

(2) Utilities.

- (a) All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Water wells shall be located on high ground that is not in the floodway.

(3) Subdivision Proposals and Development. Subdivision proposals, as well as new development shall:

- (a) Be consistent with the need to minimize flood damage;
- (b) Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (c) Have adequate drainage provided to reduce exposure to flood damage; and
- (d) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is lesser) base flood elevation data shall be included as part of the application.

(4) Watercourse Alterations. Whenever a watercourse is to be altered or relocated:

- (a) Assure that the flood-carrying capacity within altered or relocated portions of any watercourse shall be maintained.
- (b) Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities the Department of Ecology and FEMA of the proposed development and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.28.010), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.28.020. Specific Standards.

In all special flood hazard areas where base elevation data has been provided as set forth in Section 16C.05.20.010 or Section 16C.05.44.060, the following regulations shall apply, in addition to the general regulations of Section 16C.05.28.010:

(1) Residential Construction. (Ref. IRC 323.2.)

- (a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
- (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking, access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a

registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (ii) The bottom of all openings shall be no higher than one foot above grade.
- (iii) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

- (c) Residential construction within one hundred feet of a floodway or the ordinary high water mark, if no floodway has been established, shall also meet the requirements of Section 16C.05.28.010(1)(c).
 - (d) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix C.⁴
 - (e) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- (2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure, and any addition to an existing floodproofed structure that would extend beyond the existing floodproofing, shall meet the requirements of subsection (a) or (b) below.
- (a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - (i) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment; and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - (ii) If located in an AO zone, the structure shall meet requirements in Appendix C.⁵
 - (iii) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but

4. Editor's Note: Appendix C is included as an attachment to the title.

5. Editor's Note: Appendix C is included as an attachment to the title.

in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

- (iv) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking, access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (A) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- (B) The bottom of all openings shall be no higher than one foot above grade.
- (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- (D) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

- (b) If the requirements of subsection (a) are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- (i) Be floodproofed so that below an elevation one foot above base flood level the structure is watertight, with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (iii) Be certified by a registered professional engineer or architect that the design and method of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official;
- (iv) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (2)(a)(iv) above;
- (v) Meet the special standards for structures set forth in Section 16C.05.28.010(1)(c) above if within one hundred feet of a floodway or within one hundred feet of the ordinary high water mark and no floodway has been established;

Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed

level (e.g., a building constructed to the base flood level will be rated as one foot below the level). Floodproofing the building an additional foot will reduce insurance premiums significantly. (Ref. IBC 1612.5.)

- (3) **Agricultural Construction.** New construction and substantial improvement of any agricultural structure shall either have the lowest floor, including basement, elevated at a minimum to or above the base flood elevation; or meet the floodproofing requirements of subsection (2) of this section.

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

- (4) **Manufactured Homes.**

- (a) All manufactured homes to be placed or substantially improved on sites shall have the lowest floor elevated one foot or more above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with Section 16C.05.28.010(1)(b).

- (5) **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:

- (a) Be on the site for fewer than 180 days, or
- (b) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (c) Meet the requirements of subsection (4), above.

- (6) **Enclosed Area Below the Lowest Floor.** If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

- (7) **AE and A1-30 Zones with Base Flood Elevations but No Floodways.** In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- (8) **Livestock Sanctuary Areas.** Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter. To be "elevated sufficiently to protect livestock" typically means to be elevated at least one foot above the BFE.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.28.020), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.32
FLOODWAY FRINGE USES

§ 16C.05.32.010. Permitted Uses.

The following uses are permitted in the floodway fringe areas:

- (1) Any use permitted in the zoning district in accordance with YCC Title 19 of the Yakima County Code, unless prohibited by Section 16C.05.32.020.
- (2) Utility Transmission Lines. Utility transmission lines shall be permitted when consistent with YCC Title 19 and where not otherwise inconsistent with Chapters 16C.05.20 through 16C.05.72; except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area, such transmission line shall conform to the following:
 - (a) Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed.
 - (b) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of Section 16C.05.36.010(2)(c).
 - (c) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and nonhazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all other agricultural and nonagricultural floodway fringe or special flood hazard areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.
 - (d) Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of nonhazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity or passage. Such lines shall be adequately protected from flood damage.
 - (e) Aboveground utility transmission line appurtenant structures, including valves, pumping stations or other control facilities, shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available, or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, aboveground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately floodproofed.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.32.010), 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.05.32.020. Prohibited Uses.

The following uses shall be prohibited in floodway fringe areas:

- (1) New manufactured home parks and the expansion of manufactured home parks.
(Ord. 13-2007 § 1 (Exh. A)(16C.05.32.020), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017;
Ord. 8-2021 § 2(C) (Exh. 1), 2021)

**CHAPTER 16C.05.36
FLOODWAY USES****§ 16C.05.36.010. Permitted Uses.**

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

- (1) Surface mining, provided that the applicant can provide clear evidence that such uses will not divert flood flows causing channel-shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of Title 19 and the Yakima County Shoreline Management Master Program Regulations (Shoreline Master Program (Title 16D), where applicable);
- (2) Utility transmission lines, unless otherwise prohibited by this chapter; except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:
 - (a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;
 - (b) Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed;
 - (c) Buried utility transmission lines transporting hazardous and nonhazardous materials, including but not limited to crude and refined petroleum products and natural gas, water and sewage, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by Yakima County, shall assume the conditions of a one-hundred-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Yakima County Shoreline Management Master Program Regulations;
 - (d) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and nonhazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring

or potentially requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Yakima County soils. Burial depth in all other agricultural and nonagricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage;

- (e) Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of nonhazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the one-hundred-year flood, the transmission line shall be placed on the downstream side and protected from flood debris. In such instances, site-specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such aboveground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (2)(c) of this section;
 - (f) Aboveground utility transmission line appurtenant structures, including valves, pumping stations, or other control facilities, shall not be permitted in the floodway;
 - (g) Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified one-hundred-year flood event;
- (3) Construction or reconstruction of residential structures only as authorized in Section 16C.05.36.020(3);
 - (4) Improvements to existing residential structures that are not substantial improvements per Section 16C.02.395; provided, the improvement complies with the requirement set forth in Section 16C.05.36.020(2);
 - (5) Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; floodwater and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structures and nonstructural uses and practices; provided, that the applicant shall provide evidence that a floodway location is necessary in view of the objectives of the proposal, and provided further that the proposal is consistent with other provisions of this title and the Shoreline Management Master Program (YCC Title 16D). In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing and otherwise comply with subsection (2) above;
 - (6) Dikes, provided that the applicant can provide evidence that:
 - (a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood

occurrences,

- (b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired,
- (c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.36.010), 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.05.36.020. Prohibited Uses.

The following uses/developments are prohibited in the floodway:

- (1) Any structure, including manufactured homes, designed for, or to be used for human habitation of a permanent nature;
- (2) All encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge;
- (3) Construction or reconstruction of residential structures within designated floodways, except for (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the assessed value of the structure either (i) before the repair, reconstruction or improvement is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. Work done on structures to correct existing violations of existing health, sanitary or safety codes, or to structures identified as historic places shall not be included in the fifty percent. If subsection (2) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapters 16C.05.20 through 16C.05.72, including those set forth in subsection (5) below;
- (4) The construction or storage of any object subject to flotation or movement during flood level periods;
- (5) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway, are specifically prohibited:
 - (a) The filling of wetlands, except as authorized under Chapter 16C.06 (Fish and Wildlife Habitat and the Stream Corridor System) and Chapter 16C.07 (Wetlands) of this title;
 - (b) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;
 - (c) Damming or relocation of any watercourse that will result in any downstream

increase in flood levels during the occurrence of the base flood discharge;

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.36.020), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.40
NONCONFORMING USES AND STRUCTURES

§ 16C.05.40.010. Generally.

- (1) Within the special flood hazard areas established by Chapters 16C.05.20 through 16C.05.72 or amendments thereto, there may exist structures and uses of land and structures which were lawful before these chapters were adopted or amended, but which would be prohibited, regulated or restricted under the terms of Chapters 16C.05.20 through 16C.05.72 or future amendment.
- (2) It is the intent of Chapters 16C.05.20 through 16C.05.72 to permit these lawful pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of said chapters.
- (3) To avoid undue hardship, nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program, and upon which actual building construction has been diligently carried on; namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. October 1, 1995, the effective date of the amended ordinance codified in Title 16A, shall be used as it applies to all other critical areas requirements established under Title 16A by Ordinance 8-1995.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.40.010), 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.05.40.020. Nonconforming Uses of Land.

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

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which it occupied at the effective date of adoption or amendment of Chapters 16C.05.20 through 16C.05.72.
- (2) At such time as a structure is erected thereon, the structure and the use of the land shall conform to the regulations specified by Chapters 16C.05.20 through 16C.05.72 and YCC Title 19.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.40.020), 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.05.40.030. Nonconforming Structures.

- (1) If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a

structure is nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirement of said chapters and Chapter 19.33 of YCC Title 19, provided that the degree of nonconformity shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed, any structural alterations or enlargements of an existing structure under such conditions shall not increase the degree of nonconformity.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.40.030), 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.05.40.040. Improvements.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.40.040), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.40.050. Restoration.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.40.050), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.40.060. Discontinuance.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.40.060), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.44
FLOOD HAZARD PROTECTION ADMINISTRATION

§ 16C.05.44.010. Designation of the Floodplain Administrator.

The Chief Building Official is vested with the duty of administering the rules and regulations relating to flood hazard protection in accordance with the provisions of Chapters 16C.05.20 through 16C.05.72 and may prepare and require the use of such forms as are essential to such administration. The Floodplain Administrator may delegate authority to implement these provisions.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.010), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.020. Authority.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.020), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.030. Permit – Required.

Prior to any construction or development within a special flood hazard area a flood hazard permit shall be obtained. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions." This permit may be in addition to the critical area development authorization as set forth in Chapter 16C.03 of this title.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.030), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.040. Permit – Application.

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

- (1) Name, address and telephone number of applicant;
- (2) Name, address and telephone number of property owner;
- (3) Project description and taxation parcel number;
- (4) Name of the stream or body of water associated with the floodplain in which the development is proposed;
- (5) Site plan map showing:
 - (a) Actual dimensions and shape of the parcel to be built on,
 - (b) Sizes and location of existing structures on the parcel to the nearest foot,

- (c) Location and dimensions of the proposed development, structure or alteration,
 - (d) Location, volume and type of any proposed fill,
 - (e) The application shall include such other information as may be required by the administrative official, to clarify the application, including existing or proposed building or alteration, existing or proposed uses of the building and land, and number of families, housekeeping units or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with and provide for the enforcement of Chapters 16C.05.20 through 16C.05.72;
- (6) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
 - (7) Elevation in relation to mean sea level to which any structure has been flood proofed;
 - (8) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 16C.05.28.020(2);
 - (9) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
 - (10) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
 - (11) Information required by other sections of Chapters 16C.05.20 through 16C.05.72.
(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.040), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.050. Permit – Review.

Duties of the Floodplain Administrator shall include, but not be limited to review all development permits to determine:

- (1) That the floodproofing requirements and other provisions of Chapters 16C.05.20 through 16C.05.72 have been satisfied;
- (2) If the proposed development is located in the floodway, the floodway encroachment provisions of Section 16C.05.36.020(2) are met;
- (3) If the proposed development includes the alteration or relocation of a watercourse, the provisions of Section 16C.05.28.010(4) are met;
- (4) That the proposed development is a use permitted under Chapters 16C.05.20 through 16C.05.72 and YCC Title 19;
- (5) That all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (6) The site is reasonably safe from flooding;

- (7) Notify FEMA when annexations occur in the Special Flood Hazard Area.
- (8) Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.050), 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.05.44.055. Review of Building Permits.

Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (Section 16C.05.44.060), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.) (Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.060. Use of Available Data.

When base flood elevation data has not been provided in accordance with Section 16C.05.20.010 (Flood Hazard Areas Established), the Floodplain Administrator shall obtain, review, and reasonably utilize any flood area extent from frequently flooded areas, base flood elevation, and floodway data available from a federal, state or other source, in order to administer Section 16C.05.28.020 (Specific Standards) and 16C.05.36.020 (Prohibited Uses) and Chapter 16C.04 (Enforcement and Penalties).

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.060), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.065. Information to be Obtained and Maintained.

- (1) Certification required by Section 16C.05.36.020(2)(floodway encroachments).
 - (2) Records of all variance actions, including justification for their issuance.
 - (3) Improvement and damage calculations.
 - (4) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.070. Limitations.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.070), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.080. Permit – Expiration and Cancellation.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.080), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.090. Performance Bonds.

(1) The county may require bonds in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with approvals under Chapters 16C.05.20 through 16C.05.72. Bonds, if required, shall be furnished by the property owner, or other person or agent in control of the property.

(2) In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the department in an amount equal to that which would be required in the surety bond.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.090), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.100. Appeals.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.100), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.44.110. Coordination.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.44.110), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.48
ELEVATION AND FLOODPROOFING CERTIFICATION

§ 16C.05.48.010. Applicability.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.48.010), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.48.020. Certification Form.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.48.020), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.48.030. Information to Be Obtained and Maintained.

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

- (1) Where base flood elevation data is provided through the FIS, FIRM, or as required in Section 16C.05.44.060, obtain and maintain a record of the actual elevation (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
- (2) For all new or substantially improved floodproofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 16C.05.44.060:
 - (a) Obtain and maintain a record of elevation (in relation to mean sea level) to which the structure was flood proofed).
 - (b) Maintain the flood proofing certifications required in Section 16C.05.44.040(8).
- (3) Where a base flood elevation has not been established according to Section 16C.05.20.010, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) as related to the highest adjacent grade, and whether or not the structure contains a basement.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.48.030), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.48.040. Certification Responsibility.

The project proponent shall be responsible for providing required certification data to the Chief

Building Official prior to the applicable construction inspection specified in the certification form. All elevation and floodproofing data specified in Section 16C.05.48.030 must be obtained and certified by a registered professional engineer, architect, or surveyor. The elevation and floodproofing certification shall be permanently maintained by the chief building official.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.48.040), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

**CHAPTER 16C.05.52
VARIANCES****§ 16C.05.52.010. Procedure.**

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.52.010), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.52.020. Variance Limitations.

- (1) Variances shall be limited solely to the consideration of:
 - (a) Elevation requirements for lowest floor construction;
 - (b) Elevation requirements for floodproofing;
 - (c) The type and extent of floodproofing.
 - (2) Variances shall not be considered for any procedural or informational requirements or use prohibitions of Chapters 16C.05.20 through 16C.05.72.
- (Ord. 13-2007 § 1 (Exh. A)(16C.05.52.020), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.52.030. Conditions for Authorization.

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

- (1) There are special circumstances applicable to the subject property or to the intended use, such as size, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone; and
- (2) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located; and
- (3) Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and
- (4) Failure to grant the variance would result in exceptional hardship to the applicant; and
- (5) The granting of such a variance will not result in:

- (a) Increased flood heights,
- (b) Additional threats to public safety,
- (c) Creation of nuisances,
- (d) Extraordinary public expense,
- (e) Conflicts with other existing local laws or ordinances.

(Ord. 13-2007 § 1 (Exh. A)(16C.05.52.030), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.52.040. Administrative Official's Decision.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.52.040), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.52.050. Notification and Final Decision.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.52.050), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.52.060. Power to Refer Decisions.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.52.060), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

§ 16C.05.52.070. Appeals.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.05.52.070), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.05.72
MAP CORRECTION PROCEDURES

§ 16C.05.72.010. Federal Flood Hazard Map Correction Procedures.

The procedures for federal flood hazard map correction, as provided in federal regulations Section 70 CFR of the National Flood Insurance Program are hereby adopted by reference. (Ord. 13-2007 § 1 (Exh. A)(16C.05.72.010), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2021 § 2(C) (Exh. 1), 2021)

CHAPTER 16C.06
FISH AND WILDLIFE HABITAT AND THE STREAM CORRIDOR SYSTEM

Article I
Introduction

16C.06.01. Purpose and Intent.

- (1) The stream corridor system includes hydrologically related critical areas, streams, lakes, ponds, and wetlands, and is part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:
 - (a) Meet the requirements of the Growth Management Act (RCW 36.70A.172) to protect the functions and values of fish and wildlife habitat, wetlands, stream undercutting geologic hazards and frequently flooded areas; and to give special consideration to anadromous fish;
 - (b) Meet eligibility requirements of the National Flood Insurance Program (NFIP), and the authorities set forth in RCW 86.12.
- (2) The guidelines, policies, and standards of this chapter are intended to:
 - (a) Provide alternatives for necessary development, construction, and uses within a designated stream corridor and other hydrologically related critical areas;
 - (b) Prevent further degradation in the quantity and quality of surface and subsurface waters;
 - (c) Conserve, restore, and protect sensitive or unique fish and wildlife habitats, vegetation, and ecological relationships;
 - (d) Protect public and private properties from adverse effects of improper development within hazardous or sensitive areas of the stream corridor;
 - (e) Provide a zero net loss of natural wetlands functions and values together with a gain of wetlands in the long term, if reasonably possible through voluntary agreements or government incentives;
 - (f) Establish measures to protect streams, lakes, ponds, and wetlands;
 - (g) Recognize that, based on WAC 365-190-130(1) (Fish and Wildlife Habitat Conservation Areas) fish and wildlife habitat conservation means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability. Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.

(Ord. 13-2007 § 1 (Exh. A)(16C.06.01), 2007; Ord. 2-2009 § 2 (Exh. A (9)), 2009; Ord. 5-2017

§ 2(C) (Exh. 1) (part), 2017)

16C.06.02. Protection Approach.

