

City of Selah's Shoreline Master Program and Critical Area Ordinance Approval Documents

List of Exhibits

<u>Item</u>	<u>Exhibit</u>
Approval Documents:	
Department of Ecology Formal Written Statement of Concurrence	1a
Department of Ecology Acceptance of SMP	1b
Planning Commission and Department of Ecology Supporting Documents:	
Planning Commission Recommendation	2a
Planning Commission Minutes	2b
Planning Commission Agenda	2c
City of Selah Response & Submittal to Comments for SMP/CAO	2d

Peters, Jeff

From: Jordan, Lennard (ECY) <ljor461@ECY.WA.GOV>
Sent: Thursday, April 15, 2021 10:50 AM
To: Peters, Jeff
Cc: Chandler, Jackie (ECY)
Subject: SMP Determination of initial concurrence

Dear Jeff,

Thank you for your March 31, 2021 initial submittal of amendments to the City of Selah's Shoreline Master Program (SMP). Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules.

This email serves as Ecology's formal written statement of initial concurrence of your proposed amendments.

As described under WAC 173-26-104(4), the next step in the approval process is for your jurisdiction to formally adopt the amendments through resolution or ordinance and send the final SMP submittal for formal agency approval as outlined in WAC [173-26-110](#).

Please let me know if you have questions or concerns.

Thank you,

Lennard

Lennard Jordan
ljor461@ecy.wa.gov
Senior Shoreline Planner
Shorelands & Environmental Assistance Program
Dept. of Ecology - CRO
1250 W. Alder St.
Union Gap, WA 98903
509-457-7125 (direct line)
509-575-2809 (fax)



Peters, Jeff

From: Jordan, Lennard (ECY) <ljor461@ECY.WA.GOV>
Sent: Thursday, April 15, 2021 10:12 AM
To: Peters, Jeff
Cc: Chandler, Jackie (ECY)
Subject: Selah SMP Amendment, Initial Submittal Complete

Dear Jeff:

Thank you for your March 31, 2021, submittal of amendments to the Selah's Shoreline Master Program (SMP).

This email affirms that your initial submittal includes all the required material required by WAC 173-26-104(3)(a). Next, Ecology will begin our initial state review and prepare our initial determination of whether your submittal is consistent with RCW 90.58 (Shoreline Management Act) and WAC 173-26, Part III (the SMP Guidelines). Our goal is to send our initial determination within thirty days from this email. If we expect more time will be needed, we will contact you about a longer review period.

Thank you for the SMP submittal. Please let me know if you have any questions or concerns.

Lennard

Lennard Jordan
ljor461@ecy.wa.gov
Senior Shoreline Planner
Shorelands & Environmental Assistance Program
Dept. of Ecology - CRO
1250 W. Alder St.
Union Gap, WA 98903
509-457-7125 (direct line)
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SELAH PLANNING COMMISSION

**RECOMMENDATION TO THE SELAH CITY COUNCIL
FOR
THE CITY OF SELAH'S COMPREHENSIVE UPDATE OF THE SELAH SHORELINE
MASTER PROGRAM AND CRITICAL AREA ORDINANCE REQUIRED BY THE
WASHINGTON STATE DEPARTMENT OF ECOLOGY (WSDOE)**

WHEREAS, the City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971, and

WHEREAS, pursuant to RCW 90.58 each City and County within the State of Washington having lands subject to the SMA must develop and adopt goals, policies and regulations designed to protect its lands subject to the SMA to be known as a Shoreline Master Program (SMP), and

WHEREAS, pursuant to RCW 90.58, Yakima County and the incorporated communities of Naches, Selah, Yakima, Union Gap, Zillah, Granger, Wapato, Toppenish, Mabton and Grandview adopted the Yakima County Regional Shoreline Master Program (SMP) in 2008, and

WHEREAS, pursuant to RCW 90.58, the City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE, and

WHEREAS, pursuant to RCW 90.58, each jurisdiction in the State of Washington with shorelines must review and update its SMP and CAO by June 30, 2021, and

Now therefore, the Selah Planning Commission presents the following findings and recommendations to the Selah City Council:

Based upon a review of the information contained in the staff report, exhibits, testimony and other evidence presented as an open record public hearing held on February 16, 2021, the Planning Commission makes the following:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The purpose of the draft amendments to the Shore Lines Master Program and Critical Area Ordinance is to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review and draft ordinances are intended to keep SMPs current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.



To ensure that all identified SMP and CAO modifications incorporate the required changes required by state law the City of Selah hired the Watershed Company to conduct a Gap Analysis Report, and review and prepare the draft SMP and CAO ordinances. The Gap Analysis identified changes to the city's ordinances based upon the following criteria:

Section One: Consistency with legislative amendments by the state made since its last adoption, and consistency with the policies in the City's Comprehensive Plan, updated under a periodic review in 2017 (Ordinance 2019).

Section Two: Identifies gaps in the SMP's consistency with legislative amendments. This analysis is based on a list of amendments between 2007 to present, as summarized by the Washington State Department of Ecology (Ecology) and provided to the City as a Periodic Review Checklist.

Section Three: Identifies gaps in consistency the City's SMP critical areas regulations with current Ecology guidance. The city's critical area regulations are not incorporated by reference in the current SMP.

Section Four: Identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the CAO.

Section Five: Identifies other issues to consider as part of the periodic update process, including those issues identified by City staff and residents regarding document usability and redundant regional SMP policies.

FINDINGS OF FACT

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
2. The City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE.
3. RCW 90.58, requires each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
4. The State of Washington requires documentation of the current shoreline and critical area conditions per WAC 173-26-201, therefore the City of Selah hired the Watershed Company to produce the Shoreline Gap Analysis Report.
5. The Shoreline Gap Analysis Report guided the development of the SMP revisions, including environment designations, policies and regulations, to ensure that the SMP and Critical Area Ordinance can meet the requirement of no net loss of ecological functions.

6. The City of Selah's Shoreline Master Program Gap Analysis Report (Revised July 2020) and accompanying draft SMP and CAO ordinances includes 23 required, and recommended actions to ensure compliance with the Washington State Shoreline Management Act (SMA), periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090).
7. WSDOE concluded that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents, and with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.
8. WSDOE concluded that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and WSDOE.
9. WSDOE further concluded that the City has complied with the requirements of Chapter 43.21 C RCW the State Environmental Policy Act.
10. The City of Selah's Comprehensive Update of the Selah Shoreline Master Program is compliant with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.
11. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5).
12. The City of Selah has provided evidence of its compliance with SMA procedural requirements for amending the SMP and CAO contained in the approval criteria.
13. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
14. Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the draft SMP and CAO through the public review and SEPA processes. Comments were received and considered.

CONCLUSIONS

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
2. The City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE.
3. RCW 90.58, requires each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
4. The proposed SMP and CAO regulations, meet the requirements of the Growth Management Act.
5. The proposed Shoreline Master Program and Critical Area Ordinance amendments are consistent with and/or will be adopted as part of the City's Comprehensive Plan, and are consistent with the Growth Management Act and other requirements of State law.
6. The WSDOE has concluded that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents, and with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.
7. The WSDOE has concluded that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and WSDOE.
8. The City of Selah's Comprehensive Update of the Selah Shoreline Master Program is compliant with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.
9. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5).
10. The City of Selah has provided evidence of its compliance with SMA procedural requirements for amending the SMP and CAO contained in the approval criteria.
11. As required by the Growth Management Act, the SMP and CAO ordinances are consistent with Yakima Countywide Planning Policies.

12. The public use and interest will be served.
13. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
14. Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the draft SMP and CAO amendments through the public review and SEPA processes.
15. The Washington State Department of Fish & Wildlife has recommended that the Selah incorporate language into Critical Area Ordinance or appendices, which references the newest Best Available Science in riparian management. WDFW's Riparian Ecosystems, Volume 2: Management Recommendations was published on December 17, 2020. The City of Selah has considered the recommendation, and is recommending that it not be incorporated at this time. The addition of the recommendation would require additional time and resources that the City does not have, and the changes to the City's CAO proposed at this time are for the purposes of consistency and are not substantive like the propped recommendation.

MOTION

Based on the testimony and evidence presented during the public hearing, I move that the Planning Commission adopt the findings of fact and order that the draft ordinances dated February 16, 2021, be forwarded to the Selah City Council with a recommendation of approval.

Having made the above Findings of Fact and Conclusions, the Planning Commission hereby renders its.

RECOMMENDATION TO THE CITY COUNCIL

The Planning Commission of the City of Selah, having received and considered all evidence and testimony presented at the public hearing and having received and reviewed the record herein, hereby recommends that the City Council APPROVE the Selah Shoreline Master Program, and Critical Area Ordinance Amendments and forwards the proposed ordinances to the Selah City Council.

RECOMMENDED this 16th day of February.

By: 
Lisa Smith, Chair
Selah Planning Commission

City of Selah
Planning Commission Minutes
Of
February 16, 2021

A. Call to Order

Chairman Smith calls the meeting to order at 5:30 pm.

B. Roll Call

Members Present: Chairman Smith, Vice Chairman Torkelson, Commissioners: Goodall, Hennessy, Swayze, and Peterson.

Members Absent:

Staff Present: Jeff Peters, City Planner and Brandy Tucker, Minutes Secretary

Guest: Leonard Jordan, Department of Ecology Shoreline Planner

C. Agenda Changes : None

D. Communications

1. Oral - None

2. Written - None

E. Approval of Minutes

1. *Approval of minutes from January 19, 2021.*

Chairman Smith asks for a motions to approve the minutes from the January 19, 2021 meeting.

Vice Chairman Torkelson motions to approve.

Commissioner Hennessy seconds.

Minutes are approved with a voice vote of 6-0.

F. Public Hearings

Old Business - Open Public Hearing for SEPA-2020-006 Amendment to the City of Selah's Shoreline Master Program and Critical Area Ordinance to provide for periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO).

Chairman Smith opens the Public Hearing and asks Mr. Peters to present the staff report and facts and findings.

Mr. Peters explains what the meeting will cover and reads verbatim from the staff report.

EXHIBIT

2b

Mr. Peters states that based upon the conclusions of the findings report the staff recommends approval of the Drafts Shoreline Master Program and Critical Areas Ordinance as presented.

Chairman Smith asks if there is any comment from Mr. Jordan, Department of Ecology Shoreline Planner.

Mr. Jordan, states for the record he has no public comment.

Chairman Smith states for the record there is no public comment.

Chairman Smith asks if there is any further comment from Mr. Peters.

Mr. Peters states that they looked into the fish and wild life comment carefully, however being at the end of the process, the Water Shed Company did not feel comfortable making those changes. Other jurisdictions, who had the same comment have also chosen not to incorporate those changes at this time.

Chairman Smith motions to approve.

Vice Chairman Torkelson seconds.

Motion is approved with a voice vote 6-0.

New Business – No new business.

G. General Business

1. Old Business - Vote on Commission Chairman and Vice Chair.

Commissioner Goodall ask for a motion for Smith and Torkelson to remain Chairman and Vice Chair.

Commissioner Swayze seconds.

Motion is approved with a voice vote of 6-0.

2. New Business - Welcome new Planning Commission members. Samantha Peterson & Amy Swayze

H. Reports/Announcements

1. Chairman -
2. Commissioners -
3. Staff - Planning/Building Department Updates

Chairman Smith asks if there are any staff updates or other reports.

Mr. Peters states this will be Ms. Tucker's last meeting, and thanks her.

Mr. Peters also notes that previous Commissioner Huber passes along her appreciation to everyone.

Mr. Peters notes the building department updates.

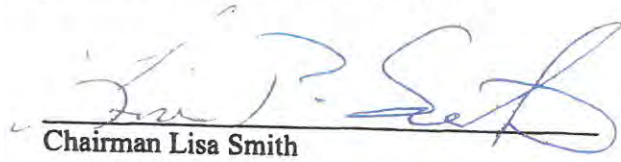
I. Adjournment

Chairman Smith asks for a motion to adjourn the meeting.

Vice Chairman Torkelson motions to adjourn.

Commissioner Goodall seconds.

Chairman Smith adjourns the meeting at 6:09 p.m. with a voice vote of 6-0.



Chairman Lisa Smith



Selah Planning Commission
Regular Meeting
February 16, 2021
5:30 p.m.
ZOOM On Line Meeting

Chairman:
Vice Chair:
Commissioners:

Lisa Smith
Carl Torkelson
Christina Hennessy
Rich Goodall

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Planner:
Secretary:

Jeff Peters
Brandy Tucker

AGENDA

- A. Call to Order – Chairman
- B. Roll Call
- C. Agenda Changes
- D. Communications
 - 1. Oral
 - 2. Written - None

This is a public meeting. If you wish to address the Commission concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name and address for the record. Each person wishing to speak shall have two minutes to address the Planning Commission.

Persons wishing to speak are required to comply with the City's Rules of Decorum and shall maintain appropriate civility. Comments that are impertinent, degrading, slanderous, or impugn the integrity of any member of the Planning Commission, employee of the City, or any member of the public shall not be permitted.

