil science, botany, or a closely related field, and a minimum of five years of professional experience in wetland identification and assessment in the Pacific Northwest.
- (2) A qualified professional for stream corridors must have a bachelor's degree or higher in wildlife biology, ecology, fisheries, or closely related field, and a minimum of five years' professional experience related to the subject species/habitat type.
- (3) A qualified professional for geologically hazardous areas and preparation of geo-technical reports must be a professional engineering geologist or civil engineer, licensed in the state of Washington.
- (4) A qualified professional for critical aquifer recharge areas must be a professional hydrogeologist, or environmental engineer licensed in the state of Washington.
- (5) A qualified professional for channel migration zone reports must be a professional engineering geologist, civil engineer or geologist licensed in the state of Washington, with a minimum of five years of professional experience in geomorphology.
- (6) A qualified professional for flood studies must be a professional engineering geologist or civil engineer licensed in the state of Washington.
- (7) A qualified professional for economic studies must have a bachelor's degree or higher in economics or business administration with five years of professional experience. The five-year standard shall be waived for professionals with a Ph.D degree.
- (8) A qualified professional for habitat assessments and habitat management plans must have a bachelor's degree or higher in biology and professional experience related to the subject species or habitat.
- (9) Or other person/persons with experience, training, expertise and related work experience appropriate for the relevant critical area subjects determined to be acceptable to the Administrative Official.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.321), 2007; Ord. 2-2009 § 2 (Exh. A (2)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.322. Recreation Vehicle.

"Recreation vehicle" means a vehicle which is:

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.322), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.325. Restore.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.325), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.330. Revetment.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.330), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.335. Riparian Areas.

"Riparian areas" are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).

(Ord. 13-2007 § 1 (Exh. A)(16C.02.335), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.340. Riprap.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.340), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.345. Scour.

"Scour" means the removal of underwater material by waves and currents, especially at the base

or toe of a shore stabilization structure.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.345), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.355. Shoreline.

"Shoreline," as used in this title, means those water areas, the associated features, and the land areas within Yakima County that are subject to the State Shoreline Management Act, especially as defined in RCW90.58.030 (definitions), and as further identified in Section 16D.10.03 (Shoreline Jurisdiction) of the Shoreline Master Program (YCC Title 16D).

(Ord. 13-2007 § 1 (Exh. A)(16C.02.355), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.360. Shore Stabilization.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.360), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.362. Shrub-steppe.

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

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.365. Slope.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.365), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.366. Solid Waste.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.366), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.367. Special Flood Hazard Area.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.367), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.368. Start of Construction.

"Start of construction" for purposes of administering Chapters 16C.05.20 through 16C.05.72 includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage, or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.368), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.370. Stream.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.370), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.380. Stream Corridor.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.380), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.390. Structure.

"Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height. The term also includes gas or liquid storage tanks when located principally above ground. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.390), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.393. Substantial Damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.395. Substantial Improvement.

"Substantial improvement" for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any repair, reconstruction, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement to a structure to correct previously identified existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(Ord. 13-2007 § 1 (Exh. A)(16C.02.395), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.400. Use.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.400), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.410. Variance.

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.415. Vegetative Buffer or Buffer.

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

though at a lower level, depending on the difference from natural conditions.

(Ord. 13-2007 § 1 (Exh. A)(16C.02.415), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.425. Wetland.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.425), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.430. Wildlife.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.430), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.435. Wildlife Habitat.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.435), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.02.440. Works.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.02.440), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.03
APPLICATION AND REVIEW PROCEDURES

Article I
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.

(Ord. 13-2007 § 1 (Exh. A)(16C.03.01), 2007; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

Article II
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 (Section 16C.01.05), and Minor Activities Allowed Without a Permit (Section 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 areas report shall be submitted in conformance with Section 16C.03.17 (Critical Areas Report Requirements) 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 areas 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 areas 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:
 - (i) The Administrative Official is sufficiently able to determine the existence, location and type of the critical area;
 - (ii) The project is of a small scale or is uncomplicated in nature, such that a specialist is not needed to identify impacts and mitigation. Work within a

wetland, stream channel, or a vegetative buffer would generally not meet this provision;

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

(Ord. 13-2007 § 1 (Exh. A)(16C.03.02), 2007; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.03. Pre-application Conference.

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

- (1) Establish the scope of the project and the critical area features involved or potentially impacted;
- (2) Consider the degree to which the project may affect or impair a designated critical area and identify potential concerns that may arise;
- (3) Identify other permits and authorizations which the project proponent may need to obtain;
- (4) Determine whether the project will be processed through the development authorization procedures of this title or coordinated through the review and approval procedures of

another development permit or authorization required of the project from Yakima County;

- (5) Provide the proponent with resources and technical assistance (such as maps, scientific information, other source materials, etc.) to assist the proponent in meeting the provisions of this title and any applicable rules and regulations of other agencies and jurisdictions;
- (6) Determine whether there is a need for a preliminary site assessment or a technical assistance conference to better define the critical area issues and alternatives;
- (7) Determine whether the project requires a permit, and what type of permits or reviews may be needed. Final determination of necessary permits will be made based on the project design and submittal materials;
- (8) Consider whether a preliminary site assessment should be scheduled in the field to determine the applicability of the development standards of this title to the project, based on information contained in the preliminary site plan.