- (1) To maintain viable populations of fish and wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include fragmentation, the presence of essential resources such as food, water, nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. As a method of linking large habitat areas, migration corridors offer a means by which to connect publicly protected lands and other intact habitat areas. Riparian corridors offer a natural system of such linkages. Yakima County accomplishes fish and wildlife habitat protection in 3 parts:
 - (a) Protect habitat for aquatic (in-water) species through stream, lake, pond and wetland standards;
 - (b) Protect habitat for riparian (near-water) species through stream, lake, pond, and wetland standards and buffer requirements;
 - (c) Protect habitat for upland species using the protection measures of Chapter 16C.11.
- (2) Yakima County has a very high proportion of federal, state and other publicly and tribally owned land, including State Natural Area Preserves and Natural Resource Conservation Areas. These lands are managed to some extent for the conservation of wildlife habitat. Consequently, one of Yakima County's approaches to protecting all wildlife habitat types is to rely on the management of these lands by the responsible entity. The protection of Larch mountain salamander (*Plethodon larselli*) (State Sensitive, Federal Species of Concern) and spotted owl (*Strix occidentalis*) (State Endangered, Federal Threatened) habitat is accomplished through this approach, since their habitat of primary association is located within Federal ownership.
- (3) To accomplish upland wildlife protection on private lands, Yakima County uses Washington State Department of Fish and Wildlife staff consultation and Priority Habitat and Species mapping to identify wildlife habitat. Yakima County relies upon large lot/low density provisions of the Remote/Extremely Limited Development Potential (40-acre minimum), Forest Watershed (80-acre minimum) and Agriculture (40-acre minimum) zoning districts to protect upland wildlife on private lands. Proposed development within upland wildlife habitat areas is reviewed in accordance with 16C.03.02(3)(c)(ii) to determine if a habitat assessment is required.
- (4) Corridors for wildlife to move between large habitat areas are a component of wildlife habitat. In semi-arid regions such as Yakima County, riparian corridors not only offer migratory linkages between large habitat areas but also offer important refuge and habitat for numerous species that rely on the riparian areas for their existence. Yakima County's approach to protect wildlife migration corridors is to rely on the protection measures for stream corridors, wetlands, upland wildlife habitat, and Shoreline jurisdiction (YCC § 16D), where applicable.
- (5) Through the wildlife habitat analysis, habitat for listed state and federal threatened, endangered, and sensitive species was assessed and incorporated for upland species. Consequently, Yakima County's approach to protect habitat for listed state and federal

threatened, endangered, and sensitive upland species is outlined in Sections 16C.11.060 and 16C.11.070. Protection measures for bull trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and steelhead (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the standards in chapter 16C.06. (Ord. 13-2007 § 1 (Exh. A)(16C.06.02), 2007; Ord. 2-2009 § 2 (Exh. A (10), (11), (12)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

Article II
Designation and Mapping

16C.06.03. Hydrologically Related Critical Area Features.

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

- (1) Any floodway and floodplain identified as a special flood hazard area. Special flood hazard areas are those identified by the Federal Insurance Administration in the Flood Insurance Study for Yakima County which, together with accompanying Flood Insurance Rate Maps and frequently flooded areas are hereby adopted by reference and declared to be a part of this title as set forth in Chapters 16C.05.20 through 16C.05.72;
- (2) Perennial and intermittent streams, excluding ephemeral streams, including the stream main channel and all secondary channels within the Ordinary High Water Mark;
- (3) Naturally occurring ponds under twenty acres and their submerged aquatic beds; and man-made lakes and ponds created within a stream channel designated under (2) above;
- (4) All wetlands, that meet the definition found in Section 16C.02.425, as required by WAC 365-190-080(1), and as designated in Section 16C.07.02(1) of the wetland chapter;
- (5) Where specifically cited, any flood-prone area not included in a designated floodway and floodplain, but indicated as flood-prone (i.e. specific flood frequency, stream channel migration), by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data;
- (6) A buffer area extending on a horizontal plane from the ordinary high water mark of a stream channel, lake, or pond, designated in this section or from the edge of a wetland designated in this section according to the distances set forth in Section 16C.06.16 (Vegetative Buffers).

(Ord. 13-2007 § 1 (Exh. A)(16C.06.03), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.05. Functional Properties.

- (1) Streams, lakes and ponds and wetlands require a sufficient riparian area to support one or more of the following functional properties:
 - (a) Streambank and shore stabilization;
 - (b) Providing sufficient shade through canopy cover to maintain water temperatures at optimum levels and to support fish habitat;
 - (c) Moderating the impact of stormwater and meltwater runoff;
 - (d) Filtering solids, nutrients, and harmful substances;
 - (e) Surface erosion prevention;
 - (f) Providing and maintaining migratory corridors for wildlife;
 - (g) Supporting a diversity of wildlife habitat;

- (h) Providing floodplain functions noted below;
 - (i) Contributing woody debris and organic matter to the aquatic environment;
 - (j) Providing altered climatic conditions different from upland areas.
- (2) Stream channels generally support one or more of the following functional properties:
- (a) Groundwater recharge and/or discharge;
 - (b) Water transport;
 - (c) Sediment transport and/or storage;
 - (d) Biogeochemical functions (see lakes, ponds and wetland functions below);
 - (e) Channel migration and creation of a dynamic habitat mosaic;
 - (f) Food web and habitat functions.
- (3) Lakes, ponds and wetlands generally provide similar functions, sometimes to a greater or lesser degree. Wetlands are often located along the margins of lakes and ponds, which often mixes the functions between the two. Lakes, ponds and wetlands generally provide one or more of the following functional properties:
- (a) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed such as: nutrient retention and transformation, sediment retention, metals and toxics retention and transformation;
 - (b) Hydrologic functions, which are related to maintaining the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, groundwater recharge;
 - (c) Food web and fish and wildlife habitat functions, which includes habitat for: invertebrates, amphibians, anadromous fish, resident fish, birds, mammals.
- (4) Floodplains generally provide one or more of the following functional properties:
- (a) Floodwater storage and passage, including the movement of high velocity flood waters;
 - (b) Sediment storage and recruitment;
 - (c) Food web and habitat functions;
 - (d) Nutrient sink and/or source;
 - (e) Groundwater recharge and/or discharge.
- (5) Some functions, as, for example, supporting a diversity of wildlife habitat, require larger areas which may not be achievable due to existing development and construction constraints. In these instances, adjustments to the minimum standards to accommodate such constraints may be necessary. However, a reduction of standards impairs the hydrologically related critical area's ability to support some functional properties. Reductions of standards should be offset by enhancement, restoration or preservation measures which replace lost functions or strengthen other functional properties if

replacement of the lost functions is not possible.

(Ord. 13-2007 § 1 (Exh. A)(16C.06.05), 2007; Ord. 2-2009 § 2 (Exh. A (14)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

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

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

- (1) Type 1 streams, lakes and ponds are those waters, within their ordinary high water mark (OHWM), meeting the criteria as "shorelines of the state" and "shorelines of statewide significance" under RCW Chapter 90.58, but not including those waters' associated wetlands as defined in RCW Chapter 90.58. The current list of Shoreline waters, along with their specific shoreline environments are provided in Appendix B and C⁶ of the Shoreline Master Program. Type 1 streams and lakes are protected by the Shoreline Master Program (YCC Title 16D), rather than the CAO;
- (2) Type 2 streams are those streams that may be perennial or seasonal and that are known to be used by anadromous fish or resident salmonids. Type 2 streams require protection due to the nature of their contributions to the functional properties listed in Section 16C.06.05. Designated Type 2 streams are listed in Appendix A⁷ of this title.
- (3) Type 3 streams include all perennial streams within Yakima County not classified as Type 1 or 2;
- (4) Type 4 streams are all intermittent streams within Yakima County not classified as Type 1, 2 or 3;
- (5) Type 5 streams are all ephemeral streams within Yakima County not classified as Type 1, 2, 3 or 4. Type 5 streams are not regulated under this title;
- (6) Lakes and ponds not designated as a shoreline that receive water from the OHWM of a Type 2, 3, or 4 shall have the same surface water type as the highest stream type associated with it.
- (7) Natural lakes and ponds, not designated as a shoreline, that do not receive water from the OHWM of a Type 1, 2, 3, or 4 stream shall be Type 3 ponds.

(Ord. 13-2007 § 1 (Exh. A)(16C.06.06), 2007; Ord. 4-2013 § 2 (Exh. 2) (part), 2013; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.07. Wetland Rating System.

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

6. Editor's Note: Appendix B and C is included as an attachment to the title.

7. Editor's Note: Appendix A is included as an attachment to the title.

wetland rating system found in Section 16C.07.04(2) (Wetland Functions and Rating) of the wetland chapter.

(Ord. 13-2007 § 1 (Exh. A)(16C.06.07), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.08. Maps.

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

- (1) Regulatory maps are created with a defined process not necessarily corresponding directly with easily observable physical features such as streams and wetlands. These maps define the regulated critical areas. They are also formally adopted by the Board of Yakima County Commissioners and may only be changed by that body. Regulatory maps include the following:
 - (a) Any floodway or floodplain identified as a special flood hazard area by the Federal Insurance Administration in the Flood Insurance Study for Yakima County.
- (2) Administrative maps are intended to indicate the approximate presence, location and/or typing of the subject critical area features, and act as a trigger for further investigation of the extent and characteristics of critical areas in a specific project location. These maps were created using reconnaissance level or better data. Given site-specific variations in reconnaissance level data, more detailed information developed at the site-specific level may be used to modify the maps as it is developed; the maps maintained by the Yakima County Public Services Department do not officially define the extent or characteristics of specific critical areas; rather the physical characteristics that exist "on the ground" define the boundaries of the regulated critical areas. Administrative maps include, but are not limited to the following:
 - (a) Wetlands;
 - (b) Streams;
 - (c) Channel migration zone;
 - (d) Priority Habitat and Species (PHS) and Habitats of Local Importance - Mapped habitat areas for newly listed species will be generated as needed to supplement the existing maps. PHS and Habitats of local importance currently include:
 - (i) Available maps from WDFW regarding the location of those Priority Habitat and Species listed in Appendix B.⁸
 - (ii) Type 2 Streams, lakes and/or ponds listed in Appendix A.⁹
 - (e) Upland Wildlife Habitat Analysis Map.
- (3) Other Information Sources. These are maps or other data sources, including special studies

8. Editor's Note: Appendix B is included as an attachment to the title.

9. Editor's Note: Appendix A is included as an attachment to the title.

and management plans, which are neither produced or maintained by the Yakima County Public Services Department, which are used to indicate the presence of Critical Areas, importance or ranking of critical areas functions, or hazard or risk associated with Critical Areas. These information sources include, but are not limited to:

- (a) Comprehensive Flood Hazard Management Plans and associated studies;
 - (b) Soil survey of Yakima County;
 - (c) Natural resource management plans, such as local and federal Recovery Plans, or Forest Plans prepared by the U.S. Forest Service;
 - (d) Surficial Geologic Maps;
 - (e) Historic and Current Aerial Photo Series;
 - (f) Geohydraulic studies – geologic cross sections showing aquifers and confining units;
 - (g) Priority Habitat and Species Maps.
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.08), 2007; Ord. 4-2013 § 2 (Exh. 2) (part), 2013; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

Article III
General Development Standards

16C.06.10. Prohibited Uses.

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

- (1) Storage, handling, and disposal of material or substances that are dangerous or hazardous with respect to water quality and life safety;
- (2) Confinement feeding operations including livestock feedlots and dairy confinement areas;
- (3) The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;
- (4) The draining or filling of a wetland, lake or pond, except as provided for in Section 16C.06.21 (Filling);
- (5) The removal and transport of material for fill outside of the stream corridor;
- (6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities. This provision does not include municipal wastewater lines or septic systems approved by a local or state agency with authority to permit such facilities;
- (7) Solid waste disposal sites;
- (8) Automobile wrecking yards;
- (9) Fill for the sole purpose of increasing land area within the stream corridor;
- (10) Those uses located within the floodway fringe that are listed in Section 16C.05.32.020 (new and expanded mobile or manufactured home parks);
- (11) Those uses located within the floodway that are listed in Section 16C.05.36.020 (dwellings, filling wetlands, landfills, junkyards, storage of vehicles and material, damming streams, and any use causing flood impacts);
- (12) Construction or placement of an inhabitable structure within an identified landslide hazard area, landslide run-out area, or their buffers.

(Ord. 13-2007 § 1 (Exh. A)(16C.06.10), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.11. General Policies and Standards.

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

- (1) The Ordinary High Water Mark of a stream or lake, the edge of a wetland, and the outside edges of stream and/or wetland buffers shall be marked on the ground before any development, construction, or use is initiated.
- (2) Any disturbance to existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the stream corridor shall be mitigated according

to the standards set forth in Section 16C.03.10.

- (3) Any disturbance to nesting areas and other sensitive wildlife habitat identified within a stream corridor shall be mitigated according to the standards set forth in Section 16C.03.10.
- (4) Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered.
- (5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by a local, state or federal agency, and transportation projects using stormwater manuals that are deemed equivalent to the Yakima Regional Stormwater Manual are considered to have met the following required development standards that apply to all projects:
 - (a) Excavation, grading, cut/fills, compaction, and other modifications which contribute to erosion of upland soils shall be confined to the minimum necessary to complete the authorized work and avoid increased sediment load.
 - (b) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for periods when soils are the least vulnerable to erosion, compaction and movement unless suitable protective measures are used to prevent erosion.
 - (c) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to ensure the minimal duration of exposed, unprotected soils.
 - (d) Increases in impervious surface area, compaction of soil, changes in topography, and other modifications of land within a stream corridor which are determined will permanently increase stormwater and meltwater runoff into stream channels, drainage ways, and conduits, shall provide on-site or off-site facilities for the detention, control, and filtration of such increases.
 - (e) The discharge point for controlled stormwater and meltwater runoff and other outfall shall be designed and constructed to avoid causing erosion through the use of native riparian vegetation where possible or by reducing velocity, use of rock spillways, riprap, splash plates, or other demonstrably effective means.
 - (f) Matting or approved temporary ground cover shall be used to control erosion until natural vegetative ground cover is successfully established.
- (6) Development, construction, and uses shall not directly or indirectly degrade surface water and groundwater through the introduction of nutrients, fecal coliform, toxins, and other biochemical substances.
- (7) Prior to the approval of development, construction, or uses within a designated stream corridor, any existing source of biochemical or thermal degradation identified as originating on the project property or on contiguous properties of the same ownership shall be corrected.
- (8) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk products, application schedules, and other protective methodology to minimize the surface and subsurface transfer of biochemical materials into the stream corridor.

- (9) Modifications to natural channel gradient, channel morphology, drainage patterns, and other stream features shall not permanently alter or obstruct the natural volume or flow of surface waters.
- (10) Development, construction, or uses within the stream corridor shall not alter or divert flood flows causing channel shift or erosion, increase or accelerate the flooding of upstream or downstream flood hazard areas, or otherwise threaten public or private properties.
- (11) Wells located within a stream corridor shall be protectively lined and installed in a deep aquifer with an acceptable minimum hydraulic continuity with either surface waters or a shallow aquifer.
- (12) Structures placed in close proximity to the outer edge of bends in stream channels identified as having a high potential to meander shall be located to minimize the hazard from stream undercutting and stream bank erosion stemming from potential future stream migration.
- (13) Adjacent communities and the Department of Ecology shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Emergency Management Agency.
- (14) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (15) Development, construction, or uses within the hydrologically related critical area that would contribute to the degradation of the functions and values shall be avoided or mitigated using mitigation sequencing as outlined in Section 16C.03.10 (Mitigation Requirements).
- (16) Development shall not obstruct, cut off, or isolate stream corridor features.
- (17) Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon the rights of private ownership.
- (18) If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify Yakima County, the Washington State Office of Archaeology and Historic Preservation and any affected Indian tribes. Archaeological sites are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites and records), and development or uses that may impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit).
- (19) The provisions of Chapters 16C.05.20 through 16C.05.72 of this title shall also apply to the development of lots and the placement, construction, or installation of structures in floodways and floodplains.
- (20) Any portion of the vegetative buffer temporarily damaged or disturbed as a result of construction activities (excluding approved permanent use areas) shall be repaired at the completion of construction using reclamation standards in Section 16C.06.23 (Reclamation).
- (21) Projects located within the floodway must meet the requirements of 16C.05.36.010 (Floodway – Permitted Uses).
- (22) Projects within a floodplain must meet the requirements of Section 16C.05.28. (Flood

Hazard Protection Standards) and 16C.05.32 (Floodway Fringe Uses).

(23) Changing from an existing use or development which does not meet the provisions of this chapter to a new use shall be reviewed in light of the following:

- (a) The conversion will demonstrably reduce impacts to stream corridor and other hydrologically related critical area features; and
- (b) The conversion will restore and/or enhance the functional properties outlined in Section 16C.06.05 (Functional Properties).

(Ord. 13-2007 § 1 (Exh. A)(16C.06.11), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

Article IV

Water Dependency Development Standards and Buffer Requirements**16C.06.12. Use Classifications.**

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

- (1) Water oriented uses are one of the following two categories of uses:
 - (a) Water-dependent uses include dams, water diversion facilities, marinas, boat launching facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland crossings for roads and railroads, stream and wetland crossings for utilities, swimming beaches, fishing sites, in-water or on-land shore stabilization structures, livestock watering sites, and other uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations. This provision applies only to the specific portion of a project that is demonstrably dependent upon the water or shore.
 - (b) A water-related use is one not intrinsically dependent on a waterfront location but whose economic viability is enhanced by a waterfront location either because it requires large quantities of water, or because it provides services for water dependant uses and the proximity to its customers makes such services less expensive and/or more convenient. Examples would include thermal power plants, wastewater treatment plants, water processing and treatment plants, support services for fish hatcheries or aquaculture, fly shops and boat rental shops.
- (2) Non-water-oriented uses include any use not qualifying as uses in subsection (1) above. (Ord. 13-2007 § 1 (Exh. A)(16C.06.12), 2007; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.13. Water-dependent Uses.

The following provisions shall apply to water-dependent uses:

- (1) Structures shall be clustered at locations on the water's edge having the least impact to the surface water and shore;
 - (2) Use areas and structures which require direct shore locations shall be located and constructed to minimize impacts to the shore area and the vegetative buffer specified in Section 16C.06.16 (Vegetative Buffers);
 - (3) Use areas and structures requiring direct shore locations shall minimize any obstruction or impairment of normal public navigation of the surface water.
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.13), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.14. Water-related Uses.

The following provisions shall apply to water-related uses:

- (1) Structures and use areas shall be located as far landward from the ordinary high water mark or wetland edge as is possible and still preserve the essential or necessary relationship with the surface water;
 - (2) Structures and use areas shall not be located within the vegetative buffer specified in Section 16C.06.16 (Vegetative Buffers) except where existing development or the requirements associated with the use make such a location unavoidable.
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.14), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.15. Nonwater Oriented Uses.