- E. Approval of Minutes
 - 1. *Approval of minutes from November 17, 2020.*
- G. Public Hearings
 - Old Business – *Open Public Hearing for SEPA-2020-006 Amendment to the City of Selah's Shoreline Master Program and Critical Area Ordinance to provide for periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO).*
 - New Business –
- H. General Business
 - 1. Old Business – Vote on Chairman and Vice Chair
 - 2. New Business – Welcome new Planning Commission members. Samantha Peterson & Amy Swayze
- H. Reports/Announcements
 - 1. Chairman
 - 2. Commissioners
 - 3. Staff- *Planning/ Building Department Updates*
- I. Adjournment

Next Regular Meeting: March 2, 2021

EXHIBIT

20



CITY OF SELAH

Planning Department

222 South Rushmore Road

Selah, Washington 98942

Phone 509 698-7365

Fax 509 698-7372

March 17, 2021

Lennard Jordan
Shoreline Planner
1250 West Alder Street
Union Gap, WA 98903-0009

Dear Mr. Jordan,

On December 30, 2020, the City of Selah received a comment letter from Eric Bartrand of the Department of Fish and Wildlife requesting that the City of Selah incorporate WDFW's Riparian Ecosystems, Volume 2: Management Recommendations published on December 17, 2020 into the city's draft Shoreline Master Program and Critical Area Ordinance. Our response to this request is as follows: "Comment noted. The City expects to review the referenced Best Available Science in more detail during the next update of the Critical Areas Ordinance. At this time, due to limited grant funding for the Shoreline Master Program and limited critical areas within shoreline jurisdiction, the City does not plan to incorporate the referenced management recommendations (Please see attached Public Comment Summary: City of Selah SMP Periodic Update City & Ecology Joint Public Comment Period, January 9 – February 7, 2021)."

Sincerely,

Jeff Peters
City of Selah
Community Development Supervisor

EXHIBIT

2d



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 1701 South 24th Ave., Yakima WA 98902, (509) 575-2740, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

December 30, 2020

Jeff Peters
Dept. of Community Development
City of Selah
222 South Rushmore Rd.
Selah, WA 98942

Subject: Comments on 2020 Shorelines Master Plan Update Draft

Dear Mr. Peters:

Thank you for accepting these comments on this periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4). I reviewed the Critical Areas Ordinance (update 2017) and Land use Element and Transportation Element of the Comprehensive Plan (2017), and the Draft update for the SMP. I concur with the proposed revisions.

I do suggest that Selah incorporate language into the SMP or appendices, which references the newest Best Available Science in riparian management. WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations* was published on December 17, 2020, and encompasses the most up-to-date recommendations for delineating the riparian zone and determining buffer widths ("riparian management zones") which accommodate for functions, processes, and pollutant removal.

Selah's Shorelines are in a unique and important physiographic setting where a structurally-controlled Yakima River transitions to an unconfined gravelly floodplain. Low-energy riverine environments are critically important in providing refuge, rearing, and food for diverse fish and wildlife species at varying times in their life histories. Such floodplain functions of storing, sorting, and processing entrained nutrients, debris, and sediments are irreplaceable ones in providing conditions for salmon recovery and improving water quality. Maintaining and improving connection of the river with the floodplain at all flow stages- as both ground and surface waters- is necessary to sustain the functions. The WDFW supports considerations by the City of Selah to protect and reclaim historic floodplain and floodway from unnatural alterations and encroachments.

**Public Comment Summary: City of Selah SMP Periodic Update
City & Ecology Joint Public Comment Period, January 9 – February 7, 2021**

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
1	New 'Best Available Science' for Riparian Management	Eric Bartrand (WDFW)	Please incorporate language into your Shorelines Master Plan, Critical Areas Ordinance, or their appendices, as applicable, references to the newest Best Available Science in riparian management: WDFW's Riparian Ecosystems, Volume 2: Management Recommendations (https://wdfw.wa.gov/publications/01988), was published on December 17, 2020 and encompasses the most up-to-date recommendations for delineating the riparian zone and determining buffer widths ("riparian management zones") that accommodates for functions, processes, and pollutant removal.	Comment noted. The City expects to review the referenced Best Available Science in more detail during the next update of the Critical Areas Ordinance. At this time, due to limited grant funding for the Shoreline Master Program and limited critical areas within shoreline jurisdiction, the City does not plan to incorporate the referenced management recommendations.

SEPA-2020-006
City of Selah's Shoreline Master Program and Critical Area Ordinance

List of Exhibits

<u>Item</u>	<u>Exhibit</u>
Findings of Fact, Conclusions, and Recommendations Staff Report	1a 1b
 Applications:	
State Environmental Policy Act Review (SEPA) Application	2a
Shorelines Master Program Strikeout/Underline Version -available on website and USB device https://selahwa.gov/planning/wp-content/uploads/sites/10/2021/02/Selah-SMP_TWC-Markup-8-12-20.pdf	2b
Shorelines Master Program Clean Version - available on website and USB device https://selahwa.gov/planning/wp-content/uploads/sites/10/2021/02/Selah-SMP_TWC_Clean_Markup-10-26-20.pdf	2c
Shorelines Master Program Gap Analysis Report - available on website and USB device https://selahwa.gov/planning/wp-content/uploads/sites/10/2020/10/Selah-SMP-Gap-Analysis-Report-07-20-20-with-Revision-Notes.pdf	2d
Critical Areas Ordinance - available on website and USB device https://selahwa.gov/planning/wp-content/uploads/sites/10/2021/02/SMC-11.50-CAO-Revisions-DRAFT-7-21-20.pdf	2e
City of Selah Shoreline Jurisdiction Map	2f
 Comments:	
Comment Letter from Department of Fish & Wildlife, December 30, 2020	3a
 Public Notices:	
Notice of Environmental Review Application, Public Comment & Planning Commission Public Hearing	4a
Notice to Yakima Herald Republic, January 8, 2021	4b
Affidavit of Publication Yakima Herald Republic, January 8, 2021	4c
Notice of Determination of NonSignificance, February 8, 2021	4d
Affidavit of Mailing, February 8, 2021	4e

SELAH PLANNING COMMISSION

**RECOMMENDATION TO THE SELAH CITY COUNCIL
FOR**

**THE CITY OF SELAH'S COMPREHENSIVE UPDATE OF THE SELAH SHORELINE
MASTER PROGRAM AND CRITICAL AREA ORDINANCE REQUIRED BY THE
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WHEREAS, the City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971, and

WHEREAS, pursuant to RCW 90.58 each City and County within the State of Washington having lands subject to the SMA must develop and adopt goals, policies and regulations designed to protect its lands subject to the SMA to be known as a Shoreline Master Program (SMP), and

WHEREAS, pursuant to RCW 90.58, Yakima County and the incorporated communities of Naches, Selah, Yakima, Union Gap, Zillah, Granger, Wapato, Toppenish, Mabton and Grandview adopted the Yakima County Regional Shoreline Master Program (SMP) in 2008, and

WHEREAS, pursuant to RCW 90.58, the City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE, and

WHEREAS, pursuant to RCW 90.58, each jurisdiction in the State of Washington with shorelines must review and update its SMP and CAO by June 30, 2021, and

Now therefore, the Selah Planning Commission presents the following findings and recommendations to the Selah City Council:

Based upon a review of the information contained in the staff report, exhibits, testimony and other evidence presented as an open record public hearing held on February 16, 2021, the Planning Commission makes the following:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The purpose of the draft amendments to the Shore Lines Master Program and Critical Area Ordinance is to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review and draft ordinances are intended to keep SMPs current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.



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Section Three: Identifies gaps in consistency the City's SMP critical areas regulations with current Ecology guidance. The city's critical area regulations are not incorporated by reference in the current SMP.

Section Four: Identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the CAO.

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FINDINGS OF FACT

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
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4. The State of Washington requires documentation of the current shoreline and critical area conditions per WAC 173-26-201, therefore the City of Selah hired the Watershed Company to produce the Shoreline Gap Analysis Report.
5. The Shoreline Gap Analysis Report guided the development of the SMP revisions, including environment designations, policies and regulations, to ensure that the SMP and Critical Area Ordinance can meet the requirement of no net loss of ecological functions.

6. The City of Selah's Shoreline Master Program Gap Analysis Report (Revised July 2020) and accompanying draft SMP and CAO ordinances includes 23 required, and recommended actions to ensure compliance with the Washington State Shoreline Management Act (SMA), periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090).
7. WSDOE concluded that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents, and with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.
8. WSDOE concluded that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and WSDOE.
9. WSDOE further concluded that the City has complied with the requirements of Chapter 43.21 C RCW the State Environmental Policy Act.
10. The City of Selah's Comprehensive Update of the Selah Shoreline Master Program is compliant with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.
11. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5).
12. The City of Selah has provided evidence of its compliance with SMA procedural requirements for amending the SMP and CAO contained in the approval criteria.
13. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
14. Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the draft SMP and CAO through the public review and SEPA processes. Comments were received and considered.

CONCLUSIONS

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
2. The City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE.
3. RCW 90.58, requires each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
4. The proposed SMP and CAO regulations, meet the requirements of the Growth Management Act.
5. The proposed Shoreline Master Program and Critical Area Ordinance amendments are consistent with and/or will be adopted as part of the City's Comprehensive Plan, and are consistent with the Growth Management Act and other requirements of State law.
6. The WSDOE has concluded that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents, and with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.
7. The WSDOE has concluded that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and WSDOE.
8. The City of Selah's Comprehensive Update of the Selah Shoreline Master Program is compliant with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.
9. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5).
10. The City of Selah has provided evidence of its compliance with SMA procedural requirements for amending the SMP and CAO contained in the approval criteria.
11. As required by the Growth Management Act, the SMP and CAO ordinances are consistent with Yakima Countywide Planning Policies.

12. The public use and interest will be served.
13. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
14. Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the draft SMP and CAO amendments through the public review and SEPA processes.
15. The Washington State Department of Fish & Wildlife has recommended that the Selah incorporate language into Critical Area Ordinance or appendices, which references the newest Best Available Science in riparian management. WDFW's Riparian Ecosystems, Volume 2: Management Recommendations was published on December 17, 2020. The City of Selah has considered the recommendation, and is recommending that it not be incorporated at this time. The addition of the recommendation would require additional time and resources that the City does not have, and the changes to the City's CAO proposed at this time are for the purposes of consistency and are not substantive like the propped recommendation.

MOTION

Based on the testimony and evidence presented during the public hearing, I move that the Planning Commission adopt the findings of fact and order that the draft ordinances dated February 16, 2021, be forwarded to the Selah City Council with a recommendation of approval.

Having made the above Findings of Fact and Conclusions, the Planning Commission hereby renders its.

RECOMMENDATION TO THE CITY COUNCIL

The Planning Commission of the City of Selah, having received and considered all evidence and testimony presented at the public hearing and having received and reviewed the record herein, hereby recommends that the City Council APPROVE the Selah Shoreline Master Program, and Critical Area Ordinance Amendments and forwards the proposed ordinances to the Selah City Council.

RECOMMENDED this 16th day of February.

By: _____
Lisa Smith, Chair
Selah Planning Commission

CITY OF SELAH PLANNING COMMISSION
STAFF REPORT
February 9, 2021

TO: Selah Planning Commission
FROM: Jeff Peters, City Planner
SUBJECT: City of Selah Central Urban Area Plan

FOR MEETING OF: February 16, 2021

PROPOSAL: Selah Planning Commission consideration and public hearing for amendment to the City of Selah's Shoreline Master Program and Critical Area Ordinance to provide for periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO).

STAFF RECOMMENDATION: The Selah Community Development and Planning Division recommends that the Planning Commission hold the required public hearing, take public input, revise the draft ordinances as necessary and forward the Planning Commission's recommendation to the Selah City Council for final consideration.

PURPOSE AND DESCRIPTION OF THE PROPOSED AMENDMENTS: In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with shorelines of the state are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review and draft ordinances are intended to keep SMPs current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The city regulates shoreline management along portions of the Naches and Yakima Rivers and through the Yakima County Regional Shoreline Master Program, enacted February 2010.

To ensure that all identified SMP and CAO modifications incorporate the required changes required by state law the City of Selah hired the Watershed Company to conduct a Gap Analysis Report, and review and prepare the draft SMP and CAO ordinances. The Gap Analysis identified changes to the city's ordinances based upon the following criteria:

1. **Section One:** Consistency with legislative amendments by the state made since its last adoption, and consistency with the policies in the City's Comprehensive Plan, updated under a periodic review in 2017 (Ordinance 2019).
2. **Section Two:** Identifies gaps in the SMP's consistency with legislative amendments. This analysis is based on a list of amendments between 2007 to present, as summarized by the Washington State Department of Ecology (Ecology) and provided to the City as a Periodic Review Checklist.



3. **Section Three:** Identifies gaps in consistency the City's SMP critical areas regulations with current Ecology guidance. The city's critical area regulations are not incorporated by reference in the current SMP.
4. **Section Four:** Identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the CAO.
5. **Section Five:** Identifies other issues to consider as part of the periodic update process, including those issues identified by City staff and residents regarding document usability and redundant regional SMP policies.

ANALYSIS OF PROPOSED SMP and CAO:

The City of Selah's Shoreline Master Program Gap Analysis Report (Revised July 2020) and accompanying draft SMP and CAO ordinances includes 23 required, and recommended actions to ensure compliance with the Washington State Shoreline Management Act (SMA), periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review is intended to keep SMPs current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information. To insure full compliance with the state law and the city's periodic SMP review, the City has chosen to incorporate all 23 recommended changes to both the SMP and CAO ordinances, and eliminate SMP environments and requirements that are located outside of its Urban Growth Area (See attached Gap Analysis for a complete list of changes).

ENVIRONMENTAL REVIEW (SEPA): Environmental review was conducted on the proposed ordinances with the issuance of a Notice of Environmental Review, Public Comment and Planning Commission Public Hearing on January 4, 2021, and concluding with a Determination of Nonsignificance (DNS) on February 8, 2021.

PUBLIC NOTICE:

A notice of public hearing and legal advertisement publication was provided on January 4, 2021, more than ten days prior to the Planning Commission hearing.

PUBLIC & AGENCY COMMENTS:

As of the date of this report, one comment from the Washington Department of Fish & Wildlife on the city's draft SMP and CAO have been received from the public and/or private agencies with jurisdiction and environmental expertise.