(Ord. 13-2007 § 1 (Exh. A)(16C.03.03), 2007; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.04. Technical Assistance Conference.

If requested by the project proponent or otherwise determined necessary, the department will arrange a meeting of representatives of those agencies and organizations with expertise, interest, or jurisdiction in the project. In conjunction with the invitation to attend the technical assistance conference, the department will provide the potential participants with a project summary compiled from the pre-application conference. The technical assistance conference may also involve a preliminary site assessment, if it is determined that resolution of issues related to the project can be achieved through an on-site review. The purpose of the technical assistance conference will be to:

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

(Ord. 13-2007 § 1 (Exh. A)(16C.03.04), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

Article III
Abbreviated Review Alternatives

16C.03.05. Minor Activities Allowed Without a Permit.

- (1) The following activities are included under Section 16C.01.05(1) (Applicability) and are allowed without a permit:
- (a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include harvesting or changing crops, mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Excavation, filling, and construction of new landscaping features, such as concrete work, berms and walls, are not covered in this provision and are subject to review;
 - (b) Minor maintenance and/or repair of lawfully established structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, etc. Maintaining canals, ditches, drains, wasteways, etc. without expanding their original configuration is not considered additional earthwork. Repair of levees operated by the Yakima County Flood Control Zone District, as long as the original dimensions and location are maintained, is not considered additional earthwork. All cleared materials shall be placed outside the stream corridor, wetlands, and buffers;
 - (c) Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education or scientific research;
 - (d) Creation of unimproved private trails that do not cross streams or wetlands that are less than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
 - (e) Planting of native vegetation;
 - (f) Noxious weed control outside vegetative buffers identified in Chapter 16C.06.16, except for area wide vegetation removal/grubbing;
 - (g) Noxious weed control within vegetative buffers, if the criteria listed below are met. Control methods not meeting these criteria may still apply for a development authorization as applicable:
 - (i) Hand removal/spraying of individual plants only;
 - (ii) No area wide vegetation removal/grubbing;
 - (h) Agricultural and other accessory uses or structures that maintain the existing natural vegetation (rangeland, grazing, stock fences, outdoor recreation, etc.).
 - (i) The restoration of critical areas for habitat restoration projects that do not include excavation or fill.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.05), 2007; Ord. 2-2009 § 2 (Exh. A (3)), 2009; Ord. 1-2011 § 2 (Exh. A (2A)), 2011; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1)

(part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.10. Mitigation Requirements.

- (1) All developments shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:
 - (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - (f) Monitoring the impact and taking appropriate corrective measures.
 - (2) Mitigation for individual actions may include a combination of the above measures.
 - (3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with an approved Mitigation Plan. Mitigation shall not be implemented until after approval of the Mitigation Plan.
 - (4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. When necessary, mitigation may be provided that is out-of-kind and/or off-site.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.10), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

Article IV
Review Process

16C.03.11. Application Submittal.

- (1) Application for a development authorization under this title shall be made on forms provided by the department. The application submittal shall include a site plan drawn to scale showing:
 - (a) The actual shape and dimensions of the property site to be used;
 - (b) Existing and proposed structures;
 - (c) Excavation, fill, drainage facilities, topography, slope; and
 - (d) Such other information as is needed to determine the nature and scope of the proposed development, including the maximum extent of the project site with respect to construction, excavation, equipment and material storage, and other project related work.
 - (2) The site plan should also show the location of all critical areas, such as those identified in Sections 16C.03.02 (Critical Area Identification Form and Critical Area Report Requirements) and 16C.03.17 (Critical Areas Report Requirements), include all required critical areas reports prepared in conformance with Section 16C.03.17, and include the permit information required either in YCC Title 16B (Project Permit Administration) or in Chapter 16C.05.44 (Flood Hazard Protection Administration), as appropriate.
 - (3) To be accepted as complete, a critical area development authorization application must include all maps, drawings and other information or data specified by this title or requested on the basis of the pre-application conference (Section 16C.03.03), or technical assistance conference (Section 16C.03.04).
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.11), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.12. Determination of Review Process.

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

may be needed for a project.

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.

(Ord. 13-2007 § 1 (Exh. A)(16C.03.12), 2007; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.13. Development Authorization – Review Procedure.