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

- (1) Structures and use areas shall be set back so as not to be located within the vegetative buffer specified in Section 16C.06.16 (Vegetative Buffers);
 - (2) Construction abutting the vegetative buffer specified in Section 16C.06.16 (Vegetative Buffers) shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.15), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.16. Vegetative Buffers.

- (1) Establishment. There is hereby established a system of vegetative buffers that are necessary to protect and maintain the functions and values of certain hydrologically related critical areas. Standard buffers for streams, lakes, ponds and wetlands, based on a review of the best available science, are listed in table 6-1 and 6-2.
 - (a) Vegetative buffers shall be measured horizontally from the Ordinary High Water Mark (OHWM) for streams, lakes and ponds, and from the wetland edge for wetlands, as identified in the field. The width of the buffer shall be determined according to the stream or wetland type.
 - (b) Buffer width may be reduced through an Adjustment (16C.03.23) permit process. Type 1 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D) rather than the Critical Areas Ordinance (YCC Title 16C).
 - (c) The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation is degraded, then no adjustment to the buffer width should be granted and re-vegetation should be considered. Where the use is being intensified, a degraded buffer should be re-vegetated to maintain the standard width.

Table 6-1

Stream Type	Buffer Width See 16C.06.16, subsections (1)(a)-(c).
Type 1 Shoreline streams, lakes and ponds	100' (Type 1 streams, lakes, and ponds are protected by the Shoreline Master Program (YCC Title 16D) rather than the Critical Areas Ordinance (YCC Title 16C))
Type 2 streams, lakes and ponds	100'
Type 3 streams (Perennial), lakes and ponds	50'
Type 4 streams (Intermittent), lakes and ponds	25'
Type 5 streams (Ephemeral)	No buffer standards Type 5 streams are not regulated through buffer requirements. However, activities such as clearing, grading, dumping, filling, or activities that restrict or block flow, redirect flow to a point other than the original exit point from the property or result in the potential to deliver sediment to a drainage way/ channel, are regulated under clearing and grading regulations. These drainages may also be protected under geologically hazardous area, floodplain, stormwater, building and construction, or other development regulations.

Table 6-2

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

(Ord. 13-2007 § 1 (Exh. A)(16C.06.16), 2007; Ord. 2-2009 § 2 (Exh. A (16)), 2009; Ord. 4-2013 § 2 (Exh. 2) (part), 2013; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

Article V
Land Modification Development Standards

16C.06.17. Roads, Railroads and Parking.

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

- (1) Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor;
 - (a) Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor;
 - (b) Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor;
 - (c) Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features;
- (2) Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the corridor;
- (3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone;
- (4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor;
- (5) Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water, sediment and woody debris;
- (6) The preservation of natural stream channels and drainage ways shall be preferred over the use of culverts; where culverts are the preferred method, large, natural bottom culverts, multi-plate pipes and bottomless arches are preferred;
- (7) The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsections (1) and (2), and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials;
- (8) Where fish are present, culverts shall be designed and constructed to specifications provided through the Department of Fish and Wildlife;
- (9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water;
- (10) Roads must be designed and constructed using established flood resistant and design and construction methods when they may be subject to damage by flood waters;

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

(Ord. 13-2007 § 1 (Exh. A)(16C.06.17), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.18. Utility Transmission Lines and Facilities.

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

- (1) Utility transmission lines and facilities shall be permitted within the stream corridor only where it is necessary to cross the corridor or where existing development, topography, and other conditions preclude locations outside the stream corridor;
 - (a) Utility transmission lines and facilities across stream corridors shall be by the most direct route possible having the least impact to the stream corridor;
 - (b) The construction of utility transmission lines and facilities within a stream corridor shall be designed and located to ensure minimum disruption to the functional properties specified under Section 16C.06.05 (Functional Properties) of this title;
 - (2) Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy replacement or repair with minimal disturbance to the stream corridor;
 - (3) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is greater, and for a similar depth below any associated floodway and floodplain to the maximum extent of potential channel migration as determined by hydrologic analysis;
 - (4) Wherever possible, new aboveground installations shall use available, existing bridge and utility locations and stream corridor crossings as opposed to creating new locations and stream corridor crossings;
 - (5) Aboveground electrical support towers and other similar transmission structures shall be located as far upland as is practical;
 - (6) Transmission support structures shall be located clear of high flood velocities, located in areas of minimum flood depth which require the least floodproofing, and shall be adequately floodproofed;
 - (7) Underground utility transmission lines shall be constructed so they do not alter, intercept or dewater groundwater patterns that support streams, wetlands and hyporheic flow;
 - (8) All new and replacement water supply systems and wastewater systems within a special flood hazard area must meet the requirements of Section 16C.05.28.010(2) (re: infiltration or discharge into or out of the system);
 - (9) Utility transmission lines within the floodway fringe shall meet the standards of Section 16C.05.32.010(2);
 - (10) Utility transmission lines within the floodway shall meet the standards of Section 16C.05.36.010(2).
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.18), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.19. Shore Stabilization.

The following provisions shall apply to shore stabilization projects:

- (1) Shore stabilization projects shall be allowed only where there is evidence of erosion which clearly represents a threat to existing property, structures, or facilities, and which stabilization will not jeopardize other upstream or downstream properties;
 - (2) Stabilization projects shall be developed under the supervision of, or in consultation with, agencies or professionals with appropriate expertise using the *Washington State Aquatic Habitat Guidelines Program Integrated Streambank Protection Guidelines (ISPG)*, or other accepted guidelines;
 - (3) Stabilization projects shall be confined to the minimum protective measures necessary to protect the threatened property;
 - (4) The use of fill to restore lost land may accompany stabilization work, provided no fill is placed waterward of the new ordinary high water mark, finished grades are consistent with abutting properties, a restoration plan is approved for the area, and the fill material is in compliance with Section 16C.06.21 (Filling);
 - (5) Stabilization projects shall use design, material, and construction alternatives that do not require high or continuous maintenance and which prevent or minimize the need for subsequent stabilization to other segments of the shore. Junk car bodies and other unsuitable debris are not to be used in shore stabilization projects;
 - (6) Alternative Preferences. Vegetation, berms, bioengineering techniques, and other nonstructural alternatives which preserve the natural character of the shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization. Riprap using rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters, and other structural stabilization;
 - (7) Applications to construct or enlarge dikes or levees shall meet the requirements of Section 16C.05.36.010(6);
 - (8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore;
 - (9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or other solid construction methods;
 - (10) All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance, and repairs for the life of the project.
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.19), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.20. Dredging and Excavation.

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

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

- (2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use;
 - (3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging;
 - (4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials;
 - (5) Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage;
 - (6) Dredging and excavation shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes;
 - (7) Dredge spoils are also considered fill, and shall not be deposited within the stream except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
- (Ord. 13-2007 § 1 (Exh. A)(16C.06.20), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.21. Filling.

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

- (1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction with water-dependent uses, or an approved reclamation plan under Section 16C.06.23 (Reclamation) or approved compensatory mitigation plan under Section 16C.03.17(13);
- (2) Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a manner consistent with the policies of this chapter;
- (3) Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods;
- (4) Fill in floodplains shall meet the requirements of Chapters 16C.05.20 through 16C.05.72 (Flood Hazard Areas);
- (5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities;
- (6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality;
- (7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes;
- (8) Fill and finished surface material shall require low maintenance, provide high resistance to erosion, and prevent or control the migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless the Washington Department of Fish and Wildlife indicates other options are preferred;

- (9) Projects that propose fill must acquire the fill onsite (also known as compensatory storage), unless documentation is provided demonstrating that onsite fill is not available or substandard for the project;
- (10) Fill should not obstruct, cut off, or isolate stream corridor features.
(Ord. 13-2007 § 1 (Exh. A)(16C.06.21), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.22. Commercial Mining of Gravels.

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

- (1) Prior to the authorization of a commercial gravel mining operation, the project proponent shall provide maps to scale which illustrate the following:
 - (a) The extent to which gravel excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation;
 - (b) The location, extent and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation;
 - (c) The description, location, and extent of any proposed subsequent use that would be different than existing uses;
- (2) Wherever feasible, the operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value;
- (3) Any surface mining allowed within the floodway shall meet the standards of Section 16C.05.36.010(1);
- (4) Except where authorized by Yakima County in consultation with the State Department of Fish and Wildlife and Department of Ecology, the following shall apply:
 - (a) The excavation zone for the removal of gravels shall be located a minimum of one hundred feet upland from the ordinary high water mark (OHWM) of the stream channel;
 - (b) Equipment shall not be operated, stored, refueled, or provided maintenance within one hundred feet of the OHWM;
 - (c) Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within one hundred feet of the OHWM;
- (5) Mining proposals shall be consistent with the Washington Department of Natural Resources Surface Mine Reclamation Standards (WAC 332-18, RCW 78.44).
(Ord. 13-2007 § 1 (Exh. A)(16C.06.22), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.06.23. Reclamation.

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

- (1) Development, construction, or uses shall include the timely restoration of disturbed features to a natural condition or to a stabilized condition that prevents degradation within the stream corridor;
- (2) Large-scale projects or projects extending over several months shall be phased to allow reclamation of areas where work or operations have been completed;
- (3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season, and other seasonal variables that influence restoration and recovery;
- (4) Topography shall be finished to grades, elevations, and contours consistent with natural conditions in adjacent and surrounding areas;
- (5) Where existing development and construction prevent the return of a site to its natural condition, sites may be finished to conditions comparable to surrounding properties provided suitable protective measures are used to prevent stream corridor degradation;
- (6) Cut-and-fill slopes shall be stabilized at or at less than the normal angle of repose for the materials involved;
- (7) The replacement or enhancement of vegetation within critical areas or their vegetative buffers shall use naturally occurring, native plant species.

(Ord. 13-2007 § 1 (Exh. A)(16C.06.23), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

**CHAPTER 16C.07
WETLANDS****16C.07.01. Purpose and Intent.**

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

(Ord. 13-2007 § 1 (Exh. A)(16C.07.01), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.07.02. Designating and Mapping.

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

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

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

(Ord. 13-2007 § 1 (Exh. A)(16C.07.02), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.07.03. Protection Approach.

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

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

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

(Ord. 13-2007 § 1 (Exh. A)(16C.07.03), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.07.04. Wetland Functions and Rating.

- (1) Wetlands are unique landscape features that are the interface between the aquatic and

terrestrial environments. Wetlands provide the following functions:

- (a) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed such as: nutrient retention and transformation, sediment retention, metals and toxics retention, and transformation;
 - (b) Hydrologic functions, which are related to maintaining the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, groundwater recharge;
 - (c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians, anadromous fish, resident fish, birds, mammals.
- (2) Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the *Washington State Wetland Rating System for Eastern Washington*, 2014 Update (Ecology Publication #14-06-030 - <https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html>) as determined using the appropriate rating forms contained in that publication. These categories are summarized as follows:
- (a) Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible or too difficult to replace within a human lifetime, and provide a high level of functions. Generally, these wetlands are not common and make up a small percentage of the wetlands within Yakima County. The following types of wetlands are Category I:
 - (i) Alkali wetlands are characterized by the presence of shallow saline water with a high pH and provide the primary habitat for several species of migrant shorebirds and are also heavily used by migrant waterfowl and small alkali bee that is used to pollinate alfalfa and onion for seed production;
 - (ii) Wetlands of High Conservation Value (formerly called Natural Heritage Wetlands) - Wetlands that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as important ecosystems for maintaining plant diversity that represent rare plant communities or provide habitat for rare plants are uncommon in eastern Washington;
 - (iii) Bogs and Calcareous Fens are peat wetlands sensitive to disturbance and have not been successfully re-created through compensatory mitigation. Bogs are wetlands with peat soils and a low pH, usually a pH <5. Calcareous fens are a type of alkaline, rather than acidic wetland, maintained by groundwater that have a neutral or high pH and high concentrations of calcium and other alkaline minerals;
 - (iv) Mature and old-growth forested wetlands with native slow growing trees, which include Western Red Cedar (*Thuja plicata*), Alaska Yellow Cedar (*Chamaecyparis nootkatensis*), pine spp. (mostly White pine - *Pinus monticola*), Western Hemlock (*Tsuga heterophylla*), Oregon White Oak (*Quercus garryana*) and Englemann Spruce (*Picea engelmannii*);
 - (v) Forested wetlands with stands of Aspen contribution as a priority habitat far

exceeds the small acreage of these stands and relatively small number of stems (Hadfield & Magelssen, 2004). Furthermore, mature stand of aspen and its underground root system may be difficult to reproduce. Regeneration of aspen stands by sexually produced seeds is an unusual phenomenon (Romme et al., 1997);

- (vi) Wetlands scoring 22 points or more (out of 27) from the rating of functions are Category I wetlands in the Eastern Washington Wetland Rating System.
- (b) Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:
 - (i) Forested wetlands in the floodplains of rivers are an important resource in the floodplains of rivers, especially in the areas through which the river may flow regularly (often called the channel migration zone). Trees in the Floodplains are critical to the proper functioning and the dynamic processes of rivers. They influence channel form, create pools, riffles, and side channels that are essential habitat for many fish and other aquatic species. These trees also create localized rearing and flood refuge areas, and contribute to the stabilization of the main river channel (NRC, 2002);
 - (ii) Mature and old-growth forested wetlands with fast growing native trees, which include Alders (Red - *Alnus rubra*, Thin-leaf - *A. incana* ssp. *tenuifolia*), Cottonwoods (Narrow-leaf - *Populus angustifolia*, Black - *P. balsamifera*), Willows (Peach-leaf - *Salix amygdaloides*, Sitka - *S. sitchensis*, Pacific - *S. lasiandra*); Quaking Aspen (*Populus tremuloides*), or Water Birch (*Betula occidentalis*);
 - (iii) Vernal pools, also called rainpools, are ecosystems located in a landscape with other wetlands that retain water until the late spring when they dry out to allow some strictly aquatic organisms to flourish, and provide areas where migrating waterfowl can find food and pair bonding;
 - (iv) Wetlands scoring between 19-21 points (out of 27) on the questions related to the functions present are Category II wetlands in the Eastern Washington Wetland Rating System.
- (c) Category III wetlands are often smaller, less diverse or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands include:
 - (i) Vernal pools that are isolated; and
 - (ii) Wetlands with a moderate level of functions (scoring between 16 - 18 points) in the Eastern Washington Wetland Rating System and can often be adequately replaced with a well-planned mitigation project.
- (d) Category IV wetlands have the lowest levels of functions, (scoring less than 16 points) in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases be

improved. These wetlands may provide some important functions, and also need to be protected.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.07.04), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 10-2019 (Exh. 1) (part), 2019)

16C.07.05. Compensatory Mitigation Requirements.

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

- (1) Compensatory mitigation plans must be consistent with Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance and Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans or as revised (see latest update at <http://www.ecy.wa.gov/programs/sea/Wetlands/mitigation/guidance/index.html>).
- (2) Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent with "Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands – Appendix 8-D- Section 8D.3" or as revised (Washington State Department of Ecology. Publication No. 05-06-008 - <https://fortress.wa.gov/ecy/publications/parts/0506008part2.pdf>).

(Ord. 13-2007 § 1 (Exh. A)(16C.07.05), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.07.06. Wetland Mitigation Banks.

- (1) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - (a) The bank is certified under RCW 90.84 and its administrative rules, WAC 173-700;
 - (b) The Administrative Official determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - (c) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- (2) Replacement ratios for projects using bank credits shall be consistent with replacement

ratios specified in the bank's certification.

- (3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

(Ord. 13-2007 § 1 (Exh. A)(16C.07.06), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

CHAPTER 16C.08
GEOLOGICALLY HAZARDOUS AREAS

16C.08.01. Purpose and Intent.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.08.01), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.08.02. Mapping and Designation.

- (1) Geologically hazardous areas are areas that are susceptible to one or more of the following types of hazards and are designated as critical areas, based on WAC 365-190-120(3):
 - (a) Erosion hazards;
 - (b) Landslide hazards;
 - (c) Oversteepened slope hazards;
 - (d) Alluvial fan/flash flooding hazards;
 - (e) Avalanche hazards; and
 - (f) Stream undercutting hazards;
 - (g) Seismic hazards (referred to below as earthquake hazards); and
 - (h) Volcanic hazards;
- (2) The approximate location and extent of Erosion Hazard Areas are shown on the County's critical area map titled "Erosion Hazard Areas of Yakima County." Erosion hazard areas were identified by using the "Soil Survey of Yakima County Area, Washington" and the "Soil Survey of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County." The analysis utilized the general soil map unit descriptions of severe and very severe hazard of water erosion.
- (3) The approximate location and extent of the remaining Geologically Hazardous Areas are

shown on the County's critical area map titled "Geologically Hazardous Areas of Yakima County." The following geologically hazardous areas, with the corresponding map code in parenthesis, are mapped and classified using the stated criteria based on WAC 365-190-120(3):

- (a) **Landslide Hazard Areas (LS)** – These include places where landslides, debris flows, or slumps have already occurred. Where sliding is presumed to have occurred within 10,000 years or less is shown as High Risk (LS3) on the map. Slides thought to be older than 10,000 years but still capable of movement are shown as Intermediate Risk (LS2). Areas where slides are absent are unlabeled and combined with other Low Risk areas.
- (b) **Oversteepened Slope Hazard Areas (OS)** - These include areas with slopes steep enough to create potential problems. High risk areas (OS3) have a high potential to fail, and include slopes greater than 40%, and consist of areas of rock fall, creep, and places underlain with unstable materials. Intermediate Risk areas (OS2) are less likely to fail but are still potentially hazardous. This category also includes some slopes between 15 and 40%. Low Risk areas, unlikely to fail, are unlabeled and combined with other Low Risk categories.
- (c) **Alluvial Fan/Flash Flooding Hazard Areas (AF)** - These are areas where flash flooding can occur, and are often associated with inundation by debris from flooding. They include alluvial fans, canyons, gullies, and small streams where catastrophic flooding can occur. They do not include all areas where flash flooding may occur with Yakima County. Flooding may also occur in larger streams and rivers, but these are depicted in the "Flood Insurance Study for the Unincorporated Areas of Yakima County," dated March 2, 1998, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps, and any amendments which may thereafter be made by the Federal Emergency Management Agency, rather than on the Geologically Hazardous Areas Map. High Risk areas (AF3) are those most likely to experience flooding. These areas usually involve larger drainage areas, easily eroded sediments, and steeper gradients. Intermediate Risk areas (AF2) have some potential for flash flooding but involve smaller drainages and flatter slopes. Low Risk areas are where flash flooding is unlikely, are unlabeled and combined with other Low Risk areas on the map.
- (d) **Avalanche Risk Hazard Areas (AR)** - Areas of avalanche hazards are limited (within the mapped boundaries) to areas near the Cascade Crest. High Risk areas (AR3) are those in areas of high snowfall where avalanche scars are visible and slopes are steep to moderately steep. These areas could also be rated OS3. Intermediate Risk areas (AR2) are usually adjacent to AR3 areas but where vegetation is still in place and slopes are moderate. AR2 and AR3 areas are mapped on the basis of aerial photography and observed scars. Climatic data (snowfall, wind direction, etc) are necessary for more detailed mapping. Low Risk areas, where avalanches are unlikely, are unlabeled and combined with other Low Risk geologic hazards.
- (e) **Stream Undercutting Hazard Areas (SU)** - These areas are confined to banks near main streams and rivers where undercutting of soft materials may result. High Risk areas (SU3) include steep banks of soft material adjacent to present stream courses. Intermediate Risk areas (SU2) are banks along the edge of a flood plain but away from the present river course. Low Risk areas are unlabeled and combined with other

Low Risk areas on the maps.