CONCLUSIONS:

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
2. Pursuant to RCW 90.58 each City and County within the State of Washington, having lands subject to the SMA must develop and adopt goals, policies and regulations designed to protect its lands subject to the SMA to be known as a Shoreline Master Program (SMP).

3. Pursuant to RCW 90.58, Yakima County and the incorporated communities of Naches, Selah, Yakima, Union Gap, Zillah, Granger, Wapato, Toppenish, Mabton and Grandview adopted the Yakima County Regional Shoreline Master Program (SMP) in 2008.
4. Pursuant to RCW 90.58, the City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE.
5. Pursuant to RCW 90.58, each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
6. The State of Washington requires documentation of the current shoreline conditions per WAC 173-26-201, therefore the City of Selah hired the Watershed Company to produce the Shoreline Gap Analysis Report.
7. The Shoreline Gap Analysis Report guided the development of the SMP revisions, including environment designations, policies and regulations, to ensure that the SMP and Critical Area Ordinance can meet the requirement of no net loss of ecological functions.
8. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5), and
9. The public use and interest will be served.
10. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
11. Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the draft SMP and CAO through the public review and SEPA processes. Comments were received and considered.

RECOMMENDATION: Staff recommends **APPROVAL** of the draft Shoreline Master Program, and Critical Area Ordinances as presented.



CITY OF SELAH

PLANNING DEPARTMENT
222 S Rushmore Road
SELAH, WA 98942
PHONE: (509) 698-7365 FAX (509) 698-7372
ENVIRONMENTAL CHECKLIST



FILE NUMBER: SEPA-2020-006
DATE FEE PAID: N/A
RECEIVED BY: BST 1/9/22/2020
FEE: \$275

INTRODUCTION

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal if it can be done) and to help the agency decide whether an EIS is required.

This environmental checklist asks you to describe some basic information about your proposal. Government agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project applicant," and "property of site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

BACKGROUND

1. **Name of proposed project, if applicable:** City of Selah 2020-2021 Shoreline Master Program (SMP) and Critical Area Ordinance (CAO) Update Amendments.
2. **Name of applicant:** City of Selah
3. **Address and phone number of applicant and contact person:** Jeff Peters, City of Selah Community Development Supervisor, 222 Rushmore Road, Selah, WA 98942, (509) 698-7372.
4. **Date checklist prepared:** September 22, 2020
5. **Agency requiring checklist:** CITY OF SELAH



6. **Proposed timing or schedule (including phasing, if applicable):** N/A – Non Project Action
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
None at this time.
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
None.
9. **Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.**
None pending.
10. **List any government approvals or permits that will be needed for your proposal, if known.**
SEPA determination, City of Selah Planning Commission Public Hearing, Washington State Department of Ecology Acceptance, and City Council Approval.
11. **Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

This proposal includes amendments updating the City of Selah’s Shoreline Master Program and Critical Area Ordinance consistent with the City’s required periodic review of its Shoreline Master Programs (SMPs) (WAC 173-26-090). The proposed amendments are intended to keep the SMP and CAO current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information. Specific changes to the City’s SMP and CAO are detailed in the Selah SMP GAP Analysis Report, and SMP and CAO ordinances at <https://selahwa.gov/planning/shoreline-master-program-update>.
12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

City Limits.
13. **Taxation parcel numbers(s):** Not Applicable.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

B. Environmental Elements (Attach additional sheets if necessary)

1. Earth

- a. **General description of the site (circle one):** Flat, rolling, hilly, steep slopes, mountainous, other: All of the above.
- b. **What is the steepest slope on the site (approximate percent slope)?**

N/A – Non-Project Action.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**
N/A – Non-Project Action.
- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
N/A – Non-Project Action
- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation and grading proposed. Indicate source of fill.**
N/A – Non-Project Action
- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**
N/A – Non-Project Action: The City’s SMP and CAO ordinances includes regulations to reduce erosion.
- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**
N/A – Non-Project Action
- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
N/A – Non-Project Action: The City’s SMP and CAO ordinances includes regulations to reduce erosion.

2. Air

- a. **What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**
N/A – Non-Project Action
- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
N/A – Non-Project Action
- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**
N/A – Non-Project Action

3. Water

- a. **Surface:**
 - 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
N/A – Non-Project Action: The City’s SMP and CAO jurisdiction applies primarily to the Naches and Yakima Rivers.
 - 2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**
N/A – Non-Project Action
 - 3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action: The City's SMP and CAO ordinances provides for regulation of construction within the 100-Year Floodplain.

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

N/A – Non-Project Action

b. Ground:

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

N/A – Non-Project Action

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

N/A – Non-Project Action

c. Water Runoff (including storm water):

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

- d. **Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:** N/A – Non-Project Action: The City's SMP and CAO ordinances includes provisions to control erosion for new development.

4. Plants

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

deciduous trees: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

- crop or grain**
- orchards, vineyards or other permanent crops.**
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other**
- water plants: water lily, eelgrass, milfoil, other**
- other types of vegetation**

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action: The City’s SMP and CAO include regulations to preserve and enhance stream, wetland, and riparian vegetation.

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

N/A – Non-Project Action

5. Animals

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

- Bird: hawk, heron, eagle, songbirds, other:**
- Mammals: deer, bear, elk, beaver, other:**
- Fish: bass, salmon, trout, herring, shellfish, other: All of the above.**

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

There are few threatened or endangered species known to live in or around the city limits of Selah; however this proposal does not involve any change to the land.

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

Migratory birds may use property within the City limits; however, this proposal does not involve any change to the land or habitat, and is considered a Non Project Action.

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

N/A – Non-Project Action

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

N/A – Non-Project Action

6. Energy and Natural Resources

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

7. Environmental Health

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

- b. **Noise**

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

N/A – Non-Project Action

- 2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

N/A – Non-Project Action

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

N/A – Non-Project Action

8. Land and Shoreline Use

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

N/A – Non-Project Action

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

Many of the properties within the City of Selah have been used for agriculture purposes in the past.

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

The zoning classifications in which the proposed uses could be allowed are Low Density Single-Family, Residential, Single-Family, Residential, Two-Family, and Residential, Multi-Family.

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

The Future Land Use designations in which the proposed uses could be allowed are Low Density Residential, Moderate Density Residential, and High Density Residential.

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

N/A – Non-Project Action: This proposal is to update the City of Selah's Shoreline Master Program and Critical Area Ordinance.

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

N/A – Non-Project Action: This proposal is to update the City of Selah's Shoreline Master Program and Critical Area Ordinance.

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

This proposal is to update the City of Selah's Shoreline Master Program and Critical Area Ordinance.

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

N/A – Non-Project Action

9. Housing

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

10. Aesthetics

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

11. Light and Glare

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

- e. **Proposed measures to reduce or control light and glare impacts, if any:**

N/A – Non-Project Action

12. Recreation

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

N/A – Non-Project Action

- f. **Would the proposed project displace any existing recreational uses? If so, describe.**

N/A – Non-Project Action

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

N/A – Non-Project Action

13. Historic and Cultural Preservation

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

14. Transportation

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

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

N/A – Non-Project Action

15. Public Services

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

N/A – Non-Project Action

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

N/A – Non-Project Action

16. Utilities

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

N/A – Non-Project Action

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

N/A – Non-Project Action

C. SIGNATURES

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

Signature of Proponent or Person Completing Form

Date: _____

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (do not use this sheet for project actions)

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

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

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

The proposed ordinance changes will not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise.

Proposed measures to avoid or reduce such increases are:

As the proposal will not increase any of the above environmental conditions, no measures to avoid or reduce these conditions have been proposed.

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

The proposed ordinance changes should have a positive effect on plants, animals, fish, or marine life, as the SMP and CAO ordinance will be compliant with state law.

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

The proposed ordinance changes should have a positive effect on conserving plants, animals, fish, or marine life, as the SMP and CAO ordinance will be compliant with state law.

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

The proposed amendments do not involve regulations dealing with energy or natural resources.

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

None Proposed

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

The proposed ordinance changes should have a positive effect on environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplain, or prime farmlands as the SMP and CAO ordinance will be compliant with state law.

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

See attached SMP and CAO.

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

The proposed ordinance changes should have a positive effect on land and shoreline uses, as the SMP and CAO ordinance will be compliant with state law (see SMP and CAO for specifics).

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

None Proposed

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

None Proposed

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

None Proposed

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

The proposed amendments will not conflict with any local, state, or federal laws, or requirements for the protection of the environment, as this proposal brings the City's local SMP and CAO ordinance into compliance with state law.



CITY OF SELAH
SHORELINE MASTER PROGRAM

*Adopted by the City of Selah City Council by Ordinance [redacted] and Ordinance [redacted]
on December [redacted], 2021*
Approved by the Washington State Department of Ecology and effective [redacted] 2021

January 2021

July 2020 Draft

EXHIBIT
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SHORELINE MASTER PROGRAM GOALS AND POLICIES -

~~YAKIMA COUNTY~~CITY OF SELAH 2017 COMPREHENSIVE PLAN ~~2015~~ — Natural Systems-Settings Element

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SHORELINE MASTER PROGRAM*

* — Editor's Note: Ord. ~~XXXX-13-2007~~ adopts Title 11.50.16C, Critical Areas, which applies to all critical areas within shoreline jurisdiction ~~incorporated unincorporated lands under the City's Yakima County~~City of Selah's land use jurisdiction. Ord. ~~XXXX-14-2007~~, codified in this Title 16D, adopts the Shoreline Master Program, which shall regulate critical areas within shoreline jurisdiction.

Commented [LW1]: Document from City of Selah Code Regional SMP (PDF)
Dan's last call w/ Selah.05-05-20.

Appendix A

Commented [AP2]: Table 8, Item 1

DESIGNATED TYPE 2 STREAM CORRIDORS

The following stream reaches within the City of Selah, Yakima County are designated critical areas under the Critical Areas Ordinance.

1.	BACHELOR CREEK:	From source at Ahiamum Creek (SEC13-TWP12N-RGE16-SW14) downstream to its mouth at Ahiamum Creek (SEC1-TWP12N-RGE19E).
2.	COTTONWOOD CANYON CREEK:	From the south line of SEC32-TWP13N-RGE17E; downstream to mouth at Wide Hollow Creek (SEC36-TWP13N-RGE17E).
1-3.	COTTONWOOD CREEK (WENAS):	From boundary of the E.T. Murray Wildlife Recreation Area (south line, SEC33-TWP15N-RGE19E) downstream to mouth of Wenas Creek (SEC12-TWP14N-RGE19E).
2-4.	GOWICHE CREEK NORTH FORK:	Commencing at the north line of SEC36-TWP14N-RGE19E; downstream to its confluence with the South Fork of Gowiche Creek (SEC3-TWP12N-RGE17E).
5.	HATTON CREEK:	From its source at Ahiamum Creek (SEC18-TWP12N-RGE17) downstream to its confluence with Ahiamum Creek (SEC8-TWP12N-RGE18E).
6.	LITTLE RATTLESNAKE CREEK:	From the Wenatchee National Forest boundary (SEC20-TWP15N-RGE15E) downstream to mouth of Rattlesnake Creek (SEC3-TWP15N-RGE15N).
2.	WIDE HOLLOW CREEK:	From the east line of the SW1/4 of the NW1/4 (SEC28-TWP12N-RGE17E) downstream to the municipal boundary for the City of Yakima (SEC34-TWP13N-RGE18E).
3-8.	WENAS CREEK:	From the east line of SEC5-TWP14N-RGE18E downstream to its mouth at the Yakima River (SEC18-TWP14N-RGE19E).

Appendix B

Commented [AP3]: Table 8, Item 1

CITY OF SELAH YAKIMA COUNTY SHORELINE LAKES AND PONDS AND THEIR ENVIRONMENTAL DESIGNATIONS

This list is based on information from "Lakes of Washington Volume II Eastern Washington," 1973 (Water Supply Bulletin No. 14, Washington Department of Ecology). It is possible that some lakes could have been missed through the inventory process. If lakes are found in wilderness areas or the Yakama Nation Closed Area, they shall receive a natural shoreline environmental designation. If lakes are found in areas with a majority of public ownership they shall receive a conservancy shoreline environmental designation. All other lakes shall receive a rural shoreline environmental designation. If new lakes are created that meet the shoreline designation criteria in RCW 90.58.030(2)(c), they shall receive a rural designation. Note that Yakima County has no jurisdiction within the Yakama Nation Closed Area, and very little jurisdiction within federal ownership. Shoreline environments are listed in the "Designation" column, except that those parts of any lake and its shoreline jurisdiction lying within a stream/hoodway/CMZ stream shoreline environment shall also be designated hoodway/CMZ. Lakes identified with a "#" are partially or completely within the hoodway/CMZ stream shoreline environmental designation.