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

- (1) Development authorizations shall be processed consistent with review procedures provided in YCC Title 16B (Project Permit Administration), and with any specific processes requirements provided in Sections 16C.03.20 through 16C.03.26 (specific permit descriptions), including but not limited to:
 - (a) Submittals;
 - (b) Completeness review;
 - (c) Notices;
 - (d) Hearings;
 - (e) Decisions; and

- (f) Appeals.
- (2) Development authorizations shall be reviewed for conformance with the applicable development standards provided in Section 16C.03.27 (General Critical Areas Protection Measures), and in Chapters 16C.06 through 16C.09, except that:
- (a) For rangeland livestock grazing operations, the Administrative Official may waive compliance with development standards in Chapters 16C.06 (Fish and Wildlife Habitat and the Stream Corridor System), 16C.07 (Wetlands), 16C.08 (Geologically Hazardous Areas), and 16C.09 (CARA), except for those uses and activities listed in Section 16C.06.10 (Prohibited Uses). To qualify for this provision, a Resource Management Plan must be provided that has been prepared using all applicable U.S. Department of Agriculture – National Resource Conservation Service best management practices designed to protect streams, wetlands, vegetative buffers, erosion hazards, and floodplains from grazing operations. An acceptable Resource Management Plan is deemed to consist of acceptable critical areas protection measures capable of dealing with impacts of grazing activities dispersed across large areas. This provision is not intended to apply to pasture grazing, hobby farms, or confinement feeding operations.
- (3) Decisions on a development authorization shall be consistent with Sections 16C.03.14 (Authorization Decisions – Basis for Action), 16C.03.15 (Conditional Approval of Development Authorization) and with any specific decision criteria provided under the sections for each relevant permit type, as provided in Sections 16C.03.20 through 16C.03.26 (specific permit descriptions).
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.13), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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

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

- (1) Impact of the project to critical area features on the property or on abutting or adjacent properties;
- (2) Danger to life and property that would likely occur as a result of the project;
- (3) Compatibility of the project with the critical area features on, adjacent to, or near the property;
- (4) Conformance with the applicable development standards in this title;
- (5) Requirements of other applicable local, state or federal permits or authorizations, including compliance with flood hazard mitigation requirements of Chapters 16C.05.20 through 16C.05.72;
- (6) Adequacy of the information provided by the applicant or available to the department;
- (7) Ability of the project to satisfy the purpose and intent of this title;
- (8) Based upon the project evaluation, the decision maker shall take one of the following actions:

- (a) Grant the development authorization;
 - (b) Grant the development authorization with conditions, as provided in Section 16C.03.15 (Conditional Approval of Development Authorization), to mitigate impacts to the critical area feature(s) present on or adjacent to the project site;
 - (c) Deny the development authorization;
- (9) The decision by the Administrative Official on the development authorization shall include written findings and conclusions stating the reasons upon which the decision is based.
(Ord. 13-2007 § 1 (Exh. A)(16C.03.14), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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;
 - (2) Eliminate or mitigate any identified specific or general negative impacts of the project on the critical area;
 - (3) Restore important resource features that have been degraded or lost because of past or present activities on the project site;
 - (4) Protect designated critical areas from damaging and incompatible development;
 - (5) Ensure compliance with specific development standards in this title.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.15), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.16. Fees and Charges.

The board of county commissioners establishes the schedule of fees and charges listed in Yakima County Code, Title 20 (Yakima County Fee Schedule), for development authorizations, adjustments, appeals and other matters pertaining to this title.
(Ord. 13-2007 § 1 (Exh. A)(16C.03.16), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

Article V
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 accordance with YCC Chapter 16B.04, where determined necessary through the critical area identification form, technical assistance conference, site investigation, or other portion of the project review.
- (2) A qualified professional, as defined by this title, shall prepare the report utilizing best available science. The intent of these provisions is to require a reasonable level of technical study and analysis sufficient to protect critical areas. The analysis shall be commensurate with the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity.
- (3) The critical area report shall:
 - (a) Demonstrate that the submitted proposal is consistent with the purposes and specific standards of this title;
 - (b) Describe all relevant aspects of the development proposal; all critical areas adversely affected by the proposal including any geologic or flood hazards; all risks to critical areas, the site, and other public and private properties and facilities resulting from the proposal; and assess impacts on the critical area from activities and uses proposed; and
 - (c) Identify proposed mitigation and protective measures as required by this title.
- (4) The critical areas report shall include information to address the supplemental report requirements for specific critical areas (16C.03.18).
- (5) The Administrative Official shall review the critical areas report for completeness and accuracy, and shall consider the recommendations and conclusions of the critical areas report to assist in making decisions on development authorizations and to resolve issues concerning critical areas jurisdiction, appropriate mitigation, and protective measures.
- (6) Critical areas reports shall generally be valid for a period of five (5) years, unless it can be demonstrated to the satisfaction of the Administrative Official that the previously prepared report is adequate for current analysis. Future land use applications may require preparation of new, amended, or supplemental critical area assessment reports. Reports prepared for nearby lands may be deemed acceptable by the Administrative Official, in whole or in part, if relevant to the current analysis and meeting the above standards. The Administrative Official may also require the preparation of a new critical area assessment report or a supplemental report when new information is found demonstrating that the initial assessment is in error. If the Administrative Official requires more information in the report, he/she shall make the request in writing to the applicant stating what additional information is needed and why.
- (7) The Administrative Official may reject or request revision of the critical areas report when the Administrative Official can demonstrate that the assessment is incomplete, or does not fully address the critical areas impacts involved.