- (f) Earthquake Activity Hazard Areas (EA) - Recorded earthquake activity in Yakima County is mostly marked by low magnitude events and thus low seismic risk. One exception is an area along Toppenish Ridge where Holocene faulting may have produced earthquakes of as much as magnitude 7. Zones of surficial fault scarps are shown on High Risk areas (EA3) while areas adjacent to the scarps are assigned Intermediate Risk (EA2). The rest of the county is Low Risk, are unlabeled, and combined with other low risk hazards.
 - (g) Suspected Geologic Hazard Areas (SUS) – These are areas for which detailed geologic mapping is lacking but preliminary data indicate a potential hazard. No risk assessment (1-2-3) is given for these areas. Most are probably OS or LS hazards.
 - (h) Risk Unknown Hazard Areas (UNK) - In these areas geologic mapping is lacking or is insufficient to make a determination. All of these areas are associated with other classified geologic hazards, and most are located in remote areas of Yakima County.
- (4) Volcanic Hazard Areas are not mapped but are defined as areas subject to pyroclastic (formed by volcanic explosion) flows, lava flows and inundation by debris flows, mudflows or related flooding resulting from volcanic activity. Volcanic Hazard Areas in Yakima County are limited to pyroclastic (ash) deposits. While Yakima County contains a portion of Mt Adams and is in close proximity to Mt Rainer, and Mt St. Helens, the threat of volcanic hazards is minimal and limited to ash deposition. The more devastating effects of volcanic activity such as lava flows, and lahars (volcanic landslide or mudflow) are not possible due to intervening ridges. No specific protection requirements are identified for volcanic hazard areas.
- (5) This chapter does not imply that land outside mapped geologically hazardous areas or uses permitted within such areas will be without risk. This chapter shall not create liability on the part of Yakima County, any officer, or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- (Ord. 13-2007 § 1 (Exh. A)(16C.08.02), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.08.03. Geologically Hazardous Areas Protection Approach.

- (1) Erosion Hazard Areas. Protection measures for erosion hazard areas will be accomplished by implementing the regulatory standards for erosion and drainage control required under YCC Title 13 (Building Code). Any future stormwater program erosion control measures that may be formally adopted by the Board of County Commissioners shall supersede YCC Title 13 erosion control requirements. Standards to meet YCC Title 13 requirements can be met by the application of the best management practices (BMPs) in the Yakima Regional Stormwater Manual (WDOE Publication number 04-10-076) or equivalent manual adopted by Yakima County, or any other approved manual deemed appropriate by the Building Official, including but not limited to applicable Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) BMPs and the Washington State Department of Transportation Highway Runoff Manual. Application of the Environmental Protection Agency (EPA) "Construction Rainfall Erosivity Waiver" is at the discretion of the Building Official on a case-by-case basis.
- (2) Landslide Hazard Areas. Protection measures for landslide hazard areas will be

accomplished through the review process of Section 16C.08.04 (Development Review Procedure for Geologically Hazardous Areas), by implementing the development standards of Section 16C.08.05 (General Protection Requirements), and by implementing the appropriate sections of the International Building Code (IBC) as adopted in YCC Title 13 (currently Section 16, Structural Design; Section 18, Soils and Foundations; and Appendix J, Grading).

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

Grading).

(Ord. 13-2007 § 1 (Exh. A)(16C.08.03), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.08.04. Development Review Procedure for Geologically Hazardous Areas.

- (1) The Administrative Official shall make a determination of hazard to confirm whether the development or its associated facilities (building site, access roads, limits of grading/excavation/filling, retaining walls, septic drainfields, landscaping, etc.):
 - (a) Are located within a mapped geologically hazardous area;
 - (b) Are within 500 feet of a mapped landslide hazard area;
 - (c) Are abutting, or adjacent to any other mapped geologically hazardous area and may result in or contribute to an increase in hazard, or pose a risk to life and property on or off the site;
 - (d) Are located within a distance from the base of an adjacent landslide hazard area that has been determined to be within the runout area of said hazard area;
 - (e) Are located within the potential run-out path of a mapped avalanche hazard.
 - (2) Developments that receive an affirmative determination of hazard by the Administrative Official under subsection (1) above must conduct a geologic hazard report as provided in Section 16C.03.18(4) (Supplemental Report Requirements – Geologically Hazardous Areas), which may be part of a geo-technical report required under additional review below:
 - (a) If the geologic hazard report determines no hazard exists or that the project area lies outside the hazard, then no Geologic Hazard review is needed.
 - (b) The Administrative Official is authorized to waive further geologic hazard review for oversteepened slope hazards on a determination that the hazards identified in the geologic hazard report will be adequately mitigated under grading or construction permits.
 - (3) Developments that receive an affirmative determination of hazard, but do not meet the provisions of subsections (2)(a) or (2)(b) above, must:
 - (a) Obtain a Critical Areas Development Authorization under Chapter 16C.03 (Application and Review Procedures);
 - (b) Submit a geo-technical report that is suitable for obtaining the grading and construction permits that will be required for development. The geo-technical report should incorporate the submitted assessment, include the design of all facilities and include a description and analysis of the risk associated with the measures proposed to mitigate the hazards, ensure public safety, and protect property and other critical areas; and
 - (c) Be consistent with the general protection requirements of Section 16C.08.05 (General Protection Requirements).
- (Ord. 13-2007 § 1 (Exh. A)(16C.08.04), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.08.05. General Protection Requirements.

- (1) Grading, construction, and development and their associated facilities shall not be located in a geologically hazardous area, or any associated setback for the project recommended by the geo-technical report, unless the applicant demonstrates that the development is structurally safe from the potential hazard, and that the development will not increase the hazard risk onsite or off-site.
 - (2) Development shall be directed toward portions of parcels, or parcels under contiguous ownership, that are at the least risk of hazard in preference to lands with higher risk, unless determined to be infeasible in the geo-technical report.
 - (3) The geo-technical report shall recommend methods to ensure the information and education about the hazard and any recommended buildable area for future landowners over the long term.
 - (4) The applicable requirements of grading and construction permits for developments in hazardous areas must be included in the development proposal and geo-technical report.
- (Ord. 13-2007 § 1 (Exh. A)(16C.08.05), 2007; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

CHAPTER 16C.09
CRITICAL AQUIFER RECHARGE AREAS (CARAS)

16C.09.01. Purpose and Intent.

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

(Ord. 13-2007 § 1 (Exh. A)(16C.09.01), 2007; Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.09.02. Designation.

Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on

aquifers used for potable water as defined by WAC 365-190-030(2). CARAs are designated as critical areas. CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. The following areas have been identified based on local conditions.

- (1) **Wellhead Protection Areas.** Wellhead protection areas shall be defined by the boundaries of the ten-year time of groundwater travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.
 - (2) **Sole Source Aquifers.** Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.
 - (3) **Susceptible Groundwater Management Areas.** Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.
 - (4) **Special Protection Areas.** Special protection areas are those areas defined by WAC 173-200-090.
 - (5) **Moderately or Highly Vulnerable Aquifer Recharge Areas.** Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines.
 - (6) **Moderately or Highly Susceptible Aquifer Recharge Areas.** Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the State Department of Ecology.
- (Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.09.03. Mapping.

- (1) **Mapping Methodology –** The CARAs are depicted in the map titled "Critical Aquifer Recharge Areas of Yakima County." The CARA map was developed through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology - "Guidance Document" (<https://fortress.wa.gov/ecy/publications/SummaryPages/0510028.html>- Publication 05-10-028). This map depicts the general location of the critical aquifer recharge areas designated in YCC § 16C.09.02. Yakima County has developed a GIS database of the CARA map that shows the location and extent of critical aquifer recharge areas. This database will be used by the County to determine whether proposed developments could potentially impact CARA. All applications for development within the County that are located within a mapped CARA will be required to follow the performance standards of this chapter. The CARA map estimates areas of moderate, high and extreme susceptibility to contamination, in addition to wellhead protection areas. To characterize hydrogeologic susceptibility of the recharge area to contamination, the GIS analysis used the following physical characteristics:
 - (a) Depth to ground water;
 - (b) Soil (texture, permeability, and contaminant attenuation properties);

- (c) Geologic material permeability;
 - (d) Recharge (amount of water applied to the land surface, including precipitation and irrigation).
- (2) Wellhead Protection Areas. The CARA map includes those Wellhead Protection Areas for which the County has maps. Wellhead Protection Areas are required for all Class A public water systems in the State of Washington. The determination of a wellhead protection area is based upon the time of travel of a water particle from its source to the well. Water purveyors collect site specific information to determine the susceptibility of the water source to surface sources of contamination. Water sources are ranked by the Washington State Department of Health with a high, moderate or low susceptibility to surface contamination. Wellhead protection areas are defined by the boundaries of the ten (10) year time of groundwater travel, in accordance with WAC 246-290-135. For purposes of this chapter, all wellhead protection areas shall be considered highly susceptible.
- (Formerly 16C.09.02; Ord. 13-2007 § 1 (Exh. A)(16C.09.02), 2007; Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 6-2011 § 2 (Exh. A) (part), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.09.04. Submittal Requirements.

- (1) Applications for any development activity or division of land which requires review by Yakima County and which is located within a mapped Critical Aquifer Recharge Area or Wellhead Protection Area shall be reviewed by the Administrative Official to determine whether hazardous materials (see definitions) will be used, stored, transported, or disposed of in connection with the proposed activity. If there is insufficient information to determine whether hazardous materials will be used, the Administrative Official may request additional information, in addition to the submittal requirements outlined in 16C.03.
- (2) The Administrative Official shall make the following determination:
- (a) No hazardous materials are involved.
 - (b) Hazardous materials are involved; however, existing laws or regulations adequately mitigate any potential impact, and documentation is provided to demonstrate compliance.
 - (c) Hazardous materials are involved and the proposal has the potential to significantly impact Critical Aquifer Recharge and Wellhead Protection Areas; however, sufficient information is not available to evaluate the potential impact of contamination. The County may require a Hydrogeologic Report to be prepared by a qualified groundwater scientist in order to determine the potential impacts of contamination on the aquifer.

(Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.09.05. Performance Standards – General Requirements.

- (1) Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer.
- (2) The proposed activity must comply with the water source protection requirements and

recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and the Yakima County Health District.
(Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.09.06. Performance Standards – Specific Uses.

- (1) **Storage Tanks.** All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:
 - (a) **Underground Tanks.** All new underground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - (i) Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - (ii) Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
 - (iii) Use material in the construction or lining of the tank that is compatible with the substance to be stored.
 - (b) **Aboveground Tanks.** All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - (i) Not allow the release of a hazardous substance to the ground, groundwaters, or surface waters;
 - (ii) Have a primary containment area enclosing or underlying the tank or part thereof; and
 - (iii) Have a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.
- (2) **Vehicle Repair and Servicing.**
 - (a) Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
 - (b) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.
- (3) **Residential Use of Pesticides and Nutrients.** Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.
- (4) **Use of Reclaimed Water for Surface Percolation or Direct Recharge.** Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive

plans that have been approved by the State Departments of Ecology and Health.

- (a) Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).
 - (b) Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042.
- (5) Proposed new groundwater uses must provide evidence that the proposed water source is physically and legally available and meets drinking water standards.
(Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

16C.09.07. Uses Prohibited from Critical Aquifer Recharge Areas.

The following activities and uses are prohibited in critical aquifer recharge areas:

- (1) Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste and inert and demolition waste landfills;
- (2) Underground Injection Wells. Class I, III and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;
- (3) Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
- (4) Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances;
- (5) Mining. Hard rock; and sand and gravel mining, unless located within the mineral resource designation; and
- (6) Other Prohibited Uses or Activities.
 - (a) Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source;
 - (b) Activities that would significantly reduce the recharge to aquifers that are a source of significant base flow to a regulated stream.

(Ord. 1-2011 § 2 (Exh. A (4) (part)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

CHAPTER 16C.11
UPLAND WILDLIFE HABITAT CONSERVATION AREAS

Article I
Purpose and Intent

§ 16C.11.010. Purpose and Intent.

- (1) Wildlife habitat conservation means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability. Wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs (WAC365-190-130(1)).
 - (2) It is the intent of these provisions to classify seasonal ranges and habitat elements with which federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
 - (3) It is the purpose of these provisions to designate, protect, and conserve natural habitats of upland wildlife species.
- (Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

§ 16C.11.020. Protection Approach.

- (1) To maintain viable populations of fish and wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include fragmentation, the presence of essential resources such as food, water, nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. As a method of linking large habitat areas, migration corridors offer a means by which to connect publicly protected lands and other intact habitat areas. Yakima County protects habitat for upland species using the Upland Wildlife Habitat Conservation Area and associated protections measures described below.
- (2) Yakima County has a very high proportion of federal, state and other publicly and tribally owned land. Conservation of wildlife habitat is among the various goals for these public lands. Yakima County's approach to protecting all wildlife habitat types on public lands is to rely on the management of these lands by the responsible entity (i.e., US Forest Service, US Bureau of Land Management, US Department of Defense, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, Yakima Nation, etc.). The protection of Larch Mountain Salamander (*Plethodon larselli*) (State Sensitive, Federal Species of Concern) and Spotted Owl (*Strix occidentalis*) (State Endangered, Federal Threatened) habitat is accomplished through this approach, since their habitat of primary

association is located within Federal ownership.

- (3) To aid in upland wildlife protection on private lands, Yakima County will utilize current WDFW data and maps to identify wildlife habitat. Comparison of the map to public lands shows that a small percentage of the mapped area is within private ownership. An analysis of the privately owned lands showed that they are largely in remote areas that are undeveloped with no cultivated agriculture. The predominate land use on these private lands is forest and rangeland. Consequently, part of Yakima County's approach to protect upland wildlife on private land is to rely on the large lot/low density provisions of the Remote (40 acre minimum), Forest (80 acre minimum) and Agriculture (40 acre minimum) zoning districts.

Through the wildlife habitat analysis, habitat for listed state and federal threatened, endangered, and sensitive species was assessed and incorporated for upland species. Consequently, Yakima County's approach to protect habitat for listed state and federal threatened, endangered, and sensitive upland species is to require approval of a standard development permit, the submittal of a habitat assessment from a qualified professional, and where necessary, development of a management plan consistent with state and/or federal guidelines as outlined in Section 16C.11.060 and 16C.11.070 below. Where appropriate, agencies will be consulted early in the process to determine potential impacts from the development on wildlife habitat. Protection measures for Bull Trout (*Salvelinus confluentus*) (State Candidate, Federal Threatened) and Steelhead (*Oncorhynchus mykiss*) (State Candidate, Federal Threatened) are accomplished by the standards in Chapter 16C.06.

(Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

§ 16C.11.030. Functional Properties.

- (1) Wildlife habitat consists of the arrangement of food, water, cover, and space required to meet the biological needs of an animal. Different wildlife species have different requirements, and these requirements vary over the course of a year. Wildlife habitat generally includes one or more of the following functional properties:
 - (a) Reproduction and/or nesting;
 - (b) Resting and refuge;
 - (c) Foraging for food;
 - (d) Dispersal and migration.

(Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

Article II
Designation and Mapping

§ 16C.11.040. Upland Wildlife Habitat Conservation Areas.

- (1) Upland Wildlife Habitat Conservation Areas are those areas within which state or federally designated endangered, threatened, or sensitive species have a primary association and are designated as critical areas. State listed species are those native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC232-12-011) or Sensitive (WAC 232-12-011) by the Washington Fish and Wildlife Commission. Federal listed Threatened, Endangered or Sensitive species means all species of wildlife listed as such by the United States Secretary of the Interior or Commerce.
- (2) Upland Wildlife Habitat Conservation Areas include State Natural Area Preserves and Natural Resource Conservation Areas.
- (3) Upland Wildlife Habitat Conservation Areas include Species and Habitats of Local Importance. These are habitats or species that due to their declining population, sensitivity to habitat manipulation or other values make them important on a local level. Habitats of Local Importance may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
 - (a) Species and Habitats of Local Importance may be identified, for protection under this title. State or local agencies, individuals or organizations may identify and nominate for consideration specific species and habitats, or a general habitat type, including streams, ponds or other features. The WDFW Priority Habitat and Species list for Yakima County is included in this Title as Appendix B.¹⁰
 - (b) Review of a Species and/or Habitat of Local Importance application is a legislative action, and shall be processed during the Comprehensive Plan amendment cycle;
 - (c) Species and/or Habitat of Local Importance applications shall be docketed for official action with the Planning Commission in accordance with Section 16B.10.095 (Approval Criteria) with no fee requirements;
 - (d) The Planning Commission may convene a best available science committee to ensure the Species and/or Habitat of Local Importance application conforms to RCW 36.70A.172 and WAC 365-195-900 through WAC 365-195-925;
 - (e) Species and/or Habitats of Local Importance are adopted as Appendix B¹¹ of this title;
 - (f) Species and/or Habitats of Local Importance shall be reviewed for conformance with subsections (g) and (h) below;
 - (g) Applicants for Species and/or Habitat of Local Importance shall present evidence concerning the criteria set forth in subsection (h) below, including maps to illustrate the proposal and habitat management recommendations for use in the administration of this chapter; and/or

10. Editor's Note: Appendix B is included as an attachment to the title.

11. Editor's Note: Appendix B is included as an attachment to the title.

(h) The review of nominated habitats and habitats for species of local importance shall consider the following:

- (i) A seasonal range or habitat element which, if altered, may reduce the likelihood that the species will maintain or reproduce over the long term;
- (ii) Areas of high relative density or species richness, breeding habitat, winter range, and movement corridors;
- (iii) Habitat with limited availability or high vulnerability to alteration;
- (iv) Whether these habitats are already identified and protected under the provisions of this or other county ordinances or state or federal law.

(Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

§ 16C.11.050. Mapping.

(1) The approximate location and extent of upland wildlife habitat conservation areas for, Endangered, Threatened and Sensitive species are shown on the County's critical area map titled, "Upland Wildlife Habitat Conservation Areas of Yakima County." This map is to be used as a guide for the county, project applicants and/or property owners, and may be updated as more detailed data becomes available. This map is an initial reference and does not provide a final critical area designation. Wildlife resource agencies shall be consulted for their expertise on location of habitat conservation areas when insufficient information exists for an area.

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

- (a) Uses the richest habitat areas;
- (b) Includes some habitat for all species;
- (c) Focuses on large habitat areas that are most remote from human development;
- (d) Uses publicly owned lands as much as possible;
- (e) Provides corridor links between blocks of habitat areas using streams, and steep ridge slopes;
- (f) Considers WDFW Priority Habitat and Species and Wildlife Heritage data to help test accuracy; and

(g) Covers threatened endangered and sensitive species on private land.

(Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

§ 16C.11.060. Permit and Critical Areas Report Requirement.

(1) Developments proposed within an upland wildlife habitat conservation area with which state or federally endangered, threatened, or sensitive species or a species of local

importance has a primary association may be required to submit Critical Areas Identification Form and site plan as per 16C.03.02(1). The Administrative Official shall require a habitat assessment to be submitted if it is determined that the development proposal could impact the UWHCA. A habitat assessment is an investigation of the project area to evaluate the presence or absence of such species, and areas with which such species has a primary association.

- (2) In addition to the general critical area report requirements of Section 16C.03.17, habitat assessments and habitat management plans must be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant species and habitat. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.
- (3) If the habitat assessment determines that such species or habitat area is present on site, and are likely to be impacted by the development proposal, then a standard development permit and management plan are required.
- (4) If a standard development permit and management plan are required, as determined by the habitat assessment, it shall follow management recommendations published by federal or state agencies developed for species or habitats located on or adjacent to the project area. Management plans developed by an independent third party shall be provided for review by the Department of Fish and Wildlife or the responsible federal agency. The Administrative Official shall consult with the appropriate agency and consider their comments through the review process.

(Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 1-2011 § 2 (Exh. A (3)), 2011; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

§ 16C.11.070. Upland Wildlife Habitat Conservation Area Development Standards.

Projects located within an Upland Wildlife Habitat Conservation Area as designated in Section 16C.11.040 shall meet the following standards listed below, rather than the development standards in Sections 16C.06.10 through 16C.06.23 for Hydrologically Related Critical Areas, unless review is also needed for Hydrologically Related Critical Areas.

Projects shall be designed using management recommendations established for the species or habitat by federal and state agencies, or those adopted for Species and Habitats of Local Importance by Yakima County. The department shall consider the extent such recommendations are used in its decision on the proposal, and may consider recommendations and advice from the agencies with expertise.

(Ord. 2-2009 § 2 (Exh. A (17) (part)), 2009; Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017)

Chapter 5 – Housing Element

DRAFT

INTRODUCTION

Purpose

The Housing Element is intended to guide the location and type of housing that will be built over the next 20 years. This element establishes both long-term and short-term policies to meet the community's housing needs and achieve community goals. In many communities, there is a growing need for affordable housing to support community stability, economic opportunity, and equitable access to safe living conditions. The Housing Element specifically considers the condition of the existing housing stock; the cause, scope and nature of any housing problems; and the provision of a variety of housing types to match the lifestyle and economic needs of the community.

Growth Management Act Requirements

The Washington Growth Management Act (GMA) requires local governments to plan for and accommodate housing that is affordable at all income levels.

The housing element addresses the following:

- Inventory and analysis of existing and projected housing needs.
- Adequate provisions for existing and projected housing needs for all economic segments of the community.
- Identification of sufficient land for housing, including government-assisted, low-income, manufactured, multifamily housing, and group homes and foster care facilities.
- Statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing.
- Identifies policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing.
- Identifies and establishes policies to prevent displacement of historical, cultural and low-income communities.
- Consideration of accessory dwelling units (ADUs) to meet housing needs.

Applicable Countywide Planning Policies

A goal of the Growth Management Act is to encourage the availability of affordable housing to all economic sectors, promote a variety of residential densities and housing types, and encourage the preservation of existing housing stock. The following provisions of the Countywide Planning Policy relate to this goal:

1. Areas designated for urban growth should be determined by preferred development patterns and the capacity and willingness of the community to provide urban governmental services. (Countywide Planning Policy: A.3.1.)
2. The baseline for twenty-year County-wide population forecasts shall be the official decennial Growth Management Act Population Projections from the State of Washington's Office of Financial

Management plus unrecorded annexations. The process for allocating forecasted population will be cooperatively reviewed. (A.3.5.)

3. Sufficient area must be included in the urban growth areas to accommodate a minimum 20-year population forecast and to allow for market choice and location preferences. [RCW 36.70A.110(2)] (A.3.6)
4. When determining land requirements for urban growth areas, allowance will be made for greenbelt and open space areas and for protection of wildlife habitat and other environmentally sensitive areas. [RCW 36.70A.110(2)] (A.3.7)
5. The County and cities will cooperatively determine the amount of undeveloped buildable urban land needed. The inventory of the undeveloped buildable urban land supply shall be maintained in a Regional GIS database. (A.3.8.)
6. The County and cities will establish a common method to monitor urban development to evaluate the rate of growth and maintain an inventory of the amount of buildable land remaining. (A.3.9.)
7. Infill development, higher density zoning and small lot sizes should be encouraged where services have already been provided and sufficient capacity exists and in areas planned for urban services within the next twenty years. (B.3.3.)
8. The County and the cities will inventory the existing housing stock and correlate with the current population and economic condition, past trends, and 20-year population and employment forecasts to determine short and long-range affordable housing needs. [RCW 36.70A.070(2)] (E.3.1.)
9. Local housing inventories will be undertaken using common procedures so as to accurately portray countywide conditions and needs. (E.3.2.)
10. Each jurisdiction will identify specific policies and measurable implementation strategies to provide a mix of housing types and costs to achieve identified affordable housing goals. Affordable housing strategies should:
 - a. Encourage preservation, rehabilitation and redevelopment of existing neighborhoods, as appropriate;
 - b. Provide for a range of housing types such as multifamily and manufactured housing on individual lots and in manufactured housing parks;
 - c. Promote housing design and siting compatible with surrounding neighborhoods;
 - d. Facilitate the development of affordable housing (particularly for low-income families and persons) in a dispersed pattern so as not to concentrate or geographically isolate these housing types; and
 - e. Consider public and private transportation requirements for new and redeveloped housing. (E.3.3.)
11. Housing policies and programs will address the provision of diverse housing opportunities to accommodate the elderly, physically challenged, mentally impaired, migrant and settled-out agricultural workers, and other segments of the population that have special needs. (E.3.4.)

12. Local governments, representatives of private sector interests and neighborhood groups will work cooperatively to identify and evaluate potential sites for affordable housing development and redevelopment. (E.3.5.)
13. Public and private agencies with housing expertise should implement early and continuous cooperative education programs to provide general information on affordable housing issues and opportunities to the public including information intended to counteract discriminatory attitudes and behavior. (E.3.6.)
14. Mechanisms to help people purchase their own housing will be encouraged. Such mechanisms may include low interest loan programs and "self-help" housing. (E.3.7.)
15. Local comprehensive plan policies and development regulations will encourage and not exclude affordable housing. [RCW 36.70A.070(2)(c)(d)] (E.3.8.)
16. Innovative strategies that provide incentives for the development of affordable housing should be explored. (E.3.9.)
17. The County and the cities will locally monitor the performance of their respective housing plans and make adjustments and revisions as needed to achieve the goal of affordable housing, particularly for middle and lower income persons. (E.3.10.)

Relationship to Other Elements or Land Uses

Housing, as the major user of land in urban areas, directly affects most plan elements. Those elements in turn, especially land use, capital facilities, and transportation, directly affect housing.

Urban Growth Areas

In large part, the conversion of vacant and agricultural land to urban use will mean the subdivision of parcels for housing construction. The intensity of this development will largely determine the amount of land needed to serve future populations.

Land Use

Housing is a major consumer of land, and often the major determinant of land use patterns. The placement of schools, parks, and small commercial areas typically responds to needs generated by housing. Affordable housing is one of the most important challenges facing Washingtonians today. In response to the state-wide affordability crisis, the Washington State Legislature passed a series of laws intended to increase the supply of affordable housing beginning in 2019. There are several new requirements aimed at increasing the supply of affordable housing that communities must include in their Comprehensive Plans' Land Use Element and Development Ordinances.

Capital Facilities

Availability of water, sewer and other public services makes possible a denser, less costly type of housing. Conversely, low density housing may make the provision of public services extremely expensive.

Transportation

As a major generator of traffic flow, housing sets the level of traffic on local roads, arterials and highways. Housing for special needs populations may require access to public transportation or special transportation services.

Other Related Plans

City of Grandview Housing Action Plan

In 2023, the City of Grandview adopted a Housing Action Plan. The purpose of the plan was to review current and projected circumstances for housing availability within the community, determine the priorities of the community, and provide some options for the best path forward regarding housing. As part of that plan, a housing needs assessment was performed. Several strategies in this Element are based on the outcomes of the Housing Action plan. The Housing Action Plan developed the following objectives and strategies:

- **Objective 1: Maintaining and rehabilitating existing housing stock.**
The strategies included in the plan are to establish a local housing trust fund, and to utilize additional resources, such as the Washington State Housing Trust Fund, LIHTC program, HUD/FHA loans and USDA grant and loan programs.
- **Objective 2: Strategic expansion of infrastructure**
Strategic expansion of infrastructure is an effective way of ensuring that future developments will be able to access services. Two strategies identified include prioritizing sewer or water extensions to support upzones and utilizing the community revitalization financing (CRF) program to create a tax “increment area” and finance public improvements. The plan also calls for reducing minimum lot sizes in Grandview.
- **Objective 3: Providing opportunities for “missing middle” housing options.**
Strategies to create more low- and middle -income housing include examining code standards such as density limits, lot size minimums and setbacks, increasing allowed housing types in existing zoning districts. Potential options for “missing middle” housing include making provisions for cottage housing and townhouses and revising standards for accessory dwelling units. Additionally, offering density and/or height incentives for integrating small unit types is identified as a strategy for expanding the number of affordable units in the city.

Yakima County Home Consortium 2020-2025 Consolidated Plan

The Yakima County HOME Consortium develops a 5-year housing and community development plan, as required by the United States Department of Housing and Urban Development to guide distribution of its grant funds. The Plan provides a framework for action to expand affordable housing opportunities for low- and moderate-income households living in the cities of Grandview, Harrah, Mabton, Sunnyside, Toppenish, Union Gap and Wapato, and Zillah plus the county's unincorporated areas.

A summary of the goals of the 2025 Consolidated Plan is:

- Objective 1. Rehabilitation. Preserve affordable housing through the Homeowner Rehabilitation Program.
- Objective 2. Expand affordable housing through homebuyer activities such as downpayment assistance and/or developer subsidies.

II. Major Housing Considerations

Availability of Housing

The vacancy rate has a substantial impact on the availability, price, and quality of housing. Where there is a very low rate of vacancy, as is the case for single-family homes in Grandview, housing is not generally available, the price is inflated, and the quality may have a tendency to decline. An increase in the vacancy rates increases free market competition and thereby improves the situation of the housing consumer.

In Grandview, effecting an increase in the vacancy rate will involve the development of vacant land. This situation raises two issues.

1. How can the City support safe, affordable housing for all residents?
- 2.
3. What is the preferred role of the City in the development of land and the production of housing?
4. How can City programs best be designed to stimulate activity in the private sector?

Housing Density

The density of housing affects both the costs associated with infrastructure, and the affordability of housing. The City should consider all of the available alternative housing types (single-family, multifamily, manufactured homes, etc.) in order to ensure affordability and maintain the City's character. In considering housing types, the City must:

1. Determine an appropriate mix of housing types and densities to meet the current and future needs of the community; and
2. Determine the most appropriate location for these different types and densities to avoid mixing incompatible uses.
3. Implement policies that reduce barriers to affordable housing in the community.

Housing Rehabilitation

A rehabilitation program is an essential component of preserving existing housing stock, including units for occupancy by lower income persons. A rehabilitation program can also serve to strengthen neighborhoods. A shortage of available vacant units increases the need to preserve existing housing stock.

The City of Grandview is a member of the Yakima County HOME Consortium, which provides extensive housing rehabilitation for qualifying owned homes. To date, Grandview has had two homes receive housing rehabilitation through the HOME Consortium.

Housing Mix

An additional need beyond rehabilitation is the provision of new units to meet the needs of a growing population. By incorporating strategies designed to allow for a variety of housing types, the community can provide housing to meet the needs of current and future Grandview residents. Some activities that might facilitate this process are:

1. Monitoring housing needs in all income groups.
2. Keeping developers informed about current housing needs and encouraging them to address these needs.
3. Providing information on loan programs to eligible persons seeking to improve their living situation.

III. Existing Conditions/Characteristics

The number of housing units within Grandview has grown from 1,258 total housing units in 1970 to an estimated 3,322 units in 2021, a 164% increase. Over this same time period, the population of Grandview has grown by 201%. In 1970, Grandview had 3,605 residents. By 2024, Grandview had grown to 11,680 persons. Between 2000 and 2024, Grandview grew by 223%. Table 5-1 shows these trends.

Table 5-1. Population and Housing within the City of Grandview

	Population		Housing Units		Persons per Housing Unit	
	Number	Percent Growth	Number	Percent growth	Number	Percent Change
2025 ¹	11,599	6.3%	3,711	7.6%	3.3	.01%
2020	10,910	0.4%	3,449	9.9%	3.2	-11%
2010	10,862	30%	3,136	21.5%	3.6	6.6%
2000	8,377	16.9%	2,581	6.7%	3.4	6.3%
1990	7,169	27.7%	2,420	14.9%	3.2	14.3%
1980	5,615	55.8%	2,107	67.5%	2.8	-3.4%
1970	3,605	---	1,258	---	2.9	---

Source: Office of Financial Management U.S. Census Bureau, Census of Population and Housing, 1970, 1980, 1990, 2000, 2010, 2020 and 2025.

Vacancy Rate

Of the 3,449 housing units within Grandview in 2020, 3,322 were reported as occupied and 127 were reported as vacant. The total vacancy rate as reported in the 2020 Census was between 1.4 and 1.8%. Table 5-2 summarizes vacancy rates by housing types in Grandview. These vacancy figures from the April 1, 2020 Census survey may not represent the average vacancy rate, as it occurs before many farm workers arrive for late spring and fall harvests in this agricultural region.

A vacancy rate in the vicinity of 5% is desirable to provide both free movement in the market and adequate housing maintenance practices, though the actual ideal amount of vacancy depends on local and regional conditions. By this measure, the Grandview's overall vacancy rate (rental and for-sale homes) is very low. These figures suggest that there remains a very strong market need for for-sale (owner-occupied) housing as well as rental units.

Table 5.2 Occupancy by Housing Types in Grandview

	Estimate	Percent
Total Occupied Housing Units	3,322	
Owner-occupied	1,702	51.2%
Average household size of owner-occupied units	3.49	
Renter-occupied	1,620	48.8%
Average household size of renter-occupied units	3.16	

Source: US Census 2020 Form DP04 Selected Housing Characteristics

Housing Types

Table 5-3 shows the mix of housing types from 1990 to 2020. The mix of housing types has not changed significantly since 2000, except for a slight increase in the percentage of manufactured homes.

Single-family units within Grandview increased from 1,747 units in 2000 to 2,166 units in 2013. Multifamily units within Grandview increased from 500 housing units in 2000 to 599 units in 2013. Manufactured homes increased from 324 in 2000 to 459 in 2013.

Table 5-3. Housing Types within the City of Grandview

City of Grandview: Type of Housing Units	2025		2010		2000		1990	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Single-Family	2,627	71%	2,118	67.5%	1,747	65.5%	1,594	65.8%
Multifamily	599	16%	554	17.7%	500	19.4%	396	16.4%
Manufactured Home	485	13 %	464	14.8%	324	12.6%	430	17.8%
Total Housing Units	3,711	100.0%	3,136	100.0%	2,571	100.0%	2,420	100.0%

Source: U.S. Census Bureau, Census of Population and Housing, 1990,2000,2020. 2010 estimates from Washington State Office of Financial Management.

Table 5-4 shows the age of housing units by housing within Grandview. The highest percentage (24.4%) of units were built during the 1970s. Since this data is from 2020, it doesn't reflect the surge in growth in the past several years, however. 39.6% of all housing units within Grandview are more than 50 years old, having been built prior to 1970, while 26.6% have been built since 1990.. Housing rehabilitation will continue to be an important need for the City of Grandview as its housing stock continues to age.