Shoreline Environmental Designation Table Legend:

U—Urban	R—Rural
C—Conservancy	UC—Urban Conservancy
N—Natural	T#N—Township/ North R#E—Range/East
*Shoreline of Statewide Significance as defined per RCW 90.58.030(2)(a), generally being lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or greater measured at the ordinary high water mark.	
Shoreline designations where Yakima County/City of Selah has little or no jurisdiction:	
—USFS Wilderness Area	
—Lands under Exclusive Federal Jurisdiction Ownership	
—Yakama Nation Closed Area	
—Yakama Nation Trust Lands that are not under Yakima County jurisdiction	

LAKES	LOCATION	DESIGNATION
Byron Pond	Sec. 12, T8N, R23E	Conservancy
Horseshoe Pond	Sec. 21, 22, T9N, R22E	Conservancy#
Morgan Pond	Sec. 25, T9N, R22E	Conservancy#
Horseshoe Lake	Sec. 25, 26, 28, 26, T9N, R22E	Rural#
Giffin Lake	Sec. 22, 23, 26, 27, T9N, R22E	Conservancy#
Freeway Lake	Sec. 7, T13N, R19E	Urban Conservancy#
Wenas Lake	Sec. 2, T15N, R17E	Conservancy
Priest Rapids Pool ³	Sec. 2/3, T13N, R22E	Conservancy
Rimrock Lake ⁴	T13/14, R12, 13, 14E	Conservancy
Clear Lake	Sec. 1/2/11/12, T13N, R12E	Conservancy
Lake Aspen	Sec. 11/14, T13N, R18E	Urban

LAKES	LOCATION	DESIGNATION
Willow Lake	Sec-11/47, T13N, R18E	Urban
Big Elton Pond	Sec-31, T14N, R19E	Rural
Pumping Lake #	T16N, R12E	Conservancy
Unnamed Lake (CB-E-361)	Sec-56, T12N, R19E	Conservancy
Unnamed Lake (CB-E-306)	Sec-21, T11N, R20E	Rural
Unnamed Lake (PS-E-311)	Sec-10, T11N, R20E	Rural
Mt. Adams Lake	Sec-20, T9N, R12E	Natural
Two Lakes - Upper	Sec-8, T10N, R11E	Historic
Two Lakes - Lower	Sec-15, T10N, R11E	Natural
Fish Lake	Sec-7, T10N, R12E	Natural
Mud Lake	Sec-27, T10N, R18E	Conservancy
Howard Lake	Sec-31, T11N, R12E	Natural
Loech Lake	Sec-2, T13N, R14E	Conservancy
Twin Sisters Lakes	Sec-3, T14N, R12E	Natural
Fear Lake	Sec-3, T14N, R12E	Natural
Dog Lake	Sec-22, T14N, R12E	Conservancy
Cougar Lake	Sec-4, T15N, R11E	Natural
Dewey Lake	Sec-30, T16N, R11E	Natural
Swamp Lake	Sec-23, T16N, R11E	Natural
Slaughterhouse Lake	Sec-25, 26 T9N, R22E	Rural
Unnamed Lake	Sec-20, T9N, R23E	Rural
Unnamed Lakes X4	Sec-6/7/8/17/18, T9N, R22E	Rural
Bushman Lake	Sec-20, T13N, R19E	Urban
Unnamed Lake (Parker Pits)	Sec-20, T13N, R19E	Rural
Unnamed Lake (Selah Grave Pits)	Sec-20, 31, T14N, R19E Sec-6, T13N, R19E	Rural
Unnamed Lake (Grandview WWTP #3)	Sec-2, T8N, R22E	Rural
Unnamed Lake (Graham & Morris pits)	Sec-22, T11N, R20E	Rural
Unnamed Lake (Coviche Reservoir)	Sec-11, T14N, R16E	Rural

Appendix C

Commented [AP4]: Table 8, Item 1

YAKIMA COUNTY SHORELINE STREAMS AND THEIR ENVIRONMENTAL DESIGNATIONS

Introduction

This appendix is not intended to be easily understood by the casual reader, but is intended to accurately create maps and resolve jurisdictional questions. The list of streams is based on data from Determination of Upstream Boundary Points on Southeastern Washington Streams and Rivers Under Requirements of the Shoreline Management Act of 1971 (2003, Water Resources Investigations Report 03-4042, U.S. Geological Survey prepared in cooperation with the Washington Department of Ecology). It is possible that some shorelines could have been missed through the inventory process. If shorelines are found in wilderness areas or the Yakama Nation Closed Area, they shall receive a natural shoreline environmental designation. All other shorelines shall receive a conservancy shoreline environmental designation.

The designation of shoreline environments is based on the criteria in section 16D.10.04 (Shoreline Environments). Seven shoreline streams are designated with the floodway/CMZ environment. Where a floodway/CMZ environment has been designated, the right bank and left bank designation shall fall outside the floodway/CMZ environment, where applicable. Where there is no floodway/CMZ environment, the thalweg of the stream shall be the line separating the right bank from the left bank.

The floodway/CMZ environment is designated for the:

- * Yakima River— From the SW 1/4 of the SE 1/4 of Sec. 8, T14N, R19E, to the east line of Sec. 34, T9N, R23E.
- * Naches River— From the confluence of the Bumping River and the Little Naches River to the confluence with the Yakima River.
- * Ahtanum Creek— From the confluence of the North and South Forks of the Ahtanum, to the confluence with the Yakima River.
- * Ahtanum Creek North Fork— From the NW 1/4 of the NE 1/4 of Sec. 2, T12N, R15E, downstream to the confluence with the S. Fork Ahtanum Creek.
- * Ahtanum Creek South Fork— From the NE 1/4 of the SE 1/4 of Sec. 23, T12N, R15E downstream to the confluence with the N. Fork Ahtanum Creek.
- * Rattlesnake Creek— From the south section line of Sec. 4, T15N, R15E downstream to the confluence with the Naches River.
- * Bumping River— From the NE 1/4 of the NW 1/4 of Sec. 23, T16N, R12E downstream to the confluence with the Little Naches River.

Wetlands and river deltas associated with a shoreline that lie outside of the floodway/CMZ environment, shall have an environmental designation the same as the nearest adjacent left bank or right bank shoreline environment.

Right bank and left bank determinations are ascertained by looking downstream.

Shoreline Environmental Designation Table Legend

U—Urban	R—Rural
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Appendix C SELAH SHORELINE MASTER PROGRAM
SHORELINE STREAMS AND THEIR ENVIRONMENTAL
DESIGNATIONS

C—Conservancy	UC—Urban Conservancy
N—Natural	
Floodway/CMZ Environment Yes—present No—Not present	T#N—Township#North R#E—Range#East
Shoreline designations where the City of Selah-Yakima County/City of Selah has title or no jurisdiction: —USFS Wilderness Area —Federal Ownership —Yakima Nation-Closed Area —Yakima Nation-Trust Lands—Not under Yakima County jurisdiction	Sections and portions of sections: S—Section NW—Northwest NE—Northeast SW—Southwest SE—Southeast
*Shoreline of Statewide Significance as defined per RCW 90.53.030(2)(c), generally being streams with flows of two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area	

Stream	Reach-Description	Right Bank	Floodway/CMZ	Left Bank
Ahtanum-Creek-Basin				
Ahtanum-Creek—N-Fork	From Lot 46-30-51° Long-120°-02'-30" (NW 1/4 of the SE 1/4 of Sec. 22, T12N, R10E) downstream to the east section line of Sec. 2, T12N, R15E. The floodway/CMZ environment begins in the NW 1/4 of the NE 1/4 of Sec. 2, T12N, R15E and runs downstream.	C	Yes	E
Ahtanum-Creek—N-Fork	From the east section line of Sec. 2, T12N, R15E, downstream to the east section line of Sec. 18, T12N, R16E (the confluence with the Ahtanum-Creek-South-Fork).	R	Yes	R
Ahtanum-Creek—S-Fork	From Lot 46-30-31° Long-120°-55'-06" (the NE 1/4 of the NW 1/4 of Sec. 26, T12N, R10E) downstream to the east section line of Sec. 13, T12N, R15E and Sec. 24, T12N, R15E. The floodway/CMZ environment begins in the NE 1/4 of the SE 1/4 of Sec. 22, T12N, R15E and runs downstream.	C	Yes	C
Ahtanum-Creek—S-Fork	From the east sec. line of Sec. 12, T12N, R15E and Sec. 24, T12N, R15E downstream to the east section line of Sec. 18, T12N, R16E (the confluence with the Ahtanum-Creek-North-Fork).	C	Yes	R
Ahtanum-Creek—	From east section line of Sec. 18, T12N, R16E (the confluence of the North and South Forks Ahtanum-Creek) downstream to the east section line of Sec. 16, T12N, R17E, except the Ahtanum-Mission-Site.	C	Yes	R
Ahtanum-Mission-Site	Beginning at a point on the north line of Government Lot 1, Sec. 13, T12N, R16E, 1,093.7 feet south 39° 45' east of the NW corner thereof; thence south 37° 25' west 119.4 feet; thence south 6° 20' west 123.6 feet; thence south 75° 46' west 138.2 feet; thence south 61° 40' west 182.6 feet; thence south 105.6 feet, more or less, to the NE corner of the existing old mission property; thence south 250 feet to the SE corner; thence west 350 feet to the SW corner of the said old mission property; thence north 666 feet, more or less, to the south right-of-way line of the Yakima County/City of Selah road; thence northeasterly along said right-of-way line to the north line of said Lot 1; thence easterly along the north line of said Lot 1 to the point of beginning.	N	Yes	N
Ahtanum-Creek	From the east section line of Sec. 16, T12N, R17E downstream to the east section line of Sec. 4, T12N, R18E.	R	Yes	R
Ahtanum-Creek	From the east section line of Sec. 4, T12N, R18E downstream to the Baker-Mill-Race-Canal right-of-way (in the SE 1/4 of Sec. 7, T12N, R19E).	R	Yes	U
Ahtanum-Creek	From the Baker-Mill-Race-Canal right-of-way downstream to the south sec. line of Sec. 8, T12N, R19E.	UC	Yes	UC
Columbia-River				

Appendix C—SELAH SHORELINE MASTER PROGRAM
SHORELINE STREAMS AND THEIR ENVIRONMENTAL
DESIGNATIONS

Stream	Reach-Description	Right-Bank	Floodway/CMZ	Left-Bank
Columbia-River ¹	From the Yakima/Kittitas County line (Sec. 5, T14N, R23E) downstream along the Grant-Yakima County/City of Selah line to the Yakima/Benton County line (Sec. 12, T15N, R22E)	C	No	-
Cowiche Creek Basin				
Cowiche Creek—S. Fork	From Lat. 46° 39' 47", Long. 120° 49' 54" (the confluence of McDaniel's Canyon and the South Fork Cowiche Creek in the NW 1/4 of the NE 1/4 of Sec. 22, T14N, R16E) downstream to the west line of the east half of Sec. 21, T14N, R17E (Snow-Mt. Ranch)	C	No	C
Cowiche Creek—S. Fork and Mainstem	From the west line of the east half of Sec. 21, T14N, R17E downstream to the south line of the NE 1/4 of the NW 1/4 of Sec. 11, T13N, R17E	R	No	R
Cowiche Creek	From the south line of the NE 1/4 of the NW 1/4 of Sec. 11, T13N, R17E downstream to the west line of Secs. 3 and 17, T13N, R18E (Cowiche Canyon)	C	No	C
Cowiche Creek	From the west line of Secs. 5 and 17, T13N, R18E downstream to the southeastern right-of-way boundary of West Powerhouse Rd.	U	No	R
Cowiche Creek	From the southeastern right-of-way boundary of West Powerhouse Rd. downstream to the northerly boundary line of the Burlington Northern railroad right-of-way in the NE 1/4 of the SE 1/4 of Sec. 9, T13N, R18E.	U	No	U
Cowiche Creek	From the northerly boundary line of the Burlington Northern railroad right-of-way in the NE 1/4 of the SE 1/4 of Sec. 9, T13N, R18E downstream to the confluence with the Naches River (the NW 1/4 of the SW 1/4 of Sec. 10, T13N, R18E)	UC	Yes	UC
Bumping River Basin				
Bumping River—	From Lat. 46° 46' 06", Long. 121° 24' 55" (in the NE 1/4 of the NW 1/4 of Sec. 27, T15N, R10E) downstream to the William O. Douglas Wilderness boundary (in the SW 1/4 of Sec. 36, T16N, R11E)	N	No	N
Bumping River ²	From the William O. Douglas Wilderness boundary (in the SW 1/4 of Sec. 36, T16N, R11E) downstream to the confluence with Bumping Lake (the NE 1/4 of the NE 1/4 of Sec. 36, T16N, R11E)	C	No	C
Bumping River ²	From the mouth of Bumping Lake (the NE 1/4 of the NW 1/4 of Sec. 23, T16N, R12E) downstream to the U.S.G.S. Gaging Station (Lat. 46° 52' 32", Long. 121° 17' 48", Sec. 23, T16N, R12E). The floodway/CMZ environment begins in the NE 1/4 of the NW 1/4 of Sec. 23, T16N, R12E and runs downstream.	C	Yes	C
Bumping River ²	From the U.S.G.S. Gaging Station (Lat. 46° 52' 32", Long. 121° 17' 48", Sec. 23, T16N, R12E) downstream to the William O. Douglas Wilderness boundary on the right bank (in the SW 1/4 of the SE 1/4 of Sec. 12, T16N, R12E)	C	Yes	C
Bumping River ²	From the William O. Douglas Wilderness boundary on the right bank (in the SW 1/4 of the SE 1/4 of Sec. 12, T16N, R12E) downstream to the east section line of Sec. 14, T17N, R12E	N	Yes	C
Bumping River ²	From the east section line of Sec. 14, T17N, R12E downstream to the confluence with the Little Naches River (in the NW 1/4 of the SE 1/4 of Sec. 4, T17N, R14E)	C	Yes	C
Deep Creek ²	From Lat. 46° 45' 27", Long. 121° 20' 54" (in the SW 1/4 of the SE 1/4 of Sec. 29, T15N, R10E) downstream to the William O. Douglas Wilderness boundary on the right bank (in the NW 1/4 of the SW 1/4 of Sec. 15, T15N, R12E)	N	No	C
Deep Creek ²	From the William O. Douglas Wilderness boundary on the right bank (in the NW 1/4 of the SW 1/4 of Sec. 15, T15N, R12E) downstream to the confluence with Bumping Lake (the SW 1/4 of Sec. 27, T16N, R12E)	C	No	C
Cougar Creek ²	From Lat. 46° 49' 42", Long. 121° 22' 35" (in the SW 1/4 of the SW 1/4 of Sec. 36, T16N, R10E) downstream to the confluence with the	N	No	N