- (8) To avoid duplication, the reporting requirements of this chapter shall be coordinated if more than one critical area report is required for a site or development proposal.
- (9) Applicants should provide reports and maps to the County in an electronic format that allows site data to be incorporated into the County critical areas database, provided that the County may waive this requirement for single-family developments. Applicants are encouraged to coordinate with the Administrative Official regarding electronic submittal guidelines. This requirement shall not be construed as a requirement to use specific computer software.
- (10) At a minimum, a critical areas report shall include the following information:
- (a) A site plan showing the proposed development footprint and clearing limits, and all relevant critical areas and buffers within and abutting the site, including but not limited to effects related to clearing, grading, noise, light/glare, modification of surface or subsurface flow, drilling, damming, draining, creating impervious surface, managing stormwater, releasing hazardous materials, and other alterations. Projects in frequently flooded areas must comply with the requirements of Sections 16C.05.20 through 16C.05.72. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity, the report shall identify the type of hazard and assess the associated risks posed by the development to critical areas, the site, and other public and private properties and facilities that are the result from the proposal, and assess impacts on the critical area from activities and uses proposed;
 - (b) A written description of the critical areas and buffers on or abutting the site, including their size, type, classification or rating, condition, disturbance history, and functions and values. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the description shall identify the type and characteristics of the hazard;
 - (c) An analysis of potential adverse critical area impacts associated with the proposed activity. For geologically hazardous 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 chapters of this title.
- (11) A critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Administrative Official.
- (12) The Administrative Official may limit the required geographic area of the critical area report as appropriate.
- (13) Compensatory Mitigation Plans. When compensatory mitigation, as described in Section 16C.03.10 (Mitigation Requirements), is required or proposed for wetland areas, 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;
 - (e) Detailed Construction Documents. The mitigation documents shall include written specifications and plans describing the mitigation proposed, such as:
 - (i) The proposed construction sequence, timing, and duration;
 - (ii) Grading and excavation details;
 - (iii) Erosion and sediment control features;
 - (iv) A planting plan specifying plant species, quantities, locations, size, spacing, and density;
 - (v) Measures to protect and maintain plants until established; and
 - (vi) Documents should include scale drawings showing necessary information to

convey both existing and proposed topographic data, slope, elevations, plants and project limits;

- (f) **Monitoring Program.** The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years.
- (g) **Contingency Plan.** The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- (h) **Financial Guarantees.** The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with Section 16C.03.27(1) (Financial Guarantees).

(14) **Innovative Mitigation.**

- (a) Yakima County encourages innovative mitigation projects that are based on the best available science. The mitigation plan shall be used to satisfy the requirements of this chapter and provide relief and/or deviation as appropriate from the specific standards and requirements thereof. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:
 - (i) Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
 - (ii) The group demonstrates the organizational and fiscal capability to act cooperatively;
 - (iii) The group demonstrates that long-term management of the habitat area will be provided;
 - (iv) There is a clear potential for success of the proposed mitigation at the identified mitigation site;
 - (v) There is a clear likelihood for success of the proposed plan based on supporting scientific information and demonstrated experience in implementing similar plans;
 - (vi) The proposed project results in equal or greater protection and conservation of critical areas than would be achieved using parcel-by-parcel regulations and/or traditional mitigation approaches;

- (vii) The plan is consistent with the general purpose and intent of this chapter;
 - (viii) The plan shall contain relevant management strategies considered effective and within the scope of this chapter and shall document when, where, and how such strategies substitute for compliance with the specific standards herein; and
 - (ix) The plan shall contain clear and measurable standards for achieving compliance with the purposes of this chapter, a description of how such standards will be monitored and measured over the life of the plan, and a fully funded contingency plan if any element of the plan does not meet standards for compliance.
- (b) Conducting mitigation as part of a cooperative process does not reduce or eliminate the required wetland replacement ratios.
 - (c) Projects that propose compensatory wetland mitigation shall also use the standards in Section 16C.07.05 (Compensatory Mitigation Requirements). For those situations where a mitigation bank may provide an opportunity for mitigation, then the requirements in Section 16C.07.06 (Wetland Mitigation Banks) shall apply.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.17), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.18. Supplemental Report Requirements for Specific Critical Areas.

- (1) Stream Corridors. When a critical areas report is required for a stream corridor or hydrologically related critical area, it shall include the following:
 - (a) A habitat and native vegetation conservation strategy that addresses methods to protect and enhance the functional properties listed in Section 16C.06.05 (Functional Properties);
 - (b) Where there is evidence that proposed construction lies within an immediate zone of potential channel migration, representing a future hazard to the construction, a hydrologic analysis report may be required. The report shall assume the conditions of the one-hundred-year flood, include on-site investigative findings, and consider historical meander characteristics in addition to other pertinent facts and data.
- (2) Upland Wildlife. When a critical areas report is required for Upland Wildlife Habitat Conservation Areas, it shall include the following:
 - (a) Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of such species, and habitat types with which such species have a primary association. The presence or absence assessment shall incorporate the time sensitive nature of species use. The landowner may submit an assessment prepared by the state or federal agency with jurisdiction over the species. This assessment is time sensitive and the assessment must be completed no more than 36 months prior to the date the critical areas application is deemed complete.
 - (b) If the habitat assessment determines that such habitat area is present on site, a management plan is required that follows published federal, or state, management recommendations. The Administrative Official shall confer with the appropriate agency and consider their comments through the review process.
- (3) Wetlands. When a critical areas report is required for Wetlands, it shall include the

following:

- (a) The exact location of a wetland's boundary and wetland rating shall be determined through the performance of a field investigation by a qualified wetland professional applying the 1987 Corps of Engineers Wetlands Delineation Manual – (<http://www.ecy.wa.gov/programs/sea/wetlands/pdf/corps87manual.pdf>) as required by RCW 36.70A.175 (Wetlands to be delineated in accordance with manual), Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (http://www.ecy.wa.gov/programs/sea/wetlands/pdf/AridWest_Sept2008.pdf), and Western Mountains, Valleys, and Coast Region (Version 2.0) (http://www.ecy.wa.gov/programs/sea/wetlands/pdf/WestMt_May2010.pdf), and the Washington State Wetland Rating System for Eastern Washington (Ecology Publication # 14-06-030 - <https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html>), as amended;
- (b) All delineated wetlands and required buffers within two hundred (200) feet of the project area shall be depicted on the site plan. For areas off-site of the project site, wetland conditions within 200 feet of the project boundaries may be estimated using the best available information. Best available information should include, but not be limited to, aerial photos, land based photos, soils maps, or topographic maps;
- (c) A critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information:
 - (i) A statement specifying all assumptions made and relied upon;
 - (ii) Documentation of any fieldwork performed on the site, including field data sheets for delineations, the wetland rating form, baseline hydrologic data, etc.;
 - (iii) A description of the methodologies used to conduct the wetland delineations, or impact analyses including references;
 - (iv) Wetland category, including vegetative, faunal, and hydrologic characteristics;
- (d) For projects that will affect the wetland or its buffer, provide the following:
 - (i) A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions and values listed in Section 16C.07.04(1) (Wetland Functions and Rating) and Section 16C.06.05 (Functional Properties);
 - (ii) Mitigation sequencing pursuant to Section 16C.03.10 (Mitigation Requirements) to avoid, minimize, and mitigate impacts. Mitigation shall result in no net loss of wetland functions and values. Mitigation ratios may be necessary and should follow the guidance provided in Section 16C.07.05 (Compensatory Mitigation) of the wetland chapter.
- (4) Geologically Hazardous Areas. When a critical areas report is required for a Geologically Hazardous Area, it shall include the following, provided that the Administrative Official may determine that any portion of these requirements is unnecessary given the scope and/or scale of the proposed development:
 - (a) A description of the site features, including surface and subsurface geology. This may

include surface exploration data such as borings, drill holes, test pits, wells, geologic reports, and other relevant reports or site investigations that may be useful in making conclusions or recommendations about the site under investigation;

- (b) A description of the geologic processes and hazards affecting the property, including a determination of the actual hazard types for any Suspected and Risk Unknown hazards identified in the affirmative determination of hazard (Section 16C.08.04);
 - (c) A description of the vulnerability of the site to seismic and other geologic processes and hazards;
 - (d) A description of any potential hazards that could be created or exacerbated as a result of site development;
 - (e) For developments in or affecting landslide hazard areas the report shall also include:
 - (i) Assessments and conclusions regarding slope stability including the potential types of landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip, etc.) that may affect the site. The stability evaluation shall also consider dynamic earthquake loading, and shall use a minimum horizontal acceleration as established by the current version of YCC Title 13 (Building Code);
 - (ii) An analysis of slope recession rate shall be presented in those cases where stability is impacted or influenced by stream meandering, or other forces acting on the toe of the slope;
 - (iii) Description of the run-out hazard of landslide debris to the proposed development that starts up-slope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down-slope properties and critical areas.
- (5) Flood Hazards.
- (a) Prior to authorization of any major construction project within a floodplain which can be anticipated to displace floodwaters or alter the depth or velocity of floodwaters during the base flood, an engineering report shall be prepared that establishes any new flood elevations that would result for the one-hundred-year flood frequency if the project were implemented.
- (6) Critical Aquifer Recharge Areas. When a hydrogeological report is required for CARAs, it shall include the following:
- (a) The report shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer.
 - (b) The hydrogeologic report shall be prepared by a hydrogeologist licensed in the state of Washington.
 - (c) The report shall contain recommendations on appropriate BMPs (Best Management Practices) or mitigation to assure no significant degradation of groundwater quality.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.18), 2007; Ord. 2-2009 § 2 (Exh. A (7)), 2009; Ord. 1-2011 § 2 (Exh. A (6)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1),

2021)

Article VI
Permit Review Criteria

16C.03.20. Standard Development Permit.

- (1) Classification Criteria. Standard Development permits include any development not subject to RCW Chapter 90.58 (Shoreline Management Act).
 - (2) Process. Standard Development permits shall be processed as either a Type I or II permit at the judgment of the Administrative Official, in accordance with YCC Title 16B (Project Permit Administration). Applications that are of a significant size or scope shall be processed as a Type II review with public notice. Examples of such projects include those that typically require environmental review (SEPA), filling or excavating a stream channel or wetlands, involve large amounts of fill, require large amounts of parking, etc.
 - (3) Decision Criteria. Decisions on Standard Development permits shall be based on the general decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action).
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.20), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.23. Adjustment.