Table 5-4. Age of Housing Units , City of Grandview

City of Grandview: Age of Housing Units	All Housing Units	
	Number	Percent
Built 2014or later	11	0.3%
Built 2000 to 2009	570	16.5%
Built 1990 to 1999	347	16.5%
Built 1980 to 1989	338	9.8%
Built 1970 to 1979	840	24.4%
Built 1960 to 1969	317	9.2%
Built 1950 to 1959	502	14.6%
Built 1940 to 1949	200	5.8%
Built 1939 or earlier	265	7.7%

Source: US Census 2020 Form DP04 Selected Housing Characteristics

Value and Cost of Housing

As indicated in Table 5-5, approximately 5.5% of the owner-occupied homes in Grandview in 2020 were valued at less than \$50,000. This is approximately , and about 8.6% more than Yakima County as a whole, and more than 11% more than the State of Washington. These numbers may reflect the large number of aging homes in Grandview and indicate a need for rehabilitation and new home construction. However, the median value of an owner-occupied home in Grandview is \$148,300– up from \$117,600 in 2010. The largest percentage of homes (42%) in Grandview are between \$100,000-\$149,000. In Yakima County, by contrast, the largest percentage (41.5%) of homes are valued between \$300,000-\$499,000. This suggests homeownership in Grandview is considerably more affordable than in the County. Both Yakima County and Grandview have lower home values than Washington State as a whole. Table 5-5 highlights these differences.

Figure 5-1, page 15 maps the owner-occupied home values in Grandview using 2026 Yakima County Assessor data. Higher-value homes tend to occur on larger lots near the edges of the City, or on smaller lots in the southwest portion of the City, while many middle- to lower-valued lots occur in and around the central business district area.

Table 5-5. Value of Owner-occupied Housing in City of Grandview, Yakima County and Washington State

Universe: Specified Owner- Occupied Housing Units	City of Grandview		Yakima County		Washington State	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	21	1.9% %	2,968	5.5%	54,348	2.7%
\$50,000 to \$99,999	7	0.6%	1,823	3.4%%	31,097	1.6%
\$100,000 to \$299,000	478	44.3%	15,222	28.1%	165,811	8.4%
\$300,000 to \$499,999	509	5.9%	22,463	41.5%	511,803	25.7%
\$500,000 to \$999,000	64	0.5.9% % %	10,784	19.9%	876,004	44.0%
\$1,000,000 or more	0	0.0%	860	1.6%	353,270	17.7%
Median value (dollars)	\$307,800	(X)	\$349,900	(X)	\$602,200	(X)

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2024

Housing Condition

Figure 5-2, page 14 maps the housing condition data. Homes in the “average” category are scattered throughout the city; “excellent” and “very good” homes tend to reflect the higher-value homes on the edges of the city. Table 5-6 summarizes the condition of Grandview’s current housing stock using Yakima

County Assessor determinations. Overall, 89% of Grandview's housing stock is in "average" to "excellent" condition, while only 11% are in "fair" to "salvage" condition. 58% of Grandview's homes are in "average" condition. As discussed below, the Yakima County Assessor defines "average" as "... typical for the age of the improvements. Older homes may have some evidence of deferred maintenance that would be typical for their age." The large number of homes rated as "average" on Grandview reflects the age of homes. Particularly for lower income households, this points to a need for housing rehabilitation as homes age further.

Figure 5-2, page 16 maps the housing condition data. Homes in the "average" category are scattered throughout the City; "excellent" and "very good" homes tend to reflect the higher-value homes on the edges of the City.

Table 5-6. Condition of Housing Stock, City of Grandview, 2026

Housing Condition	# of Homes	Average Home Value
VERY-GOOD	17	\$427,365
EXCELLENT	540	\$329,478
GOOD	186	\$295,327
AVERAGE	1,710	\$292,107
FAIR	450	\$214,776
POOR	28	\$175,225
VERY-POOR	1	\$137,700
SALVAGE	4	\$138,025

Source: Yakima County Assessor, 2015

The following are descriptions of the categories of housing condition, as provided by the County Assessor:

- *Excellent:* All items are new or are in like-new condition. Building components show no sign of their actual age and cannot be distinguished from new. This is the typical condition rating for new houses, as they have no deferred maintenance and are not expected to have any for a minimum period of five years. Older homes in this condition have gone through a total renovation.
- *Very Good:* All items have been well maintained. Most items are like new and show no sign of their actual age. Very little deterioration is evident in any building component. Many of these homes have been extensively remodeled or have had major additions.
- *Good:* These properties have received better than average maintenance and their appearance is better than what is typically found in their age range. No obvious deferred maintenance is

present, but neither are the improvements in new condition. The majority of properties that have recently sold are found to be in good condition because of the work that has been done just prior to being put on the market.

- **Average:** Average means the condition is typical for the age of the improvements. Older homes may have some evidence of deferred maintenance that would be typical for their age. If the condition of the residence is typical for the age group, the condition rating should be considered average.
- **Fair:** Properties that are in fair condition have received less than average maintenance and are not typical of the houses within their age range. There is a considerable amount of deferred maintenance. There are no apparent problems with any long-lived or structural components. Short-lived items such as paint, carpets, linoleum, trim, plumbing fixtures, etc. are in need of repair or replacement.
- **Poor:** Most long and short-lived components of the structure are worn out and in need of replacement or repair. Structural components such as foundations and bearing walls may need repair but are still in sound condition. Major renovations or remodels are needed to bring these properties up to current standards.
- **Very Poor:** A property in this condition is close to being beyond repair. All building components including structural components have reached the end of their economic life. The difference between this rating and Salvage Value is that the property may still be inhabited or used for some purpose.
- **Salvage:** A property in this condition is beyond repair and has salvage value only. It is uninhabitable and may need to be torn down to maximize the value of the parcel.

Overcrowding

Another measure of living conditions is overcrowding. The accepted standard defines overcrowding as the presence of more than one person per room. In 2020, 9.1% of occupied housing units had more than person per room. This is a slight decrease from Grandview's rate of 10.1% in the 2010 Census.

Table 5-7 Persons per Room - City of Grandview, Yakima County and Washington State

Universe: Occupied Housing Units	1.01 or More Persons Per Room	Percent with 1.01 or More	1.00 or Less Persons Per Room	Percent with 1.00 or Less
City of Grandview	303	9.1%	3,019	90.9%
Yakima County	7,104	7.8%	83,541	92.2%
Washington State	114,496	3.6%	3,053,584	96.4%

Source: US Census Selected Housing Characteristics, 2020

To maintain a suitable housing stock and provide for the expected expansion of the population, it will be necessary to develop a database and municipal policy to address housing and related land use issues. Such information, plans and policies are essential to making housing decisions to suit the future needs of the City.

Affordable Housing

"Affordable Housing" is a term which applies to the adequacy of the housing stock to fulfill the housing needs of all economic segments of the population. The underlying assumption is that the marketplace will guarantee adequate housing for those in upper income brackets, but that some combination of appropriately zoned land, regulatory incentives, financial subsidies, and/or innovative planning techniques may be necessary to make adequate provisions for the needs of lower income persons.

Income and Housing Costs

The U.S. Department of Housing and Urban Development (HUD) sets income limits that act as breaking points among low-, very low-, and moderate-income levels. For Yakima County, the income limit for a low-income family of four during fiscal year 2015 is 46,300. Because the closest American Community Survey (ACS) income data interval to this number is \$49,999, the number of families earning \$49,999 or less was used to approximate the number of low-income households in Grandview. Using this measure, approximately 18.8% of households in Grandview can be considered low-income. Due to the estimation method used, this is a slight overestimate.

Table 5-8 compares four income statistics for the City of Grandview with Yakima County and the State of Washington. Grandview's median household income and median family income are lower than either that found countywide or statewide. According to analysis completed by the Washington Community Development Block Grant (CDBG), 67.2% of Grandview's population is considered "low to moderate income"; that is, they make 80% or less of the area median income of Yakima County's area median income of \$48,900 are considered low to moderate income. The percentage of persons living in poverty in Grandview (20%) has stayed steady since the 2000 rate of 20.3%.

Table 5-8. Comparison of Average Income Statistics City of Grandview, Yakima County, and Washington State

	Per Capita Income	Medium Household Income	Median Family Income	Poverty Rate in Percent (Family)
City of Grandview	\$22,817	\$61,106	\$55,070	17.9%
Yakima County	\$31,497	\$75,399	\$84,062	16.9%
Washington	\$55,177	\$99,389	\$120,265	9.9%

Source: American Community Survey 2024 5-Year Estimates

Table 5-9 presents the breakdown of expenditure on owned housing costs by age. Under HUD guidelines, housing is considered unaffordable when householders spend more than 30% of their total income on housing. When the percentage of income expended on housing costs exceeds 30%, the remaining disposable income available to many low-income households is often inadequate to meet life's other basic necessities. In Grandview, 40% of householders spend more than 30% of their income on housing. This is up from 32% in 2010, and equal to Yakima County as a whole. These statistics show that the cost of housing is continuing to increase, stretching households' budgets in Grandview. Households as whole in Washington State are spending more on housing as a percentage of their income than residents of Yakima County.

Table 5-9 Percentage of Income, City of Grandview, Yakima County, and Washington State

Universe: Specified Owner- occupied Housing Units	City of Grandview		Yakima County		Washington State	
	Number	Percent	Number	Percent	Number	Percent
<i>All Householders</i>						
30% or more	971	28%%	23,418	28%	1,003,211	32%
50% or more	424	12%	10,654	12%	456,865	14%
<i>Homeowners</i>						
30% or more	517	27%	10,792	27%	463,735	23%
50% or more	243	13%	4,373	13%	199,142	10%
<i>Renters</i>						
30% or more	454	30%	12,626	35%%	539,476	46%
50% or more	454	181	-	-	-	-

Source: American Community Survey, 2024 Housing Costs as Percentage of Household Income. Totals may not equal 100% because the status of certain units was not able to be determined.

Local residents throughout Yakima County have discussed housing problems through the countywide visioning effort. The results of this effort have been used as the basis for the Countywide Planning Policies that address housing. The purpose of these policies is to provide a common ground and some universally acceptable parameters to help guide decision-makers through the complex topic of affordable housing. The premises of these Countywide Planning Policies have been incorporated into the Goals, Policies and Objectives contained within this housing element.

City of Grandview will continue its participation in the Yakima County HOME Consortium. The HOME Consortium expands affordable housing opportunities for low- and moderate-income households in member jurisdictions throughout the region. The HOME Consortium funded five affordable units as part of Grandview's 41-unit Carriage Court Apartments development completed in 2014, and has provided home-owner occupied rehabilitation for two homes as well as new construction of one affordable single-family home for a homebuyer program in Grandview. The HOME Consortium is currently focused on housing rehabilitation as a pressing regional need, but is still able to assist with new construction for multi- or single-family rental units and affordable housing for a homebuyer program.

**City of Grandview
Residential Housing Value**

Legend

UGA Boundary
City Limits

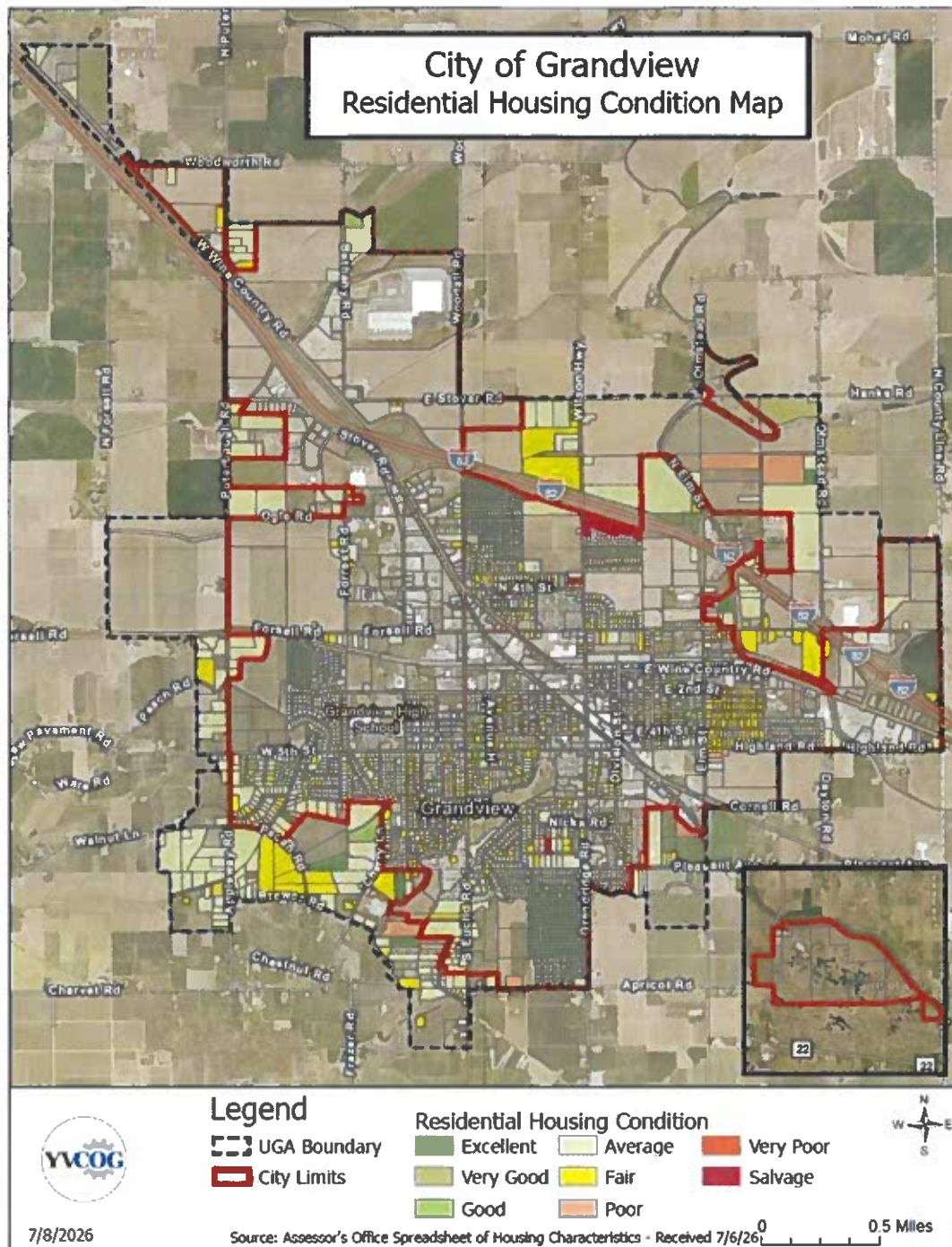
Total Market Value (\$)

37,600 - 150,000	500,001 - 650,000
150,001 - 350,000	650,001 - 800,000
350,001 - 500,000	800,001 - 1,839,900

Source: Assessor's Office Spreadsheet of Housing Characteristics - Received 7/6/26

0 0.5 Miles

Figure 5-2. Housing Condition, Grandview UGA



IV. HOUSING NEEDS ASSESSMENT

Existing Conditions

Existing Densities

Figure 2-4, page 2-11 in the Land Use Element models estimated population densities for the Grandview UGA (Census 2010). Population densities in Grandview range from near zero to approximately 27,000 persons per square mile. The areas of greatest density are in the older sections of the City, immediately north, east, southwest, and southeast of the downtown business and industrial core. These locations have areas between 300 and 14,000 persons per square mile, with pockets in the higher density category of between 14,000 to 27,000 persons per square mile. In general, the farther the distance from the downtown core and the area between the I-82 and Wine Country Road corridors, the fewer persons per square mile are found in residential areas. Other areas of Grandview vary in population density, reflecting commercial and industrial areas and a mixture of more rural housing and agricultural uses. Approximately 20.3% of the total land area within Grandview, or 727.8 acres, is devoted to housing.

Inventory of Undeveloped Land

Figure 2-5, page 2-25 in the Land Use Element illustrates the distribution of the approximately 2,167.1 acres of undeveloped land that falls within the incorporated and unincorporated portions of the Grandview UGA. As discussed in the Land Use Element, the term “undeveloped land” includes parcels designated by the County Assessor as “vacant,” “residential land undeveloped,” “current use agricultural,” and “agricultural not current use.”

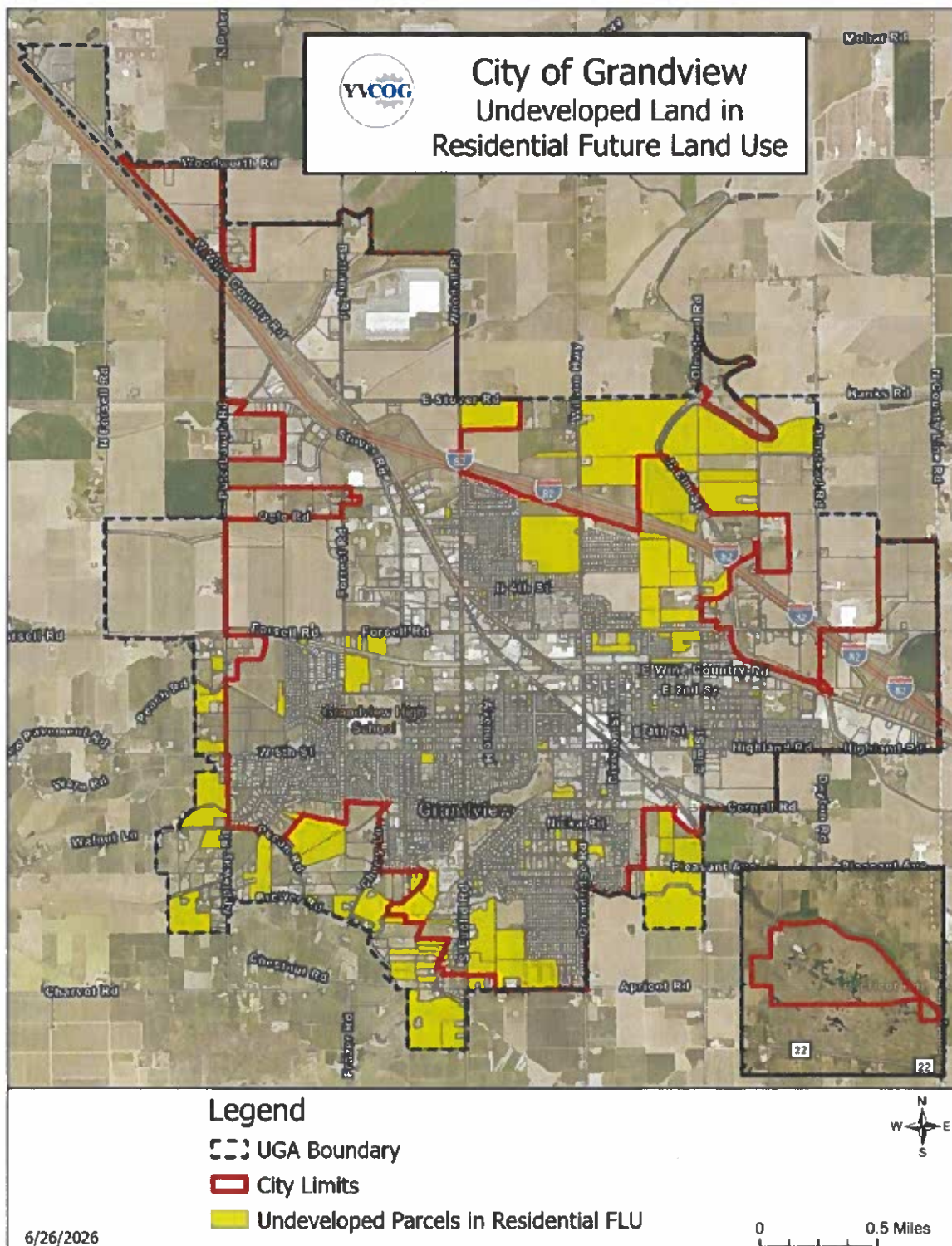
Table 5-10 summarizes the amount of undeveloped land within the unincorporated portion of the UGA and within the City limits that has a future land use designation of residential. Figure 5-3-, page 18 illustrates how the undeveloped lands are distributed in the residential designation of the Future Land Use map. In addition to the 344.1 acres potentially available within the City limits for future residential uses, the UGA contains 719.9 acres of undeveloped land that has a future land use designation of residential. This brings the total land potentially available for future residential development to 1,064 acres.