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SHORELINE STREAMS AND THEIR ENVIRONMENTAL
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Stream	Reach-Description	Right Bank	Floodway/CMZ	Left Bank
	Bumping River (SW 1/4 of the SW 1/4 of Sec. 36, T16N, R16E) (William O. Douglas Wilderness)			
Naches River Basin				
Little Naches Middle Fork	From Lat. 47° 05' 04" Long. 121° 18' 04" (in the SE 1/4 of the SE 1/4 of Sec. 25, T19N, R10E) downstream to the confluence with the North Fork Little Naches River (the NE 1/4 of the SE 1/4 of Sec. 26, T19N, R12E)	C	No	C
Little Naches South Fork	From Lat. 47° 02' 57" Long. 121° 30' 35" (in the SW 1/4 of the NE 1/4 of Sec. 16, T18N, R10E) downstream to the Notch Peak Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 15, T18N, R12E)	N	No	N
Little Naches South Fork	From the Notch Peak Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 15, T18N, R12E) downstream to the confluence with the Little Naches River (the SW 1/4 of the NE 1/4 of Sec. 9, T18N, R12E)	C	No	C
Crow Creek	From Lat. 46° 59' 41" Long. 121° 22' 26" (in the NW 1/4 of the NE 1/4 of Sec. 2, T17N, R10E) downstream to the Notch Peak Wilderness boundary (SE 1/4 of the SE 1/4 of Sec. 20, T18N, R13E)	N	No	N
Crow Creek	From the Notch Peak Wilderness boundary (SE 1/4 of the SE 1/4 of Sec. 20, T18N, R13E) downstream to the confluence with the Little Naches River (the SW 1/4 of the SW 1/4 of Sec. 30, T16N, R14E)	C	No	E
Little Naches River	From the confluence of the North and Middle Fork, Little Naches River (the NE 1/4 of the SE 1/4 of Sec. 26, T19N, R12E) downstream to the confluence with the Little Naches River South Fork (Lat. 47° 02' 57", Long. 121° 13' 27" in the SW 1/4 of the NE 1/4 of Sec. 9, T18N, R13E)	C	No	C
Little Naches River	From the confluence with the Little Naches River South Fork (Lat. 47° 02' 57", Long. 121° 13' 27" in the SW 1/4 of the NE 1/4 of Sec. 9, T18N, R13E) downstream to the confluence with the Bumping River (NW 1/4 of the SE 1/4 of Sec. 4, T17N, R14E)	C	No	E
Naches River	From the confluence of the Little Naches River and the Bumping River (NW 1/4 of the SE 1/4 of Sec. 4, T17N, R14E) downstream to the south line of Sec. 21, T16N, R15E. The floodway/CMZ environment begins at the confluence of the Bumping River and the Little Naches River and runs downstream.	C	Yes	E
Naches River	From the south line of Sec. 21, T16N, R15E, downstream to the south line of the north 1/2 of the NE 1/4 of Sec. 3, T15N, R15E (the Nile Valley)	R	Yes	R
Naches River	From the south line of the north 1/2 of the NE 1/4 of Sec. 3, T15N, R15E, downstream to the centerline of State Route 12 within the NE quarter of Sec. 25, T15N, R16E	C	Yes	E
Naches River	From the centerline of State Route 12 downstream to the east section line of Sec. 5, T14N, R17E	C	Yes	R
Naches River	From the east section line of Sec. 5, T14N, R17E downstream to the south line of the north 1/2 of the north 1/2 of Sec. 10, T14N, R17E (City of Naches)	R	Yes	U
Naches River	From the south line of the north 1/2 of the north 1/2 of Sec. 10, T14N, R17E downstream to the east line of the NW 1/4 and the SW 1/4 of the SW 1/4 of Sec. 11, T14N, R17E (Naches Community Park)	R	Yes	UC
Naches River	From the east line of the NW 1/4 and the SW 1/4 of the SW 1/4 of Sec. 11, T14N, R17E downstream to the east line of the west 1/2 of Sec. 9, T13N, R18E	R	Yes	R
Naches River	From the east line of the west 1/2 of Sec. 9, T13N, R18E, downstream to the east line of the NW 1/4 of the SW 1/4 of Sec. 12, T13N, R18E	UC	Yes	E
Naches River	From the east line of the NW 1/4 of the SW 1/4 of Sec. 12, T13N, R18E, downstream to the confluence of the Naches River and Yakima River (in the SE 1/4 of the NE 1/4 of Sec. 12, T13N, R18E)	UC	Yes	UC

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SHORELINE STREAMS AND THEIR ENVIRONMENTAL
DESIGNATIONS

Stream	Reach-Description	Right-Bank	Floodway/CMZ	Left-Bank
Rattlesnake Creek*	From Lot 46° 42' 52", Long 121° 14' 04" (in the NE 1/4 of the SW 1/4 of Sec. 5, T14N, R10E) downstream to the William O. Douglas Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 17, T15N, R14E).	N	No	N
Rattlesnake Creek*	From the William O. Douglas Wilderness Boundary (the NW 1/4 of the NW 1/4 of Sec. 17, T15N, R14E) downstream to the confluence with the Naches River (the SE 1/4 of the NE 1/4 of Sec. 7, T15N, R15E). The Floodway/CMZ environment begins in the NE 1/4 of the NE 1/4 of Sec. 9, T15N, R15E and runs downstream.	E	Yes	E
Tieton River Basin				
Conrad Creek*	From Lot 46° 20' 01", Long 121° 20' 53" (in the NW 1/4 of the NW 1/4 of Sec. 29, T12N, R10E) downstream to the confluence with the South Fork Tieton River (in the SE 1/4, of the NW 1/4 of Sec. 28, T12N, R12E).	N	No	N
Tieton River S-Fork*	From the confluence of Conrad Creek and the South Fork Tieton River (in the SE 1/4 of the NW 1/4 of Sec. 28, T12N, R12E) downstream the Goat Rocks Wilderness Area boundary (the east section line of Sec. 28, T12N, R12E).	N	No	N
Tieton River S-Fork*	From the Goat Rocks Wilderness Area boundary (the east section line of Sec. 28, T12N, R12E) downstream to the mouth of Rimrook Lake, Sec. 17, T13N, R14E.	E	No	E
Tieton River N-Fork*	From Lot 46° 20' 51", Long 121° 02' 30" (in the SW 1/4 of the NW 1/4 of Sec. 14, T12N, R10E) downstream to the Goat Rocks Wilderness Boundary on the right bank (in the NE 1/4 of the NW 1/4 of Sec. 22, T12N, R12E).	N	No	N
Tieton River N-Fork**	From the Goat Rocks Wilderness Boundary on the right bank (in the NE 1/4 of the NW 1/4 of Sec. 22, T12N, R12E) downstream to the Goat Rocks Wilderness Boundary on the right bank (in the SE 1/4 of the SW 1/4 of Sec. 21, T12N, R12E).	N	No	E
Tieton River N-Fork*	From the Goat Rocks Wilderness Boundary on the right bank (in the SE 1/4 of the SW 1/4 of Sec. 21, T12N, R12E) downstream to the confluence with Clear Lake (in the SE 1/4 of the SW 1/4 of Sec. 11, T12N, R12E).	E	No	E
Tieton River N-Fork*	From the mouth of Clear Lake (in the NW 1/4 of the SE 1/4 of Sec. 12, T12N, R12E) downstream to Lot 46° 37' 42", Long 121° 16' 04".	E	No	E
Tieton River N-Fork**	From Lot 46° 37' 42", Long 121° 16' 04" to the confluence with Rimrook Lake (in the SW 1/4 of the NE 1/4 of Sec. 12, T12N, R12E).	E	No	E
Clear Creek*	From Lot 46° 39' 06", Long 121° 20' 22" (in the NE 1/4 of the NW 1/4 of Sec. 4, T12N, R10E) downstream to the confluence with Clear Lake (in the NW 1/4 of the NW 1/4 of Sec. 12, T12N, R12E).	E	No	E
Indian Creek*	From Lot 46° 41' 04", Long 121° 18' 02" (in the SW 1/4 of the SW 1/4 of Sec. 23, T14N, R10E) downstream to the William O. Douglas Wilderness boundary (in the SW 1/4 of the SE 1/4 of Sec. 26, T14N, R12E).	N	No	N
Indian Creek*	From the William O. Douglas Wilderness boundary (in the SW 1/4 of the SE 1/4 of Sec. 26, T14N, R12E) downstream to the confluence with Rimrook Lake (the NW 1/4 of the SE 1/4 of Sec. 6, T13N, R13E).	E	No	E
Tieton River**	From the Rimrook Dam (in the NE 1/4 of the SW 1/4 of Sec. 31, T14N, R14E) downstream to the confluence with the Naches River (in the SE 1/4 of the NW 1/4 of Sec. 35, T15N, R16E).	E	No	E
Yakima River Basin				
Yakima River*	From the Yakima/Kittitas County line (in the NE 1/4 of Sec. 4, T14N, R19E) downstream to the west line of the Roze Canal right-of-way (in the NE 1/4 of the NW 1/4 of Sec. 17, T14N, R19E). The floodway/CMZ environment begins in the SW 1/4 of the SE 1/4 of Sec. 8, T14N, R19E.	E	Yes	E

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Stream	Reach Description	Right-Bank	Floodway/CMZ	Left-Bank
Yakima River ²	From the west-line of the Rosa Canal right-of-way (in the NE 1/4 of the NW 1/4 of Sec. 17, T14N, R19E) downstream to the south line of Sec. 18, T14N, R19E.	C	Yes	R
Yakima County River ²	From the south line of Sec. 18, T14N, R19E downstream to the south line of Sec. 21, T14N, R19E and Sec. 26, T14N, R18E (City of Selah).	R	Yes	R
Yakima River ²	From the south line of Sec. 31, T14N, R19E and Sec. 26, T14N, R18E downstream to the south line of Sec. 7 and 8, T13N, R19E (City of Yakima).	UC	Yes	R
Yakima River ²	From the south line of Sec. 7 and 8, T13N, R19E downstream to the south section line of Sec. 17, T13N, R19E.	UC	Yes	UC
Yakima River ²	From the south section line of Sec. 17, T13N, R19E downstream to the south right-of-way line of Terrace Heights Drive in Sec. 20, T13N, R19E.	U	Yes	U
Yakima River ²	From the south right-of-way line of Terrace Heights Drive in Sec. 20, T13N, R19E downstream to the south line of the NE 1/4 of the SE 1/4 of Secs. 20 and 21, T13N, R19E.	UC	Yes	U
Yakima River ²	From the south line of the NE 1/4 of the SE 1/4 of Secs. 20 and 21, T13N, R19E downstream to the southerly right-of-way line of State Route 24 in Sec. 28, T13N, R19E, except also see Blue Slough below.	UC	Yes	UC
Yakima River ²	From the southerly right-of-way line of State Route 24 in Sec. 28, T13N, R19E downstream to the south line of the north 1/2 of Secs. 4 and 5, T12N, R19E, except also see Blue Slough below.	UC	Yes	C
Yakima River ² Blue Slough	From where Blue Slough exists the main river's shoreline jurisdiction (in the NE 1/4 of the NW 1/4 of Sec. 28, T13N, R19E) downstream to the south line of the NW 1/4 of the NE 1/4 of Sec. 23, T13N, R19E, except that where the main river's shoreline environment overlies the Blue Slough shoreline environment, it shall supersede the Blue Slough environment.	U	No	U
Yakima River ² Blue Slough	From the south line of the NW 1/4 of the NE 1/4 of Sec. 23, T13N, R19E, downstream to where it enters Yakima River shoreline jurisdiction (in the SW 1/4 of the SE 1/4 of Sec. 23, T13N, R19E), except that where the main river's shoreline environment overlies the Blue Slough shoreline environment, it shall supersede the Blue Slough environment.	R		R
Yakima River ²	From the south line of the north 1/2 of Secs. 4 and 5, T12N, R19E downstream to the south line of Sec. 8, T12N, R19E.	U	Yes	C
Yakima River ²	From the south line of Sec. 8, T12N, R19E downstream to the south line of Sec. 17, T12, R19E.	C	Yes	C
Yakima River ²	From the south line of Sec. 17, T12, R19E downstream to the south line of Secs. 1, 2 and 3 of T11N, R13E.	R	Yes	C
Yakima River ²	From the south line of Secs. 1, 2 and 3 of T11N, R13E downstream to the north line of the south 1/2 of the south 1/2 of Secs. 11, 12, T11N, R17E, and Secs. 7 and 8 of T11N, R20E (City of Wapato).	U	Yes	C
Yakima River ²	From the south 1/2 of the south 1/2 of Secs. 11, 12, T11N, R17E, and Secs. 7 and 8 of T11N, R20E downstream the east section line of Secs. 28 and 33, T11N, R20E.	R	Yes	C
Yakima River ²	From the east section line of Secs. 28 and 33, T11N, R20E downstream to the east line of Sec. 36, T11N, R20E and Secs. 1 and 12 of T10N, R20E (City of Zillah).	R	Yes	U
Yakima River ²	From the east line of Sec. 36, T11N, R20E and Secs. 1 and 12 of T10N, R20E downstream to the north line of the south 1/2 of the south 1/2 of Secs. 7 and 8, T10N, R21E.	R	Yes	R
Yakima River ²	From the north line of the south 1/2 of the south 1/2 of Secs. 7 and 8, T10N, R21E downstream to the east line of the SE 1/4 of Sec. 17, T10N, R21E and the east line of Sec. 20, T10N, R21E (Granger UGA).	R	Yes	UC