- (1) Classification Criteria - For projects not required to be processed under RCW Chapter 90.58 (Shoreline Management Act), the Administrative Official is authorized to administratively adjust the development standards specified herein. Existing structures, parcel size, property boundaries, and other constraints may preclude conformance with building setbacks, vegetative buffers, and other provisions of this chapter. Given such constraints, administrative adjustments may be authorized where the site plan and project design include measures which ensure the protection and performance of the functional properties identified in Section 16C.06.05 (Functional Properties). Adjustments from prohibited use limits are not allowed.
- (2) Process - Requests for an Adjustment permit shall be processed as a Type II permit, in accordance with YCC Title 16B (Project Permit Administration). Requests for adjustments of development standards shall be made in writing and shall specify the standard(s) for which an adjustment is sought and the reasons why the adjustment is sought.
- (3) Decision Criteria - Decisions on Adjustment permits shall be based on the general decision criteria found in section 16C.03.14 (Authorization Decisions - Basis for Action) together with the criteria below.
 - (a) A particular standard may be reduced or modified as long as the Administrative Official determines that the adjustment and/or reduction:
 - (i) Is consistent with the purpose of this title;
 - (ii) Is consistent with the intent of the standard; and
 - (iii) Will not result in degradation of the critical area.
 - (b) The Administrative Official shall consider the following:

- (i) The proximity and relationship of the project to any critical area and its impact on the critical area;
 - (ii) The functions and values that the critical area performs;
 - (iii) The overall intensity of the proposed use;
 - (iv) The presence of threatened, endangered, or sensitive species;
 - (v) The site's susceptibility to severe erosion;
 - (vi) The use of a buffer averaging or buffer enhancement plan by the applicant which uses native vegetation or other measures which will enhance the functions and values of the Hydrologically Related Critical Area (HRCA).
- (c) When granting an adjustment to the provisions of this chapter, the Administrative Official may require alternative measures to be taken to protect the function and value of the HRCA. These alternative measures may include, but are not limited to, the following:
 - (i) Restoration of impaired channels and banks to conditions which support natural stream flows, fish habitat, and other values;
 - (ii) Restoration, enhancement, and preservation of soil characteristics and the quantity and variety of native vegetation;
 - (iii) Provisions for erosion control and for the reduction and filtration of stormwater runoff to moderate the effects of the project on the stream channel and the available area of vegetation separating the project from the stream channel;
 - (iv) Removal or alteration of existing manmade facilities associated with stream channels, or drainage ways which improve stream-flow characteristics or improve the movement or exchange of surface waters or floodwaters;
 - (v) Replacement of lost wetlands or other stream corridor features on an acre-for-acre and equivalent value or at a higher acre and/or value basis;
 - (vi) Conservation easements for key portions of stream corridor property and/or their inclusion within public or private conservation programs which provide for their long-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 in YCC § 16C.06.016.
 - (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.
(Ord. 13-2007 § 1 (Exh. A)(16C.03.23), 2007; Ord. 4-2013 § 2 (Exh. 2) (part), 2013; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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 Chapter 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.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.24), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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 do not change the height or increase ground floor area, and minor accessory structures (such as equipment covers or small sheds near the main structure, etc.).
 - (b) Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements. 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.
 - (i) No additional over water construction will be involved, except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

- (ii) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further, that any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of these regulations;
 - (iii) Landscaping may be added to a project without necessitating an application for a new permit; provided, that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with this title for the area in which the project is located;
 - (iv) The use authorized pursuant to the original permit is not changed;
 - (v) No additional significant adverse environmental impact will be caused by the project revision.
- (2) Process. Minor revisions to existing permits shall be processed as a Type I review, as provided under YCC Title 16B (Project Permit Administration). Parties of record to the original permit shall be notified of the revision, though a comment period is not required.
- (3) Decision Criteria. Decisions on permit revisions shall be based on the general decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action). (Ord. 13-2007 § 1 (Exh. A)(16C.03.25), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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 (Section 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 Section 16C.01.05 (Applicability) and Section 16C.03.05 (Minor Activities Allowed without a Permit) and do not require additional review under these non-conforming provisions.

(2) Process.

- (a) Alterations to conforming uses with nonconforming structures or areas shall be allowed under the following process requirements with the understanding that other permits or reviews may also be required under this title:
 - (i) Those that do not increase the existing nonconformity and otherwise conform to all other provisions of this title are allowed without additional review under these nonconforming provisions;
 - (ii) Those that increase the nonconformity, including establishing additional square footage within a buffer, are allowed without additional review under these nonconforming provisions; however, a Critical Areas Adjustment Permit must be obtained for the increased nonconformity;
 - (iii) Reconstruction or repair of a structure damaged less than 75% of the assessed value shall be processed as provided in subsections (2)(a)(i) and (ii) above;
 - (iv) A nonconforming structure which is moved any distance shall be processed as provided in subsections (2)(a)(i) and (ii) above;
 - (v) Reconstruction or repair of structures destroyed or damaged 75% or more of the assessed value of the structure (not the whole property), including that resulting from neglect of maintenance or repair, shall be processed under these nonconforming provisions as a Type II review under YCC Title 16B (Project Permit Administration).
- (b) Alterations to Nonconforming Uses.
 - (i) Those involving expansion or alteration within an existing structure, but do not include alterations to outdoor areas, or expansions of the building's height or square footage are allowed without additional review under these nonconforming provisions.
 - (ii) Alterations to nonconforming uses, including their nonconforming structures or areas that do not qualify under subsection (2)(b)(i) above, shall be processed under these nonconforming provisions as a Type II review, as provided under YCC Title 16B (Project Permit Administration).