The future land use designation indicates how land is planned to be used during the 20-year planning period to provide land uses and services, and to achieve land use goals, that are important to the community as a whole and that are needed based on demographic patterns, population projections, and existing and projected patterns of land use. As part of the GMA requirements, the City of Grandview development regulations have also been revised as needed to implement the future land use designations illustrated on the Future Land Use Map (Figure 2-6, page 2-27 of the Land Use Element).

Table 5-10. Acreages of Land Currently Undeveloped in Residential Future Land Use Designation

	Acres	Percent Total Undeveloped
City Limits	453	28%
Unincorporated UGA	1,156	72%
Total	1,609	53%

Figure 5-3 Undeveloped Residential Land



Projected Future Needs

Housing Needs Assessment

The GMA requires cities to accommodate future housing needs by affordability level. The City must make accommodations to enable housing growth to meet these needs through the year 2046. In 2021, the housing element requirements in RCW 36.70A.070(2) were updated with House Bill 1220 (HB 1220) to instruct local governments to "plan for and accommodate housing affordable to all economic segments of the population of the state." This includes an inventory and analysis of existing and projected housing needs, including "units for moderate, low, very low, and extremely low-income households," as well as "emergency housing, emergency shelters, and permanent supportive housing."

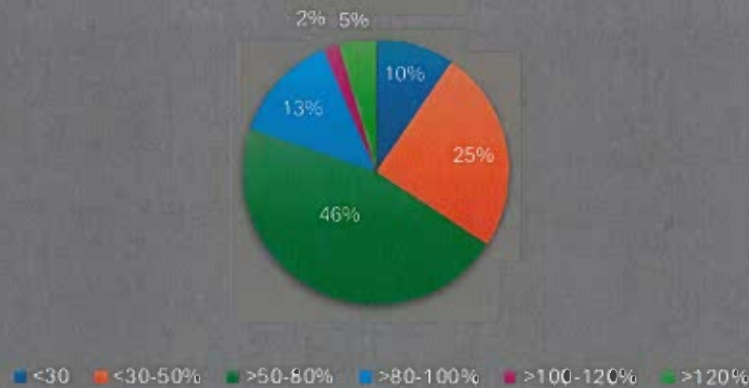
The following information was developed using the Washington Department of Commerce's Housing or All Planning Tool (HAPT). The tool was used to calculate housing needs projections for a selected county, projection year, and target population

This tool includes countywide housing needs projections based on Washington Office of Financial Management (OFM) Growth Management Act (GMA) population projections released in December 2022. Projected housing needs, including permanent supportive housing (PSH) and emergency housing, are based on user-defined countywide population targets. Population Projections for all cities and unincorporated areas in Yakima County were completed by Yakima County in 2025. According to projections, Yakima County will need 25,057 additional housing units by 2046. Based Yakima County's allocation for Grandview and its UGA, is estimated to account for 8.33% of that growth, or an additional 2,088 homes.

This tool projects permanent housing needs in the form of housing units; emergency housing and emergency shelter needs are projected in the form of beds, as they are considered temporary housing. Housing needs by income level are presented relative to AMI or Area Median Income. This is a statistic also known as HUD Median Family Income, and it varies by county or metropolitan region.

Figure 5.6 below shows the distribution of allocation of units affordable in the various income bands, based on 2020 census estimates. Currently, the majority of units (46%) would be considered affordable to households in the 50-80% AMI range, and 37% of units would be affordable in the 30-50% AMI range. However, only 10% of units would be considered affordable to households below 30% AMI.

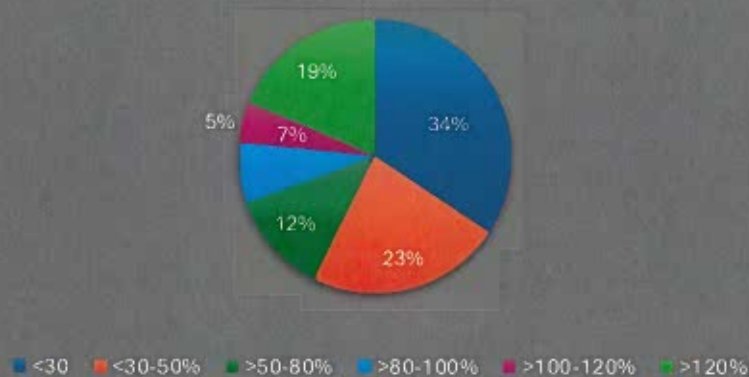
Figure 5.6 Distribution of Estimated Units by Affordability in 2020, Percent Area Median Income



Source: Department of Commerce Housing Allocation Planning Tool (HAPT) 2022

Figure 5.7 shows the distribution of needed units in 2046 by percentage of AMI. In 2046, 34% of housing units should be affordable to households earning less than 30% AMI, which is a 27% increase. The share of housing units between 50-80% AMI does not need to increase. However, the distribution of homes between 80-100% AMI needs to increase by about 7% from current numbers to meet affordability goals.

Figure 5.7 Distribution of Units in 2046, Based on Allocation of Need - Percent Area Median Income



Source: Yakima County 2046 Housing Allocations, 2025

Table 5.11 shows the housing supply per income band in 2020, and what the additional needs will be in 2046, based on the Office of Financial Management's Housing or All Planning Tool (HAPT) (2022) and Yakima County population allocation data from 2025. The primary income bracket that will require more housing in Tieton in 2046 is below 30% AMI. It will be important to encourage, and lower any barriers, to low income and permanent supportive housing in the next 20 years.

Table 5.11 Existing and Future Housing Allocations, by AMI
(Including Permanent Supportive Housing (PSH) Needs)

Percent Area Median Income (AMI)	Total	0-30%		>30-50%	>50-80%	>80-100%	100-120%	>120%
		Non-PSH	PSH					
Estimated Housing Supply (2020)	3,276	313	-	808	1,508	432	66	149
Allocation (2020-2046) City	1,669	274	299	384	202	119	81	310
Allocation (2020-2046) UGA	419	69	75	96	51	30	20	78
Total UGA	2,088	343	374	480	253	149	101	388

Displacement Risk

The Growth Management Act requires jurisdictions to assess displacement risk and to establish policies and regulations to mitigate displacement risk. A household is considered displaced if its place of residence is disrupted due to forces outside of its control and it is unable to find suitable replacement housing in the neighborhood. Displacement risk occurs when households are experiencing greater pressure to leave and therefore displacement risk analysis should inform land use policymaking to encourage redevelopment and reinvestment in existing neighborhoods while ensuring that existing neighborhood residents share in the benefits of that redevelopment and reinvestment and are not pushed out. When housing prices rise, specific sociodemographic factors are associated with higher displacement risk. This displacement risk assessment uses three variables— racial identity, renter tenancy, and income—to assess the relative displacement risk. Gentrification is a process describing neighborhood change, typically including a demographic shift whereby people who identify as persons of color and people with lower incomes leave the area and people who identify as white, not Hispanic or Latino and/or have higher incomes move to the area. The Demographic Change Index assesses changes relative to the county change in the share of the population that are BIPOC or have incomes at or below 80% of the county median income between 2010 and 2020.

According to the Washington State Department of Commerce's Displacement Risk Map, a large portion of Grandview (Census tract 19.02) is identified as having a medium risk of displacement. A portion of the west side of the city, both north and south of Interstate 82 (census tract 19.01) is identified as experiencing demographic and market change. Because Grandview is experiencing rapid growth, driven in part by commuters seeking more affordable options, local lower-income residents and agricultural workers face a heightened risk of demographic change. A list of strategies to protect vulnerable communities from displacement is identified in the 2023 Grandview Housing Action Plan. These

strategies include strategic acquisition and financing of existing multi-family housing, tenant relocation assistance, just cause eviction protections, community land trusts, need-based rehabilitation assistance, and grants/loans to directly support existing small businesses.

Land Requirements for All Housing

Grandview's population is projected to be 14,538 people by 2046, an increase of 11,680 residents since 2024. The 2020 Census indicated that there was an average of 3.3 people per housing unit. Therefore, the baseline projected number of additional dwelling units for the medium population projection during the planning period is 858 households

Projected land use requirements for each housing type () were determined by calculating the proportion of the total land use need for each housing type, based on the percentage of each housing type present currently in Grandview.

Dwelling Unit and Acreage Requirements for Single-Family Housing, Including Manufactured Housing

R-1 Low Density Residential

The R-1 Low Density Residential District has a total of 2,671 parcels totaling approximately 1,625.93 acres. Approximately 29% of that area, or 472.43 acres, is fully developed lands. Approximately 36%, or 58.6 acres are under-developed lands, meaning they could be potentially divided and additional home(s) built. The remaining 548.57 acres are vacant lands.

With an effective market rate deduction of 30% (15% for infrastructure improvements and 15% for market factor), approximately 384.00 acres are developable. Using the highest density allowed in the zoning district (4 du/nra), vacant lands have the potential to accommodate an additional 2,303 housing units. With an average household size of 3.34, there is enough land in the R-1 Low Density Zoning District for 7,695 people.

Dwelling Unit and Acreage

The R-3 High Density Residential Zoning District has 213 parcels totaling approximately 126.26 acres. 29.25 acres is underutilized, meaning they could be divided and another home built. Approximately 36% of that area, or 45.11 acres, are vacant lands. Approximately 29.25 acres, or 23%, is partially-developed and underutilized, and the remaining 51.21, or 40%, are developed.

Medium Density development has the highest density at 10 du/nra. Using that density, and subtracting the 30% market rate factor, there is the potential to accommodate an additional 442 multi-family housing units. With the household size of 3.34, units would provide housing for approximately 1,476 people.

Requirements for Multifamily Housing

R-2 Medium Density Residential

The R-2 Medium Density Residential District has a total of 134 parcels totaling approximately 97.63 acres. Approximately 42% of that area, or 41.78 acres, are vacant lands. Approximately 28.94 acres, or 29%, is partially-developed and underutilized, and the remaining 5.17 acres, or 5.3%, are developed.

Medium Density development has the highest density at 10 du/nra. Using that density, and subtracting the 30% market rate factor, there is the potential to accommodate an additional 292 multi-family housing units. With the household size of 3.34, units would provide housing for approximately

Dwelling Unit and Acreage Requirements for Manufactured Home and Other Housing

The MR Manufactured Home Park Zoning District has 29 parcels totaling approximately 75.85 acres. 12.18 acres is underutilized or partially developed, meaning they could be divided and another home built. Approximately 20% of that area, or 15.34 acres, are vacant lands.

Using the density for the Manufactured Home Park zone, and subtracting the 30% market rate factor, there is the potential to accommodate an additional 193.2 Manufactured home housing units. With the household size of 3.34, units would provide housing for approximately 645 people.

I. A COORDINATED HOUSING STRATEGY FOR GRANDVIEW

As is the case with most communities, Grandview's housing problems are a result of complex physical, social, and economic realities. Because of the complexity of the problems, a coordinated approach is necessary to address them. A coordinated housing strategy for Grandview should include:

- 1) Consideration and implementation of the housing goals, policies and objectives. Land use decisions, new municipal ordinances and the allocation of available resources should be made in consideration of the goals, policies and objectives contained in this comprehensive plan.
- 2) A target area or areas for housing rehabilitation should be identified and used to guide future activities aimed at improving the existing housing stock.
- 3) Implementation of needed improvements in the Capital Facilities and Transportation Elements could result in greater opportunity for growth in Grandview. The addition of more people in Grandview, particularly those active in the community workforce will add to the viability of the community.
- 4) Develop an inventory of housing in Grandview that provides for a variety of neighborhoods that are attractive and will lead to an improved quality of life.
- 5) Improve neighborhoods by decreasing density by enforcing the Uniform Housing Code.
- 6) Preserve current low- to moderate-income housing stock by developing housing rehabilitation programs that include public and private investment in owner-occupied housing rehabilitation projects.

II. GOALS AND POLICIES

GOAL 1: Provide safe and sanitary housing for all persons within the community.

Policy 1.1 Support the development of a housing stock that meets the needs of all economic segments of the community..

Objective 1: 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).

Objective 2: Encourage manufactured housing parks and subdivisions that are well designed and compatible with neighboring land uses.

Objective 3: Allow, on individual lots, manufactured housing that meets accepted standards for manufactured housing and is permanently affixed to a foundation.

Objective 4: Encourage and support the rehabilitation of older homes.

Objective 5: Encourage infilling in residential areas.

Objective 6: Encourage more medium and high-value residential construction.

Policy 1.2: Objective 6: Create more diverse “missing middle” opportunities to ensure a supply of affordable housing

Objective 1: Support the development of cottage housing, triplexes, duplexes and townhomes.

Objective 2: Support the development of Accessory Dwelling Units in suitable areas.

Policy 1.3: Support the implementation of public housing programs in partnership with private developers that supplement the efforts of local developers in meeting the housing needs of the community.

Objective 1: Pursue programs to expand the housing options of low and moderate-income groups and the elderly.

Objective 2: Coordinate public programs with the activities of local developers to provide for the optimal utilization of community resources.

Objective 3: Consider programs such as a local housing trust fund to aid in the development of affordable housing.

Objective 4: Support options for the development of long-term affordable housing, such as community land trusts.

Policy 1.3: Support housing availability to meet the needs of all income groups.

Objective 1: Make current housing information available to potential developers and encourage its use in the consideration of development alternatives.

Objective 2: Provide for the periodic updating of existing plans and development regulations (e.g., comprehensive plan and zoning ordinance) and ongoing analysis of housing problems.

Objective 3: Ensure that all new housing developments pay for the cost of providing utilities, streets, parks and public safety requirements.

GOAL 2: *Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Grandview.*

Policy 2.1: The City of Grandview will ensure and facilitate the provision of municipal services appropriate to the density of residential development.

Policy 2.2: The initial cost of providing municipal services to serve new residential developments will be borne by the developer.

Policy 2.3: The City of Grandview will work cooperatively with other public agencies, private institutions, and organizations to foster housing rehabilitation in suitable areas.

GOAL 3: *Encourage a mixture of housing types and densities throughout the UGA that are compatible with public service availability.*

Policy 3.1: Support the development of regional strategies to address the housing needs of the UGA.

Objective 1: Land use controls shall govern the distribution of housing types by establishing overall density.

Objective 2: Density of development shall be based on the existing land use pattern, the availability of public services, municipal service plans and the initial provision of services by the developer.

Objective 3: Criteria shall be developed for establishing levels of services required for different densities of development.

Goal 4: Ensure that rapid residential growth and economic development in Grandview do not result in the displacement of existing residents, particularly lower-income households, seniors, and agricultural workers.

Policy 4.1 Monitor risk indicators of displacement risk, including rapidly escalating rental prices and the conversion of naturally occurring affordable housing.

- Policy 4.2 Identify, catalog, and support the preservation of Naturally Occurring Affordable Housing (NOAH) and multifamily complexes within the urban growth area (UGA) to prevent them from being converted into higher-cost developments.
- Policy 4.4 Partner with the Yakima Valley Conference of Governments (YVCOG), regional housing authorities, and non-profits to leverage funding for strategic land acquisition dedicated to permanent affordable housing.
- Policy 4.5 Evaluate and implement local tenant support frameworks, such as providing extended notices for substantial rent increases or partnering with legal aid organizations to mitigate eviction-driven displacement.

Chapter 2 - Land Use Element

DRAFT

I. INTRODUCTION

Purpose

The Land Use Element establishes the desirable character, quality and pattern of the physical environment and represents the community's policy plan for growth over the next 20 years. In addition, because land is a limited resource, the Land Use Element acts as a check and balance by establishing which areas are suitable or unsuitable for development. Unsuitable lands include those that pose significant health hazards, areas with development limitations, and critical areas.

The Washington State Growth Management Act (GMA) requires that the following be addressed by the Land Use Element:

- Designation of the proposed general distribution, extent and general location of a number of land uses for various activities;
- Establishment of population densities, building intensities and estimates of population growth;
- Wherever possible, the Land Use Element should consider utilizing urban planning approaches that promote physical activity;
- Provisions for the protection of the quality and quantity of groundwater used for public water supplies (this requirement is addressed in the Natural Systems Element);
- The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities
- Where applicable, the Land Use Element must review drainage, flooding and storm water runoff in the area covered by the plan and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute the waters of the state (this requirement is addressed in the Natural Systems Element).
- The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools to reduce wildfire risk, reducing wildfire risks to residential development in high risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

Designation of an Urban Growth Area (UGA), integration with countywide planning policies, and identification of lands useful for public purposes and open space corridors within and between UGAs are also GMA inventory requirements, and will also be addressed in this element.