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Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Yakima River ¹	From the east line of the SE 1/4 of Sec. 17, T10N, R21E and the east line of Sec. 20, T10N, R21E downstream to the south right-of-way line for State Route 223 within the SE 1/4 of Sec. 21, T10N, R21E. (City of Granger)	R	Yes	U
Yakima River ²	From the south right-of-way line for State Route 223 within the SE 1/4 of Sec. 21, T10N, R21E downstream to the east line of Secs. 20 and 20, T9N, R22E	R	Yes	R
Yakima River ³	From the east line of Secs. 20 and 20, T9N, R22E downstream to the east line of Secs. 25 and 26, T9N, R22E	R	Yes	E
Yakima River ⁴	From the east line of Secs. 25 and 26, T9N, R22E downstream to the Yakima/Benton County line in the NE 1/4 of Sec. 12, T8N, R22E	R	Yes	R
American River Basin				
American River ¹	From Lot 46° 51' 30", Long. 121° 26' 27" (in the SW 1/4 of the SW 1/4 of Sec. 21, T16N, R10E) downstream to the confluence with the Rainier Fork (in the NE 1/4 of the SE 1/4 of Sec. 9, T16N, R11E)	N	No	N
American River ²	From the confluence with the Rainier Fork (in the NE 1/4 of the SE 1/4 of Sec. 9, T16N, R11E) downstream to the William O. Douglas Wilderness boundary on the right bank in the NE 1/4 of the SE 1/4 of Sec. 24, T17N, R11E	N	No	E
American River ³	From the William O. Douglas Wilderness boundary on the right bank in the NE 1/4 of the SE 1/4 of Sec. 24, T17N, R11E downstream to the William O. Douglas Wilderness boundary on the left bank in the NE 1/4 of the SE 1/4 of Sec. 25, T17N, R11E	C	No	E
American River ⁴	From the William O. Douglas Wilderness boundary on the left bank in the NE 1/4 of the SE 1/4 of Sec. 25, T17N, R11E downstream to the William O. Douglas Wilderness boundary on the left bank in the SW 1/4 of the SW 1/4 of Sec. 26, T17N, R11E	C	No	N
American River ⁵	From the William O. Douglas Wilderness boundary on the left bank in the SW 1/4 of the NW 1/4 of Sec. 26, T17N, R11E downstream to the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 25, T17N, R11E	C	No	E
American River ⁶	From the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 25, T17N, R11E downstream to Lot 46° 56' 05", Long. 121° 20' 27"	N	No	E
American River ⁷	From the Lot 46° 56' 05", Long. 121° 20' 27" downstream to the William O. Douglas Wilderness boundary on the right bank in the SW 1/4 of the NE 1/4 of Sec. 18, T17N, R13E	N	No	C
American River ⁸	From the William O. Douglas Wilderness boundary on the right bank in the SW 1/4 of the NE 1/4 of Sec. 18, T17N, R13E downstream to the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 17, T17N, R13E	E	No	E
American River ⁹	From the William O. Douglas Wilderness boundary on the right bank in the NW 1/4 of the NW 1/4 of Sec. 17, T17N, R13E downstream to the William O. Douglas Wilderness boundary on the right bank in the SE 1/4 of the NE 1/4 of Sec. 11, T17N, R13E	N	No	E
American River ¹⁰	From the William O. Douglas Wilderness boundary on the right bank in the SE 1/4 of the NE 1/4 of Sec. 11, T17N, R13E downstream to the confluence with the Rumping River (the NW 1/4 of the SW 1/4 of Sec. 12, T17N, R13E)	E	No	C
Rainier Fork ¹	From Lot 46° 52' 20", Long. 121° 27' 15" (in the NW 1/4 of the SE 1/4 of Sec. 8, T16N, R10E) downstream to the confluence with the American River (the NE 1/4 of the SE 1/4 of Sec. 9, T16N, R11E)	N	No	C
Union Creek ¹	From Lot 46° 56' 57", Long. 121° 22' 45" (in the NE 1/4 of the NW 1/4 of Sec. 23, T17N, R10E) downstream to the Norse Peak Wilderness boundary (in the SW 1/4 of the SW 1/4 of Sec. 24, T17N, R10E)	N	No	N

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Stream	Reach-Description	Right-Bank	Floodway/CMZ	Left-Bank
Union-Creek	From the Norse Peak Wilderness boundary (in the SW 1/4 of the SW 1/4 of Sec. 24, T1N, R10E) downstream to the confluence with the American River (in the SE 1/4 of the NW 1/4 of Sec. 25, T1N, R11E)	C	No	C
Cowlitz River Basin				
Muddy-Fork	From Lat. 46° 16' 26", Long. 121° 38' 32" (in the NW 1/4 of the northwest 1/4 of Sec. 17, T9N, R11E) downstream to the Mt. Adams Wilderness boundary (in the NW 1/4 of Sec. 6, T9N, R11E)	N	No	N
Muddy-Fork	From the Mt. Adams Wilderness boundary (in the NW 1/4 of Sec. 6, T9N, R11E) downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 35, T10N, R10E)	C	No	C
White Salmon Basin				
Morrison-Creek	From Lat. 46° 07' 40", Long. 121° 31' 02" (in the NE 1/4 of the NW 1/4 of Sec. 2, T7N, R10E) downstream to the County line (the NE 1/4 of the SW 1/4 of Sec. 2, T7N, R10E)	C	No	C
Hole-in-the-Ground-Creek	From County line (in the SW 1/4 of the NW 1/4 of Sec. 26, T7N, R10E) downstream to the County line (in the SW 1/4 of the SE 1/4 of Sec. 35, T7N, R10E)	C	No	C
Gotchen-Creek	From Lat. 46° 04' 50", Long. 121° 29' 00" (in the SE 1/4 of the NE 1/4 of Sec. 24, T7N, R10E) downstream to the County line (in the SW 1/4 of the SE 1/4 of Sec. 35, T7N, R10E)	C	No	C
Unnamed tributary to Gotchen-Creek	From Lat. 46° 03' 47", Long. 121° 27' 31" (in the NE 1/4 of the SW 1/4 of Sec. 20, T7N, R10E) downstream to the County line (in the SE 1/4 of the SW 1/4 of Sec. 31, T7N, R11E)	C	No	C
Toppenish Creek Basin				
Simeco-Creek	From Lat. 46° 26' 46", Long. 120° 51' 34" (in the NE 1/4 of the NE 1/4 of Sec. 18, T14N, R10E) downstream to the east section line of Sec. 3, T10N, R16E	C	No	C
Simeco-Creek	From the east section line of Sec. 3, T10N, R16E, downstream to the confluence with Toppenish Creek (in the SE 1/4 of the SW 1/4 of Sec. 6, T10N, R18E)	R	No	R
Toppenish-Creek	From Lat. 46° 15' 07", Long. 120° 57' 09" (in the SW 1/4 of the NW 1/4 of Sec. 21, T8N, R10E) downstream to the east line of the west 1/2 of the west 1/2 of Sec. 25, T10N, R16E	N	No	N
Toppenish-Creek	From the east line of the west 1/2 of the west 1/2 of Sec. 25, T10N, R16E downstream to the east section line of Sec. 20, T10N, R18E	R	No	R
Toppenish-Creek	From the east section line of Sec. 20, T10N, R18E downstream to the east section line of Sec. 22 and 27, T10N, R18E (Toppenish Wildlife Refuge)	C	No	C
Toppenish-Creek	From the east section line of Sec. 22 and 27, T10N, R18E, downstream to the east section line of Sec. 25 and 26, T10N, R19E	R	No	R
Toppenish-Creek	From the east section line of Sec. 25 and 26, T10N, R19E, downstream to the east line of the west 1/2 of Sec. 35, T10N, R20E (Toppenish Wildlife Refuge)	C	No	C
Toppenish-Creek	From the east line of the west 1/2 of Sec. 35, T10N, R20E, downstream to the confluence with the Yakima River (the NE 1/4 of the SE 1/4 of Sec. 27, T10N, R21E)	R	No	R
Katus River Basin				
Katus-Creek	From the County line (in the SW 1/4 of the SW 1/4 of Sec. 33, T8N, R18E) downstream to the north line of the south 1/2 of Sec. 35, T8N, R18E	N	No	N
Katus-Creek	From the north line of the south 1/2 of Sec. 35, T8N, R18E, downstream to the north line of Sec. 7, T8N, R19E	C	No	C

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Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Satus Creek ²	From north line of Sec. 7, T9N, R19E downstream to the west line of Sec. 26, T9N, R19E.	N	No	N
Satus Creek ²	From the west line of Sec. 26, T9N, R19E, downstream to the confluence with Dry Creek in the SW 1/4 of the NW 1/4 of Sec. 24, T9N, R19E.	E	No	E
Satus Creek ²	From the confluence with Dry Creek in the SW 1/4 of the NW 1/4 of Sec. 24, T9N, R19E, downstream to the east line of Sec. 16, T9N, R20E.	C	No	E
Satus Creek ²	From the east line of Sec. 16, T9N, R20E, downstream to the confluence with the Yakima River (the SW 1/4 of the SE 1/4 of Sec. 18, T9N, R20E).	B	No	R
North Fork Dry Creek ²	From Lat. 46° 13' 46", Long. 120° 37' 17" (in the SW 1/4 of the SW 1/4 of Sec. 20, T9N, R19E) downstream to the southeast right-of-way line of U.S. Highway 97 (in the SE 1/4 of the NW 1/4 of Sec. 22, T9N, R19E).	N	No	N
North Fork Dry Creek ²	From the southeast right-of-way line of U.S. Highway 97 (in the SE 1/4 of the NW 1/4 of Sec. 22, T9N, R19E), downstream to the confluence with the Satus Creek (in the SW 1/4 of the NW 1/4 of Sec. 24, T9N, R19E).	C	No	E
Legy Creek ²	From Lat. 46° 08' 09", Long. 120° 28' 19" (in the NE 1/4 of the SE 1/4 of Sec. 35, T8N, R10E) downstream to the confluence with Satus Creek (in the NW 1/4 of the SE 1/4 of Sec. 6, T9N, R19E).	N	No	N
Klickitat River Basin				
Butte Meadows Creek ²	From Lat. 46° 27' 41", Long. 121° 12' 24" (in the SE 1/4 of the SE 1/4 of Sec. 5, T11N, R10E) downstream to the confluence with the Diamond Fork (in the NE 1/4 of the SW 1/4 of Sec. 4, T11N, R13E).	C	No	E
Diamond Fork ²	From the confluence of Butte Meadows Creek and Diamond Fork Creek (in the NE 1/4 of the SW 1/4 of Sec. 4, T11N, R13E) downstream to the north line of Sec. 14, T11N, R13E.	E	No	E
Diamond Fork ²	From the north line of Sec. 14, T11N, R13E downstream to the confluence with the Klickitat River (in the SW 1/4 of the SE 1/4 of Sec. 4, T10N, R13E).	N	No	N
Huckleberry Creek ²	From Lat. 46° 25' 21", Long. 121° 20' 00" (in the NE 1/4 of the SE 1/4 of Sec. 20, T11N, R10E) downstream to the confluence with the Klickitat River (in the NW 1/4 of the SE 1/4 of Sec. 21, T11N, R12E).	N	No	N
Picose Creek ²	From Lat. 46° 21' 39", Long. 121° 09' 10" (in the SW 1/4 of the SE 1/4 of Sec. 11, T10N, R10E) downstream to the confluence with the Klickitat River (in the SW 1/4 of the NE 1/4 of Sec. 16, T10N, R13E).	N	No	N
McCreedy Creek ²	From Lat. 46° 19' 54", Long. 121° 15' 10" (in the SW 1/4 of the SE 1/4 of Sec. 24, T10N, R10E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NE 1/4 of Sec. 25, T10N, R12E).	N	No	N
Fish Lake Creek ²	From Lat. 46° 21' 57", Long. 121° 27' 29" (in the NE 1/4 of the SE 1/4 of Sec. 08, T10N, R10E) downstream to the confluence with Two Lakes Lower (in the NE 1/4 of the SE 1/4 of Sec. 08, T10N, R10E).	N	No	N
Fish Lake Creek ²	From the mouth of Two Lakes Lower (Lat. 46° 21' 23", Long. 121° 26' 01") downstream to the confluence with the West Fork of the Klickitat River (in the SE 1/4 of the SE 1/4 of Sec. 09, T9N, R12E).	N	No	N
Clearwater Creek ²	From Lat. 46° 18' 36", Long. 121° 23' 58" (in the SW 1/4 of the NE 1/4 of Sec. 25, T10N, R10E) downstream to the confluence with the Little Muddy Creek (in the SW 1/4 of the SW 1/4 of Sec. 9, T9N, R12E).	N	No	N
Trappers Creek ²	From Lat. 46° 17' 17", Long. 121° 23' 11" (in the SW 1/4 of the SW 1/4 of Sec. 06, T9N, R10E) downstream to the confluence with Clearwater Creek (in the NW 1/4 of the SW 1/4 of Sec. 08, T9N, R12E).	N	No	N
Little Muddy Creek ²	From Lat. 46° 16' 06", Long. 121° 23' 06" (in the SE 1/4 of the NW 1/4 of Sec. 13, T9N, R10E) downstream to the confluence with Clearwater Creek (in the SW 1/4 of the SW 1/4 of Sec. 9, T9N, R12E).	N	No	N