(3) Decision Criteria.

- (a) Decisions on projects that require review under the nonconforming provisions, as identified under subsection (1) above, shall be based on the general decision criteria found in Section 16C.03.14 (Authorization Decisions – Basis for Action) together

with the criteria below.

- (b) Applications for conforming uses with nonconforming structures or areas that are subject to subsection (2)(a)(v) above shall not be approved unless a finding is made that the project meets all of the following criteria:
 - (i) Using the original location will not place the structure or people in danger of a hazard;
 - (ii) The previous structure and any structural shore modification used to protect the structure did not increase hazards or damage to other properties;
 - (iii) The previous structure and any shore modification used to protect the structure did not cause significant impacts to the functions and values of the critical area.
- (c) Decisions on Nonconforming Uses.
 - (i) A nonconforming use may not be altered or expanded in any manner that would bring that use into greater nonconformity.

(Ord. 13-2007 § 1 (Exh. A)(16C.03.26), 2007; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

16C.03.27. General Critical Areas Protective Measures.

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

- (1) Financial Guarantees to Ensure Mitigation, Maintenance, and Monitoring.
 - (a) When mitigation required pursuant to a development proposal is not completed prior to Yakima County's final permit approval, such as final plat approval or final building inspection, the Administrative Official may require the applicant to post a financial guarantee to ensure that the work will be completed. If the development proposal is subject to compensatory mitigation for wetlands and streams, the applicant must post a financial guarantee to ensure mitigation is fully functional. Where financial guarantees are required by other state or federal agencies for specific mitigation features, additional financial guarantees for those features are not required under this provision.
 - (b) The financial guarantee shall be in the amount of one hundred twenty-five percent (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of restoring the functions and values of the critical area that are at risk.
 - (c) The financial guarantee may be in the form of a surety bond, performance bond, assignment of savings account, an irrevocable letter of credit guaranteed by an acceptable financial institution, or other form acceptable to the Administrative Official, with terms and conditions acceptable to the Yakima County attorney.
 - (d) The financial guarantee shall remain in effect until the Administrative Official determines, in writing, that the standards bonded for have been met. Financial guarantees for wetland or stream compensatory mitigation shall be held for a minimum of five years after completion of the work to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

- (e) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- (f) Any failure to satisfy critical area requirements established by law or condition, including but not limited to the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan, shall constitute a default, and the Administrative Official may demand payment of any financial guarantees or require other action authorized by the Yakima County Code or any other law.
- (g) Any funds recovered pursuant to this section shall be used to complete the required mitigation. Such funds shall not be deposited in the County General Fund, but rather provided with a separate account. The County will use such funds to arrange for completion of the project or mitigation, and follow-up corrective actions.
- (h) Depletion, failure, or collection of financial guarantees shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

(2) Declarative Covenants.

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

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

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

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

- (b) The declarative covenant shall not be required for a development proposal by a public agency or public or private utility:
 - (i) Within a recorded easement or right-of-way;
 - (ii) Where the agency or utility has been adjudicated the right to an easement or right-of-way; or

- (iii) On the site of a permanent public facility.
 - (c) The applicant shall submit proof that the declarative covenant has been filed for public record before the Administrative Official approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.
 - (3) Subdivision Standards. The following standards apply to all permits or reviews under the Unified Land Development Code (YCC Title 19) that contain critical areas:
 - (a) All subdivisions that contain critical areas shall be eligible for density bonuses or other development incentives, as provided in the Unified Land Development Code (YCC Title 19);
 - (b) Critical areas shall be actively protected through the following:
 - (i) Roads and utilities for the subdivision shall avoid critical areas and their buffers, as much as possible;
 - (ii) When Geologically Hazardous Areas (excluding Erosion, Over Steepened Slopes of Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway, Channel Migration Zone (CMZ), Streams, Wetlands and/or Vegetative Buffers fall within the boundary of a subdivision:
 - (A) Said critical areas shall be protected by placing them entirely within a separate critical area tract, or by including them entirely within one of the developable parcels. Other options such as conservation easements and building envelopes may be deemed by the Administrative Official as meeting this provision when special circumstances obstruct the viability of this provision;
 - (B) For those new lots that do contain said critical areas, useable building envelopes (5,000 square feet or more for residential uses) shall be provided on the plat that lie outside said critical areas;
 - (iii) New lots partially within the floodplain shall provide a usable building envelope (5,000 square feet or more for residential uses) outside the floodplain;
 - (iv) New lots entirely within the floodplain shall be at least one acre in area;
 - (v) For new lots containing streams, wetlands, and/or vegetative buffers, outdoor use envelopes (such as lawns, gardens, play areas, gazebos, etc.) shall be provided on the plat that lie outside said critical areas;
 - (vi) Degraded vegetative buffers shall be restored, or provided with protection measures that will allow them to recover;
 - (vii) Floodplains and critical areas shall be depicted on preliminary subdivision plats and relevant information about them disclosed on the final plat.
- (Ord. 13-2007 § 1 (Exh. A)(16C.03.27), 2007; Res. 80-2016 (Exh. A) (part), 2016; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

**CHAPTER 16C.04
ENFORCEMENT AND 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 16C.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 "Notice of Violation and/or Stop Work 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.