Applicable Revised Code of Washington (RCW), County-wide Planning Policies (CWPPs) and Metropolitan Transportation Plan (MTP) policies

Under the GMA, cities, towns, and their UGAs are identified as the primary areas where future urban growth will be permitted. To achieve the GMA's goal of "interjurisdictional consistency," consistency must

be maintained at the state level with of the Revised Code of Washington (**RCW**), and at the regional level with the Yakima Countywide Planning Policy (**CWPP**), the Yakima Valley Metropolitan Transportation Plan (**MTP**), and each jurisdiction's comprehensive plan. The land use-related policies covered in detail in this element cite the consistent and applicable federal, state, county, and regional policies.

The following rules and policies apply to discussion of the City of Grandview Land Use Element.

The following policies are related to the process and criteria for establishing and amending Grandview's UGA:

- 1) Areas designated for urban growth should be determined by preferred development patterns and the capacity and willingness of the community to provide urban governmental services (**CWPP A.3.1**).
- 2) All cities and towns will be within a designated UGA. UGAs may include areas not contained within an incorporated city. (**CWPP A.3.2**, also **RCW 36.70A.110**)
- 3) All UGAs will be reflected in County and respective city comprehensive plans (**CWPP A.3.3**).
- 4) Urban growth will occur within UGAs only and not be permitted outside of an adopted UGA except for new fully contained communities (**CWPP A.3.4**, **RCW 36.70A.350**)
- 5) The baseline for 20-year Countywide population forecasts shall be the official decennial GMA Population Projections from the State of Washington's Office of Financial Management (OFM) plus unrecorded annexations. The process for allocating forecasted population will be cooperatively reviewed (**CWPP A.3.5**).
- 6) Sufficient area must be included in the UGAs to accommodate a minimum 20-year population forecast and to allow for market choice and location preferences (**CWPP A.3.6**, **RCW 36.70A.110 (2)**).
- 7) When determining land requirements for UGAs, allowance will be made for greenbelt and open space areas and for protection of wildlife habitat and other environmentally sensitive areas (**CWPP A.3.7**, **RCW 36.70A.110(2)**).
- 8) The County and cities will cooperatively determine the amount of undeveloped buildable urban land needed. The inventory of the undeveloped buildable urban land supply shall be maintained in a regional GIS database (**CWPP A.3.12**).
- 9) The County and cities will establish a common method to monitor urban development to evaluate the rate of growth and maintain an inventory of the amount of buildable land remaining (**CWPP A.3.9**).
- 10) The local jurisdiction may initiate an amendment to an existing UGA through the normal comprehensive plan amendment process; however, in no case will amendments be processed more than once a year (**CWPP A.3.10**, **RCW 36.70A.130 (2)**).
 - Note: this policy was modified in 2009 by Yakima County through Ordinance No. 9-2009. Applications for amendments to UGA boundaries will only be considered at five-year intervals, after the Washington State Office of Financial Management's (OFM's) GMA population

projections for the County have been issued.

- 11) Prior to amending an UGA, the County and respective local jurisdiction will determine the capital improvement requirements of the amendment to ascertain that urban governmental services will be available within the forecast period (CWPP A.3.11).
- 12) Annexations will not occur outside established UGAs (**RCW 35.13.005**). Annexations will occur within UGAs according to the provisions of adopted inter-local agreements, if any (CWPP A.3.8).

The following policies relate to phasing growth and development with service and infrastructure provision:

- 1) Urban growth should be located first in areas already characterized by urban growth that have existing public facilities and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas (CWPP B.3.1, **RCW 36.70A.110 (3)**).
- 2) Urban growth management inter-local agreements will identify services to be provided in an UGA, the responsible service purveyors and the terms under which the services are to be provided (CWPP B.3.2).
- 3) Infill development, higher density zoning and small lot sizes should be encouraged where services have already been provided and sufficient capacity exists and in areas planned for urban services within the next 20 years (CWPP B.3.3).
- 4) The capital facilities, utilities and transportation elements of each local government's comprehensive plan will specify the general location and phasing of major infrastructure improvements and anticipated revenue sources (**RCW 36.70A.070(3)(c)(d)**). These plan elements will be developed in consultation with special purpose districts and other utility providers (CWPP B.3.4).
- 5) New urban development should utilize available/planned urban services (CWPP B.3.5, **RCW 36.70A.110(3)**).
- 6) Formation of new water or sewer districts should be discouraged within designated UGAs (CWPP B.3.6).
- 7) Transportation improvements or strategies to accommodate the impacts resulting from new development will be implemented concurrent with new development. "Concurrent with new development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (CWPP D.3.4, **RCW 36.70A.070(6)(e)**).
- 8) The County and cities will work with special purpose districts and other agencies to establish a process for mutual consultation on proposed comprehensive land use plan policies for lands within UGAs.

Actions of special purpose districts and other public service providers shall be consistent with comprehensive plans of the County and the cities. (CWPP F.3.1, **RCW 56.08.020**, **RCW 57.16.010**).

- 9) Local economic development plans should be consistent with the comprehensive land use and capital facilities plans, and should:
 - a) Evaluate existing and potential industrial and commercial land sites to determine short and long term potential for accommodating new and existing businesses;
 - b) Identify and target prime sites, determine costs and benefits of specific land development options and develop specific capital improvement strategies for the desired option;
 - c) Implement zoning and land use policies based upon infrastructure and financial capacities of each jurisdiction;
 - d) Identify changes in UGAs as necessary to accommodate the land and infrastructure needs of business and industry;
- 10) Support housing strategies and choices required for economic development. (CWPP G.3.2).

Coordination of efforts between the many diverse economic development organizations and other related agencies within Yakima County should be encouraged by:

 - a) Identifying linkages between economic development issues and strategies and other growth planning elements (i.e. housing, transportation, utilities and land use);
 - b) Defining roles and responsibilities for carrying out economic development goals, objectives and strategies (CWPP G.3.3).

Relationship to Other Elements

The Land Use Element could be described as the “driver of the Comprehensive Plan” in that each of the other elements is interrelated with the Land Use Element, and the Plan’s goals will be implemented through land use policies and regulations.

This Land Use Element has the following components:

- 1) Summary of the UGA process and designation.
- 2) Summary of major land use considerations for the City.
- 3) Summary of historic trends and the physical setting for the community, and an inventory of existing land uses within the City and its UGA.
- 4) Analysis and forecasts, including analysis of population growth and demographics; economic conditions; physical conditions; infrastructure; public facilities and services; and projection of long-range land use needs.
- 5) Land use maps.
- 6) Land use goals and policies.

II. URBAN GROWTH AREA

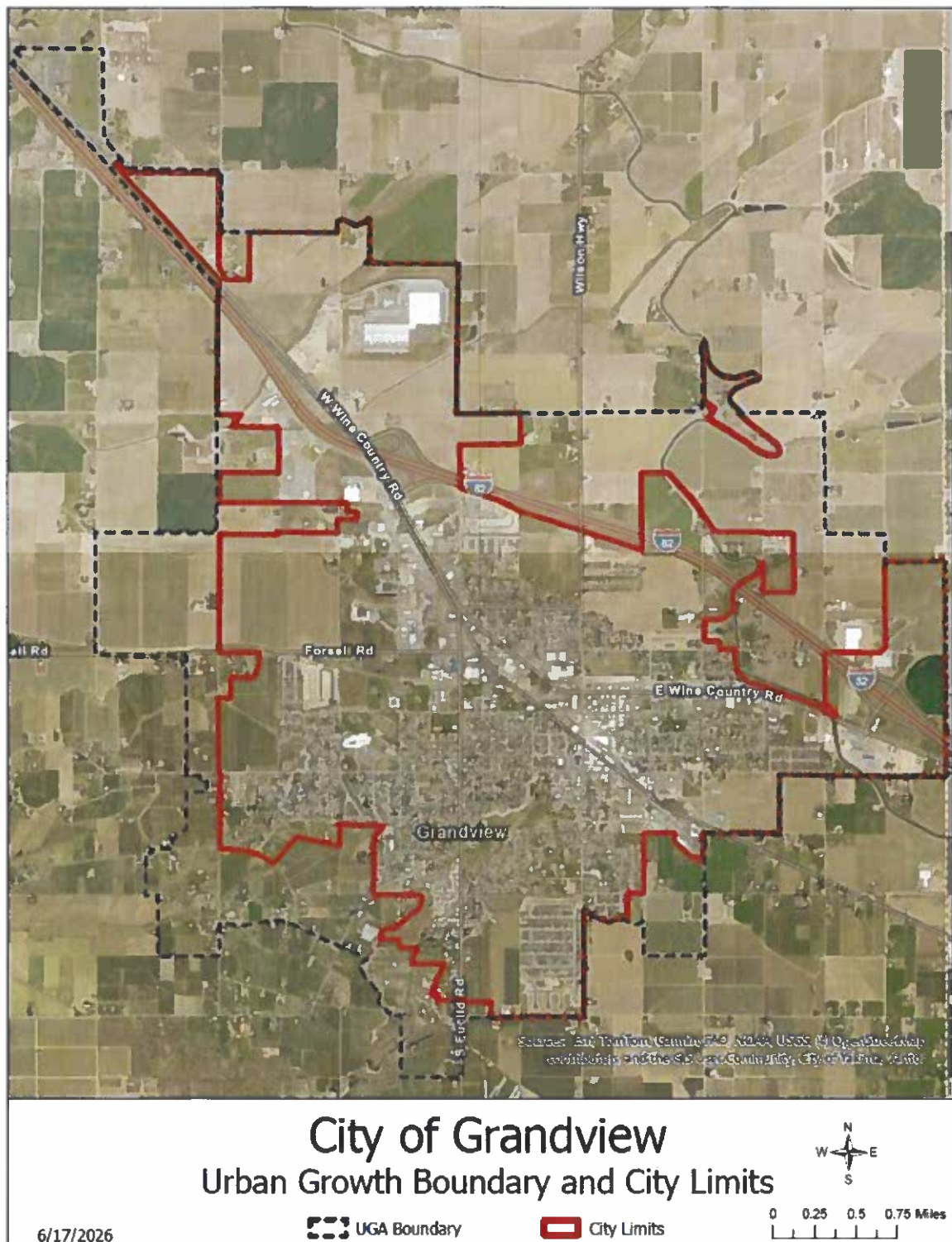
Grandview's Urban Growth Area (UGA) includes the incorporated City, those lands to which the City may feasibly provide future urban services (i.e. the City's urban service area), and those surrounding areas which directly impact conditions within the City limits. The UGA boundary was designated by the County Commissioners, after an extensive process involving coordination between the City and Yakima County, in which the UGA was identified, management policies for the UGA were established, and annexation policies were developed. County-wide planning policies were taken into consideration in this process.

In the UGA boundary designation process, the following major findings or considerations contributed toward the final location of the boundary.

- Establishing a balance between too much land within the UGA which may contribute to urban sprawl, high costs for public services, and unnecessary conversion of resource lands and farmlands to residential or other uses, and too little land for residential uses which can increase housing costs and limit housing choices. Allowing an inadequate supply of industrially zoned lands can also constrain economic development and may potentially adversely affect the City's future tax base.
- Physical features or environmental constraints should be used to provide a clear separation between urban and rural areas.

The City of Grandview's UGA boundary and future land use designations in the unincorporated portions of the UGA were revised in 2025 after an extensive process involving coordination between the City and the County. The Land Capacity Analysis conducted by the County determined that Grandview's existing UGA contained a surplus of 1,242 (incorporated and unincorporated portions of UGA) acres of vacant residential, commercial, and community facilities land which would accommodate 115 years of growth for non-industrial purposes

Figure 2-1 Urban Growth Area



Major Land Use Considerations

- What are appropriate locations for industrial development to expand the city's employment base? Should the city concentrate industrial development activities/zoning in the northwest and southeast areas of the city near I-82 and the Washington Central rail line?
- What are the important site considerations for new commercial and industrial development? Should industrial uses be grouped together in an industrial park setting to take advantage of existing infrastructure?
- What would be the best use of the land surrounding Exit 73 and Exit 75 on I-82? Commercial oriented toward the needs of the traveling public, or industrial uses? What form should any transition from existing land uses and adjacent residential or agricultural uses take?
- What is the appropriate development pattern for Grandview? Should the city grow incrementally outward from the existing city limits, or should independent developments be allowed to occur outside the existing city limits, either with or without accompanying city services?
- What type of commercial development, professional offices, medical facilities or other business is appropriate for the downtown and other areas of the city?
- What is the role of agricultural lands within the Urban Growth Area? How should the transition from rural to urban uses be handled? Should buffering be considered, and if it is, what form should the buffering take?
- What are appropriate locations for public and private facilities of a regional or state-wide nature?
- How much land area is needed to support a variety of housing types serving all segments of the community?
- What land uses are appropriate in the area of the wastewater treatment facility?

III. EXISTING CONDITIONS

History

Grandview like many other communities located in the Yakima Valley can attribute its origins to expansion of railroad lines, specifically the Northern Pacific Railway. The site for Grandview was selected in 1905 to serve as a terminus for the Sunnyside Branch of the Northern Pacific Railway. The City site was designed and platted at that time, and named "Grandview" due to its outstanding view of Mt. Adams and Mt. Rainier.

In the late 1880s, the Yakima Valley was recognized by railroad officials and land speculators to be an area with an enormous amount of agricultural potential. Railroad officials acted quickly, and in 1889, devised a plan to purchase land in the valley and formed a company to irrigate these lands. During this period, a total of three irrigation companies were organized and pumping plants were installed leading to the first intensive cultivation of land in 1903.

In 1909, the City became incorporated and the first officers were elected.

Growth in Grandview for the most part, has been incremental in all directions from the original City site,

with commercial growth generally following Wine Country Road (east-west), and with industrial growth occurring along the rail corridor (northwest - southeast). Residential growth has occurred mostly south of the commercial areas and east of the industrial areas. Since 1960, most of the residential growth has been in the southwest portion of the City.

In late 1950s, the City annexed a noncontiguous area of City property across the Yakima River, 2½ miles south of Grandview. A lagoon type sewage disposal treatment system, and a sanitary landfill occupied roughly 970 acres of this property. Another noncontiguous parcel of City property located northeast of the City formed a reservoir site.

Several areas were annexed to Grandview in 1980, including two large commercially and industrially zoned tracts along I-82, and a number of residentially zoned tracts, located mostly south of the City.

Between 1980 and 1982, other annexations occurred including some large tracts to the north along I-82, several smaller areas to the south, and the Glacier Park parcel on the west side of the City's property across the Yakima River.

In 1986, a large agricultural tract was annexed west of the City limits to Forrest Road, aligned with Ogle Road to the north. An adjacent tract west to Puterbaugh Road and north to Ogle Road was annexed in 1991. Several other annexations occurred in the 1990s including a subdivision zoned AF-1 in 1990, located west of Wilson Highway and north of Pleasant Avenue, and a large agricultural tract added to the northwest corner of the City in 1992.

Since the 2017 comprehensive plan update, several annexations have taken place, expanding Grandview's City Limits over 300 acres. Annexations for residential uses include property west of Wilson Highway and South of I-82, and land on the southern edge of the city, on the northwest corner of Apricot and Grandridge Roads. Property within the northwest portion of the UGA, north of I-82 and the Yakima Valley Highway, has been annexed for industrial and commercial uses.

Physical Setting

Grandview is located in the south-central section of Washington State, along the eastern boundary of Yakima County. The City lies along Interstate 82 approximately 40 miles from the Yakima metropolitan area, and is also approximately 40 miles from the Tri-Cities metropolitan area. The City of Sunnyside is six miles to the northwest of Grandview, and the City of Prosser is eight miles to the east. The majority of the City of Grandview lies north of the Yakima River, in a fertile irrigated valley, approximately in the middle of the Lower Yakima Valley between the Rattlesnake Hills to the north and the Horse Heaven Hills to the south.

Significant Milestones in Grandview's Recent History

- ✓ 2006 Hillcrest Reservoir Rehabilitation
- ✓ 2006 New children's playground at Tower Park
- ✓ 2007 YVCC Grandview Campus Workforce Education Facility (winery/vineyard technology and allied health programs)
- ✓ 2008 Disc Golf Course at Dykstra Park
- ✓ 2008 New children's playground at Westside Park

- ✓ 2009 Grandview Centennial Celebration
- ✓ 2009 Grandridge Area Improvements
- ✓ 2009 New children's playground at Country Park – Seahawks Play 60
- ✓ 2009 Euclid Road Rehabilitation
- ✓ 2010 "Alive" Downtown Revitalization
- ✓ 2010 Rose Garden moved to East Entrance
- ✓ 2011 City/College (YVCC) Library Construction
- ✓ 2011 Community Center Construction
- ✓ 2011 Wine Country Road Improvements
- ✓ 2011 Grandview Transportation Benefit District Formation
- ✓ 2012 North Birch Street Neighborhood Improvements
- ✓ 2012 Second Street/Elm Street Overlay
- ✓ 2012 Euclid Road Improvements
- ✓ 2013 Euclid Road Overlay
- ✓ 2013 Second Street Improvements
- ✓ 2013 Bonnieview Road Improvements
- ✓ 2014 Wastewater Pumping Facility Improvements
- ✓ 2015 East Wine Country Plaza
- ✓ 2015 East Fourth Street Neighborhood Improvements
- ✓ 2015 Forsell Road Sidewalk Extension
- ✓ 2015 GHS Track & Field Renovation
- ✓ 2015 New Grandview Museum
- ✓ 2015 Swim Pool Renovations – Phase 1

Inventory of Land Uses within the City of Grandview

Table 2-1 below summarizes existing land uses in the Grandview incorporated area and UGA. The three most predominant land uses within the City of Grandview include residential (25.9% of total), public (23.1%) and agricultural (19.6%) of the City's total acreage. The agricultural uses range from mint, alfalfa, asparagus, and grapes to the north, pasture and grapes to the east, and corn, orchards and grapes in the southern and western portions of the UGA. Table 2-1- below summarizes the existing land uses within the City limits.

Table 2-1 Current Land Use in Grandview and UGA

Grandview			
Land Use	# of Parcels	Total Acreage	% of Total
Agriculture	57	1,017.3	19.6%
Commercial	243	419.3	8.1%
Industrial	45	166.4	3.2%