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Crawford Creek ¹	From Lat. 46° 16' 38", Long. 121° 21' 07" (in the NW 1/4 of the SW 1/4 of Sec. 9, T9N, R10E) downstream to the confluence with the Little Muddy Creek (in the NW 1/4 of the SW 1/4 of Sec. 9, T9N, R10E).	N	No	N
West Fork Klickitat River ²	From the confluence of the Little Muddy Creek and Clearwater Creek (in the SE 1/4 of the SE 1/4 of Sec. 9, T9N, R12E) downstream to Lat. 46° 16' 30", Long. 121° 18' 40" (in the SE 1/4 of the SE 1/4 of Sec. 9, T9N, R12E).	N	No	N
West Fork Klickitat River ²	From Lat. 46° 16' 30", Long. 121° 18' 40" (in the SE 1/4 of the SE 1/4 of Sec. 9, T9N, R12E) downstream to the confluence with the Klickitat River (in the NW 1/4 of the NW 1/4 of Sec. 30, T9N, R13E).	N	No	N
Surveyors Creek ³	From Lat. 46° 12' 27", Long. 121° 12' 45" (in the SW 1/4 of the SW 1/4 of Sec. 5, T8N, R10E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NW 1/4 of Sec. 14, T8N, R12E).	N	No	N
Swamp Creek ³	From Lat. 46° 12' 58", Long. 121° 20' 30" (in the SW 1/4 of the SE 1/4 of Sec. 32, T9N, R10E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NW 1/4 of Sec. 14, T8N, R12E).	N	No	N
Rust Creek/ Avalanche Valley ⁴	From Lat. 46° 11' 32", Long. 121° 22' 48" (in the SE 1/4 of the SW 1/4 of Sec. 11, T8N, R11E) downstream to the confluence with the Big Muddy Creek (in the SW 1/4 of the SW 1/4 of Sec. 11, T8N, R11E).	N	No	N
Big Muddy Creek ⁵	From Lat. 46° 11' 11", Long. 121° 24' 36" (in the NW 1/4 of the NE 1/4 of Sec. 15, T8N, R11E) downstream to the confluence with the Klickitat River (in the SE 1/4 of the NW 1/4 of Sec. 2, T7N, R12E).	N	No	N
Hellroaring Creek ⁶	From Lat. 46° 09' 35", Long. 121° 24' 56" (in the NE 1/4 of the NW 1/4 of Sec. 27, T8N, R11E) downstream to the confluence with the Big Muddy Creek (in the NE 1/4 of the SE 1/4 of Sec. 20, T8N, R12E).	N	No	N
Bird Creek ⁷	From Lat. 46° 06' 36", Long. 121° 25' 45" (in the SE 1/4 of the NE 1/4 of Sec. 9, T7N, R10E) downstream to the east line of Sec. 22, T7N, R11E.	N	No	N
Bird Creek ⁷	From the east line of Sec. 22, T7N, R11E, downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 33, T7N, R12E).	E	No	E
Dry Creek ⁸	From Lat. 46° 04' 26", Long. 121° 19' 41" (in the NW 1/4 of the NE 1/4 of Sec. 29, T7N, R10E) downstream to the confluence with Bird Creek (in the SE 1/4 of the SE 1/4 of Sec. 28, T7N, R12E).	E	No	E
Trout Creek ⁹	From Lat. 46° 07' 50", Long. 121° 11' 26" (in the SW 1/4 of the SW 1/4 of Sec. 23, T8N, R10E) downstream to the north-occ. line of Sec. 29, T7N, R13E.	N	No	N
Trout Creek ⁹	From the north-occ. line of Sec. 29, T7N, R13E, downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 32, T7N, R13E).	E	No	E
Tepee Creek ¹⁰	From Lat. 46° 08' 55", Long. 121° 02' 24" (in the NW 1/4 of the SE 1/4 of Sec. 28, T8N, R10E) downstream to the confluence with White Creek (in the SE 1/4 of the NE 1/4 of Sec. 5, T7N, R14E).	N	No	N
Brush Creek ¹¹	From Lat. 46° 07' 59", Long. 120° 59' 40" (in the SW 1/4 of the SE 1/4 of Sec. 26, T8N, R10E), downstream to the confluence with White Creek (in the SE 1/4 of the NW 1/4 of Sec. 20, T7N, R14E).	N	No	N
White Creek ¹²	From Lat. 46° 07' 37", Long. 121° 04' 30" (in the NW 1/4 of the NE 1/4 of Sec. 05, T7N, R10E) downstream to the County line (in the SW 1/4 of the SW 1/4 of Sec. 31, T7N, R14E).	N	No	N
Summit Creek ¹³	From Lat. 46° 02' 41", Long. 120° 57' 56" (in the SW 1/4 of the SW 1/4 of Sec. 32, T7N, R15E) downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 31, T7N, R15E). (Note: Summit Creek exists and re-enters Yakima County City of Selah.)	N	No	N
Summit Creek ¹³	From the County line in the SW 1/4 of the SW 1/4 of Sec. 26, T7N, R14E downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 25, T7N, R14E).	N	No	N

Appendix C SELAH SHORELINE MASTER PROGRAM
 SHORELINE STREAMS AND THEIR ENVIRONMENTAL
 DESIGNATIONS

Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Klickitat River ²	From Lat. 46° 27' 15", Long. 121° 22' 29" (in the SW 1/4 of the NW 1/4 of Sec. 12, T11N, R16E) downstream to the confluence with the Diamond Fork (Lat. 46° 22' 37", Long. 121° 41' 35").	N	No	N
Klickitat River ²	From the confluence with the Diamond Fork (Lat. 46° 22' 37", Long. 121° 41' 35") to the south line of the NE 1/4 of the NE 1/4 of Sec. 10, T7N, R12E.	N	No	N
Klickitat River ²	From the south line of the NE 1/4 of the NE 1/4 of Sec. 10, T7N, R12E, downstream to the County line (in the SW 1/4 of the SW 1/4 of Sec. 31, T7N, R12E).	E	No	E

Chapter 16D.01 - GENERAL PROVISIONS

Sections:

- 16D.01.01 Title and Authority.
- 16D.01.02 Language Interpretation.
- 16D.01.03 Purpose of Title.
- 16D.01.04 Intent of Title.
- 16D.01.05 Applicability.
- ~~16D.01.06 Science and Protection of Anadromous Fish.~~
- 16D.01.067 Applicability of Permit System to Federal Agencies.
- 16D.01.078 Administrative Authority.
- 16D.01.089 Severability.
- ~~16D.01.09 Effective Date.~~

16D.01.01 Title and Authority.

(1) ~~Yakima The City of Selah Shoreline Master Program~~ is established pursuant to RCW 36.70A.060 (Growth Management Act, Natural resource lands and critical areas – Development regulations), RCW Chapter 90.58 (Shoreline Management Act), RCW Chapter 43.21C (State Environmental Policy Act), and federal requirements for eligibility in the National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR). This title shall be known as the “Shoreline Master Program of ~~the Yakima County (City of Selah),~~ Washington.”

(2) The Shoreline Master Program of ~~Yakima County~~ the City of Selah shall, for the purposes of RCW 36.70A.480 (GMA, Shorelines of the State) be considered a supplement to the ~~City of Selah~~ City of Selah Comprehensive Plan ~~of Yakima County.~~ The Shoreline Master Program Regulations shall, for the purposes of 36.70A.480 (GMA, Shorelines of the State) be considered a set of use regulations applying only to shoreline areas as specified in RCW 90.58 (SMA) and WAC 173-26 (SMP Guidelines). These regulations are intended to be substantive legal rules and procedures used to implement the goals and policies of the Master Program. These regulations shall be applied and interpreted in a manner consistent with the remainder of the Master Program or the Act.

16D.01.02 Language Interpretation.

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

16D.01.03 Purpose of Title.

The purpose of ~~Y.C. Title 16D~~ The Shoreline Master Program is to establish a single, uniform system of procedures and standards to be applied to development within Shoreline jurisdiction of ~~the unincorporated Yakima County (City of Selah)~~ and municipalities in Yakima County which have adopted this regional SMP.

16D.01.04 Intent of Title.

(1) ~~Y.C. Title 16D~~ The Shoreline Master Program establishes goals, policies, standards, and regulations pertaining to projects, uses and development within Shoreline jurisdiction, development within critical areas or other areas under Shoreline jurisdiction as provided in the Shoreline Management Act (RCW 90.58) and the Growth

Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program. ~~Additional purpose and intent for the protection of critical areas is provided in the chapter on each subject. Stream corridors, flood hazard areas, wetlands, critical aquifer recharge areas, geologically hazardous areas and fish and wildlife habitat areas constitute Yakima County's critical areas. These areas are of special concern to the people of Yakima County and the state of Washington because they are environmentally sensitive lands, or hazardous areas, which comprise an important part of the county's natural resource base.~~ The policies, standards and procedures of this title are intended to:

Commented [AP5]: Table 8, Item 1

- (a) Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions;
 - (b) Prevent further degradation of critical areas;
 - (c) Conserve, protect and, where feasible, restore essential or important natural resources;
 - (d) Protect the public health, safety and general welfare;
 - (e) Further the goals and objectives of the ~~Yakima County~~ City of Selah Comprehensive Plan and all of its elements;
 - (f) Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A) as it applies to shoreline jurisdiction, the Shoreline Management Act (RCW Chapter 90.58), and the National Flood Insurance Program;
 - (g) Recognize and protect private property rights;
 - (h) Provide development options for landowners of all existing lots to the greatest extent possible, through the establishment of variance, reasonable use provisions and non-conforming use and facility provisions;
 - (i) Manage for no net loss of ecological function within Shoreline jurisdiction, to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life;
 - (j) Establish a consistent foundation of regulations that apply to similar issues whether they are inside or outside shoreline jurisdiction. Additional protection measures required as a result of Shoreline Master Program updates to this title are identified as applying within shoreline jurisdiction and are not intended to be applied outside shoreline jurisdiction;
 - (k) Recognize that mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use when conducted consistent with the policies and provisions of WAC 173-26-241(h), within all shoreline designations, except the natural and floodway/CMZ environments.
- (2) In addition, the policies, standards and procedures of this title:
- (a) Are not intended to regulate the operation and maintenance of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective dates of provisions in the City of Selah Critical Areas Ordinance (SMC Title 11.50 ~~YCC Title 16C~~) or Shoreline Master Program (YCC Title 16D);
 - (b) Are not intended to result in an unconstitutional taking of private property;
 - (c) Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the Critical Areas Ordinance (SMC Title 11.50 ~~YCC Title 16C~~) or Shoreline Master Program (YCC Title 16D); but rather to use compensatory mitigation as a tool to mitigate impacts of new development;
 - (d) Are not intended to presume that regulatory tools are the only mechanism for protection, but rather integrated with nonregulatory tools in as balanced a manner as possible;

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

16D.01.05 Applicability.

- (1) The provisions of this title shall apply to any new development, construction or use within the ~~unincorporated~~ ~~portion of Yakima County, City of Selah's municipal boundaries, and municipalities in Yakima County which~~ ~~have adopted this regional SMA~~, designated as a critical area inside shoreline jurisdiction, designated as shoreline jurisdiction and designated as a special flood hazard area under the National Flood Insurance Program. ~~Those shorelines within the City of Selah and its Urban Growth Area which have been inventoried and found to meet the criteria as a shoreline of the state are as follows:~~

~~(i) Streams, Rivers and Floodplains~~

~~(i) Naches River~~

~~(ii) Yakima River~~

- ~~(2) However, this title does not apply to the situations below, except that the Flood Hazard protection provisions of Chapter 16D.05 will continue to apply as determined by the applicability provision in 16D.05.20:~~

- ~~(34) The City of Selah Critical Areas Ordinance (CAO), Chapter 11.50 SMC (Ordinance No. XXXX, dated XXXX, 202X), is incorporated herein by this reference into this Shoreline Master Program, except as noted below. All references to the Critical Areas Ordinance, SMC 11.50, are for this specific version.~~

Commented [AP8]: Pending info from CAO update

~~(a) If the provisions of the Chapter 11.50 SMC and other parts of the Shoreline Master Program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.~~

~~(b) Provisions of Chapter 11.50 SMC that are not consistent with the SMA (RCW 90.58) shall not apply in shoreline jurisdiction. Specifically, the following subsections shall not apply in shoreline jurisdiction:~~

~~(i) 11.50.50, Exemptions and nonconforming uses.~~

~~(iii) 11.50.090, Appeals; and~~

~~(iv) 11.50.100, Enforcement.~~

Commented [AP9]: Table 3, Item 1

~~16D.01.06 Science and Protection of Anadromous Fish.~~

~~The permit system shall be applied in the following manner to federal agencies on lands within shoreline jurisdiction:~~

- ~~(1) Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of this title or chapter 90.58 RCW. Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government, or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or Yakima County, City of Selah, substantial jurisdiction over activities on those lands;~~

Commented [AP11]: Table 2, 2017f

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

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

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

- (a) Federal development on federally owned land is not required to obtain a permit;
- (b) Federal development on a federally owned lease is not required to obtain a permit, as long as the development is consistent with the purpose of the lease;
- (c) Development on federally owned land under a nonfederal lease or easement must obtain a shoreline permit;
- (d) Nonfederal development or use on federally owned land must obtain a shoreline permit;
- (e) Development on nonfederal land must obtain a shoreline permit, even if it is leased, rented, etc., to the federal government, or it is within the boundaries of federal ownership.

16D.01.078 Administrative Authority.

(1) ~~The Yakima County City of Selah Planning Department-Public Services Department Planning Division shall be responsible for the general administration of this title. The Planning Director or Director's Planning Division Manager or the Manager's designee shall serve as the administrative officer/shoreline administrator of this title, except as noted in Chapters 16D.05.20 through 16D.05.72. The administrative official shall establish procedures for implementation of this title.~~

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

(b) A written request for interpretation of any provision of this title, or any rule or regulation adopted pursuant to this title, may be submitted to the administrative official. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be ~~administered/processed~~ in accordance with SMC 14.4 Section ~~21.01.030 and 21.03.020, 16B.03.020.~~

~~(c) The City shall consult with the Department of Ecology (Ecology) to ensure that any formal written interpretations are consistent with the purpose and intent of the SMA (RCW 90.58), pursuant to WAC 173-26-140.~~

Commented [AP12]: SMA requirement.