(Ord. 13-2007 § 1 (Exh. A)(16C.04.01), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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.

(Ord. 13-2007 § 1 (Exh. A)(16C.04.02), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

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

(Ord. 13-2007 § 1 (Exh. A)(16C.04.03), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.20
FLOOD HAZARD AREAS – GENERAL PROVISIONS

§ 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 October 21, 2021, 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 FIRMs are on file at the Yakima County Courthouse Building, 128 N. 2nd St., Yakima, Washington, 98901. 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. (Ord. 13-2007 § 1 (Exh. A)(16C.05.20.010), 2007; Res. 127-2012 § 1(2), 2012; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.030. 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 principles, the intent of Chapters 16C.05.20 through 16C.05.72 and their application is:
 - (a) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;
 - (b) To meet the minimum requirement of the National Flood Insurance Program;
 - (c) To implement state and federal flood protection programs.
- (Ord. 13-2007 § 1 (Exh. A)(16C.05.20.030), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.050. Applicability.

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

- (1) The provisions of Chapters 16C.05.20 through 16C.05.72 shall apply to any development proposed in a special flood hazard area.
- (2) Flood hazard permits shall be approved by Yakima County. County approvals shall only be granted when in accordance with Chapters 16C.05.20 through 16C.05.72 and other applicable local, state and federal regulations.
- (3) Topographic, engineering and construction information necessary to evaluate the proposed

project shall be submitted to the department for approval.

- (4) The granting of a permit for any development or use shall not constitute a representation, guarantee or warranty of any kind or nature by Yakima County, or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result thereto.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.20.050), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.060. Exemptions.

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

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.20.060), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.070. Interpretations.

- (1) In the interpretation and application of Chapters 16C.05.20 through 16C.05.72, the provisions shall be considered as minimum requirements, shall be liberally construed in favor of Yakima County, and deemed neither to limit or repeal any other powers granted under state statute. Its provisions shall be applied in addition to and as a supplement to provisions of the Yakima County Codes (YCC), Title 13, Building and Construction, YCC Title 19 – Unified Land Development Code and the Shoreline Master Program (YCC Title 16D). Chapters 16C.05.20 through 16C.05.72 are not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these chapters and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent requirement shall prevail.
- (2) In an interpretation as to an exact location of the boundaries of the special flood hazard areas (i.e., conflict between a mapped boundary and actual field conditions), the person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59, etc.). (Ref. IBC 104.1.)

(Ord. 13-2007 § 1 (Exh. A)(16C.05.20.070), 2007; Res. 80-2016 (Exh. A) (part), 2016; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.080. Penalties for Noncompliance.

No structure or land shall hereafter be used, constructed, located, extended, converted or altered

without full compliance with the terms of Chapters 16C.05.20 through 16C.05.72 and other applicable regulations. Violations of the provisions of the ordinance codified in this title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates the ordinance codified in this title or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.20.080), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.090. Warning and Disclaimer of Liability.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.20.090), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.20.095. Severability.

The ordinance codified in this title and the various parts thereof are hereby declared to be severable. Should any Section of the ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

(Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.28
FLOOD HAZARD PROTECTION STANDARDS

§ 16C.05.28.010. General Standards.

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

- (1) Anchoring and Construction Techniques.
 - (a) All new construction and substantial improvements, including those related to manufactured homes, shall be:
 - (i) Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy; and
 - (ii) Constructed using materials and utility equipment resistant to flood damage; and
 - (iii) Constructed using methods and practices that minimize flood damage; and
 - (iv) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional techniques). Anchoring shall meet the specifications set forth below for structures located within one hundred feet of a floodway or the ordinary high water mark if no floodway has been established.
 - (c) All new construction and any improvements or additions to existing floodproofed structures that would extend beyond the existing floodproofing located within one hundred feet of the floodway or one hundred feet of the ordinary high water mark if no floodway has been established shall be elevated to a height one foot or greater than the base flood, using zero-rise methods such as piers, posts, columns, or other methodology, unless it can be demonstrated that non-zero-rise construction methods will not impede the movement of floodwater or displace a significant volume of water. The size and spacing of any support devices used to achieve elevation shall be designed to penetrate bearing soil, and be sufficiently anchored, as specified above in subsection (1)(a) of this section, provided therefrom, if the original building required a floodproofing certificate, then the floodproofing certificate must be updated. Also provided therefrom, if any part of the project is in a floodway, the floodway standards in this code still apply.
 - (d) Except where otherwise authorized, all new construction and substantial improvements to existing structures shall require certification by a registered professional engineer, architect or surveyor that the design and construction standards are in accordance with adopted floodproofing techniques.