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

16D.01.09 Effective Date

The effective of this Shoreline Master Program, and any future amendments therein, is 14 days from Ecology's written notice of final action.

Commented [AP13]: Table 2, 2010a

Chapter 16D.02 - DEFINITIONS

Sections

16D.02.001	Definitions Generally
16D.02.005	Abutting
16D.02.010	Adjacent
16D.02.012	Administrative Official
16D.02.015	Agricultural Activities
16D.02.025	Alluvial Fan
16D.02.030	Applicant
16D.02.033	Aquaculture
16D.02.035	Aquifer
16D.02.040	Critical Aquifer Recharge Area
16D.02.042	Bank
16D.02.043	Bankfull Depth
16D.02.044	Base Flood
16D.02.045	Base Flood Elevation
16D.02.046	Basement
16D.02.055	Bed
16D.02.060	Bedrock
16D.02.065	Berm
16D.02.067	Best Management Practices
16D.02.070	Bioengineering
16D.02.075	Breakwaters
16D.02.080	Bulkhead
16D.02.082	Cabin
16D.02.085	Channel
16D.02.090	Channel Migration Zone
16D.02.092	Chief Building Official
16D.02.095	Classification
16D.02.100	Clearing
16D.02.110	Compaction
16D.02.115	Confinement Feeding Operation
16D.02.120	Construction
16D.02.125	Designated
16D.02.130	Department
16D.02.135	Development
16D.02.140	Dike
16D.02.145	Doel
16D.02.150	Dredging
16D.02.160	Earth Material
16D.02.163	Ecological Functions
16D.02.166	Ecosystem Wide Processes
16D.02.170	Enhance
16D.02.175	Ephemeral Stream
16D.02.180	Erosion
16D.02.185	Events and Temporary Uses
16D.02.190	Excavation
16D.02.195	Feasible
16D.02.200	FH

Commented [LW14]: Table 8-1 Item #1; extraneous

(1) Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of [VUE Title 16 SMU](#) and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.

~~(2) Definitions listed in this chapter shall be applied to all critical areas, including flood hazard areas, whether they occur inside or outside shoreline jurisdiction, unless the definition itself identifies the term as applying to shoreline or flood hazard administration, in which case the definition only applies to that situation.~~

Commented [AP15]: Table 8, Item 1

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

16D.02.010 Adjacent.

“Adjacent” means to be nearby and not necessarily abutting.

16D.02.012 Administrative official.

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

~~(Res. 54-2010 § 5 (Exh. 1 § 5), 2010; Ord. 14-2007 § 1 (Exh. A) (part), 2007).~~

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

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

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

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

16D.02.025 Alluvial Fan.

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

16D.02.030 Applicant.

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

16D.02.033 Aquaculture.

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

16D.02.035 Aquifer.

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

16D.02.040 Critical Aquifer Recharge Area.

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

16D.02.042 Bank.

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

16D.02.043 Bankfull Depth.

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

16D.02.044 Base Flood.

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

16D.02.045 Base Flood Elevation.

“Base flood elevation” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Ref. IBC 1612.2)

16D.02.046 Basement.

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

16D.02.055 Bed.

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

16D.02.060 Bedrock.

"Bedrock" means in-place solid rock.

16D.02.065 Berm.

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

16D.02.067 Best Management Practices.

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

16D.02.070 Bioengineering.

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

16D.02.075 Breakwater.

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

16D.02.080 Bulkhead.

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

16D.02.082 Cabin.

For purposes of administering the Shoreline Master Program, "cabin" means a small single-family residence of 800 square feet or less, without a garage or carport and without large accessory buildings. Small accessory buildings, such as detached storage sheds or accessory structures totaling 120 square feet or less, may be allowed. Dwellings not meeting these standards are considered standard single-family residences.

16D.02.085 Channel.

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

16D.02.090 Channel Migration Zone.

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

16D.02.092 Chief Building Official.

"Chief Building Official" or "building official" means the manager of the Building and Fire Safety Division of the Department of ~~Public Services~~ [Planning](#) or designee.

16D.02.095 Classification.

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

16D.02.100 Clearing.

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

16D.02.110 Compaction.

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

16D.02.115 Confinement Feeding Operation.

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

16D.02.120 Construction.

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

16D.02.125 Designated.

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

16D.02.130 Department.

"Department" means the ~~Public Services~~ (b) (5) [City of Selah Public Services](#); [Planning](#) Department ~~Planning Division.~~

16D.02.135 Development.

"Development" means any use as defined under RCW 90.58.030(3)(d) (definitions), or the division of land into lots or parcels in accordance with the ~~City of Selah~~ Subdivision Ordinance (~~SMC Chapter 11.50 Planning and Subdivision Requirements~~ [SMC Chapter 11.50 Planning and Subdivision Requirements](#) ~~11.50.010~~), and any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a site up to, but not including, construction as defined in this chapter. For the purpose of Chapters 16D.05.20 through 16D.05.72, "development" also means any manmade change to improved or unimproved real estate located within the special flood hazard area, including but

not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or permanent storage of equipment and works defined in this chapter.

Commented [AP16]: Table 2, 2017b

16D.02.140 Dike.

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

16D.02.145 Dock.

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

16D.02.150 Dredging.

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

16D.02.160 Earth Material.

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

16D.02.163 Ecological Functions.

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

16D.02.166 Ecosystem-Wide Processes.

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

16D.02.170 Enhance.

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

16D.02.175 Ephemeral Stream.

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

16D.02.180 Erosion.

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

16D.02.185 Events and Temporary Uses.

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

16D.02.190 Excavation.

“Excavation” means the mechanical removal of earth material.

16D.02.195 Feasible.

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

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

16D.02.200 Fill.

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

16D.02.205 Flood.

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

16D.02.206 Flood Hazard Permit.

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

16D.02.207 Flood Insurance Rate Map.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

16D.02.208 Flood Insurance Study.

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

16D.02.210 Floodplain.

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

16D.02.215 Flood-prone.

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

16D.02.216 Flood-proofing.

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

16D.02.220 Floodway.

"Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. ~~means~~ The area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway must not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state [RCW 90.58.030(2)(b)].

Commented [LW17]: Table 2, 2007a

16D.02.225 Floodway Fringe.

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

16D.02.230 Forest Land.

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

16D.02.240 Forest Practices.

"Forest practices" means activities conducted under federal forest practices approval or under a Forest Practices permit reviewed and approved by the Washington Department of Natural Resources pertaining to the management

of forest land, including growing, managing, harvesting, and interim storage of merchantable timber for commercial value, as well as incidental activities reviewed under federal or state approval, such as road construction and maintenance (including bridges) and mining activities.

16D.02.250 Grade.

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

16D.02.255 Grading.

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

16D.02.260 Groundwater.

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

~~16D.02.263 Hydrologically Related Critical Areas (HRCAs).~~

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

16D.02.270 Intermittent Streams.

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

16D.02.275 Lake or Pond.

"Lake or pond" means an inland body of standing water. The term includes the reservoir or expanded part of a river behind a dam.

~~16D.02.281 Lowest Floor.~~

"Manufactured home" means a structure fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities or any combination thereof; and is intended for human occupancy or is being used for residential purposes. Although Washington Administrative Code (WAC) and ~~Yakima County Code~~ ~~of Selah Code - Titles 15 and 16~~ separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" shall include "mobile home" for regulatory purposes under this chapter. The term shall not include "recreation vehicle," "commercial coach," "camping vehicle," "travel trailer," "park trailer," "tip-out," and any other similar vehicle which is not intended, designed, constructed or used for residential purposes for use as a single-family dwelling and is not otherwise labeled as a manufactured or mobile home under any federal or state law. For floodplain management purposes only under this chapter, park trailers, camping vehicles, travel trailers, tip-outs, and other similar vehicles shall be considered manufactured homes when placed on a site for greater than one hundred eighty days.

16D.02.283 Manufactured Home Park or Subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale pursuant to SRM Chapter 10.50, in accordance with Y.C.C. Title 14 of this code.

16D.02.284 Manufactured Home Park or Subdivision, Existing.

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

16D.02.285 Minerals.

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

16D.02.290 Mining.

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

16D.02.295 Native.

"Native" means indigenous to, or originating naturally within, Yakima County (City of Selah).

16D.02.300 Natural Conditions.

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

~~**16D.02.3012 New Construction.**~~

~~"Nonconforming structure" for purposes of administering Chapters 16D.05.20 through 16D.05.72 means an existing structure that was lawfully constructed at the time it was built or structure which was legally constructed prior to October 1, 1995, the effective date of the SMA or this Yakima Regional Shoreline Master Program, but is no longer fully consistent with present regulations such as setback, buffer or yards, etc., bulk, height or density standards due to subsequent changes in the master program of the title hereunder. Additionally, the development or structure would not be permitted as a new structure under the terms of this title because the structure is not in conformance with the applicable elevation and/or flood-proofing requirements.~~

Commented [LW21]: Table 2, 2017g

~~**16D.02.303 X —Nonconforming Lot.**~~

~~"Nonconforming lot" means a lot that does not meet dimensional requirements of the applicable master program at the time of its establishment or lot now contains less than the required width, depth or area due to subsequent changes to the master program.~~

~~**16D.02.3044 —Nonconforming Use.**~~

~~"Nonconforming use" for purposes of administering Chapters 16D.05.20 through 16D.05.72 means an existing shoreline the use of a building, structure or land which was lawfully established prior to, existing and maintained at the effective date of provisions of the SMA or this Shoreline Master Program title, but which, because of the~~

~~application of this title to it~~, no longer conforms to the present use regulations due to subsequent changes to the

16D.02.305 Ordinary High Water Mark (OHWM).

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

16D.02.310 Perennial Stream.

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

16D.02.320 Project Site.

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

~~16D.02.321 Qualified Professional.~~

16D.02.322 Recreation Vehicle.

“Recreation vehicle” means a vehicle which is:

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

16D.02.325 Restore.

“Restore” means to re-establish the basic functional properties ~~listed in Section 16D.06.05~~ that have been lost or destroyed through natural events or human activity. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions.

16D.02.330 Revetment.

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

16D.02.335 Riparian Vegetation.

“Riparian vegetation” means the terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that depends on these water sources for soil moisture greater than would otherwise be available from local precipitation.

Commented [LW23]: Table 8, Item #1; Repeated definition in CAO

16D.02.340 Riprap.

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

16D.02.345 Scour.

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

16D.02.355 Shoreline.

For purposes of administering the Shoreline Master Program, “shoreline” means those water areas, the associated features, and the land areas within ~~the Yakima County City of Selah~~ that are subject to the State Shoreline Management Act, especially as defined in RCW 90.58.030 (definitions), and as further identified in 16D.406.023 (Shoreline Jurisdiction).

16D.02.360 Shore Stabilization.

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

16D.02.363 Single Improved Recreational Vehicle Site.

For purposes of administering the Shoreline Master Program, “single improved recreational vehicle site” means a site on which a recreational vehicle, as defined in 16D.02.322, may be parked with minimal services (such as electricity, well and septic system), without a garage or carport, and without large accessory buildings (small detached storage sheds or accessory structures totaling 120 square feet or less may be allowed). Recreational vehicle sites not meeting these criteria are considered single-family residences.

16D.02.365 Slope.

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

16D.02.366 Solid Waste.

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

16D.02.367 Special Flood Hazard Areas.

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

~~**16D.02.368 Start of Construction.**~~

“Stream” means water contained within a channel, either perennial, intermittent or ephemeral. Streams include natural watercourses modified by man, for example, by stream flow manipulation, channelization, and relocation of

the channel. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.

16D.02.380 — Stream Corridor.

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

16D.02.395 — Substantial Improvement.

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

16D.02.415 Vegetative Buffer or Buffer.

“Vegetative buffer” or “buffer” means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for the performance of the basic functional properties of ~~stream corridor, wetland and other hydrologically related shorelines or critical areas as set forth in Chapter 16D.06.05 (Functional Properties) and 16D.07.04 (Wetland Functions and Rating) 1.50 SMC.~~ It is understood that optimal conditions do not always exist due to degradation of the vegetative buffer before establishment of this title, or due to colonization by non-native species. Such conditions still provide functional properties, though at a lower level, depending on the difference from natural conditions.

16D.02.425 Wetland.

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

16D.02.430 Wildlife.

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

16D.02.435 Wildlife Habitat.

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

16D.02.440 Works.

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

Chapter 16D.03 - APPLICATION AND REVIEW PROCEDURES

Commented [AP27]: Update TOC, as needed.

Sections:

ARTICLE I – GENERAL PROVISIONS

16D.03.01 Shoreline Development Authorization Required.

ARTICLE II – ABBREVIATED REVIEW ALTERNATIVES

16D.03.04 Minor Activities Allowed without a Permit or Exemption
16D.03.05 Exceptions to Local Review
16D.03.06 Exemption – Procedural Requirements
16D.03.07 Permit Filing Procedures
16D.03.08 WSDOT Project Special Procedures
16D.03.09 Exemptions
16D.03.10 Mitigation Requirements

ARTICLE III – INQUIRY AND EARLY ASSISTANCE

16D.03.02 Critical Area Identification Form and Critical Area Report Requirements.
16D.03.03 Pre-application Conference.
16D.03.04 Technical Assistance Conference.

ARTICLE IIII – REVIEW PROCESS

16D.03.11 Application Submittal.
16D.03.12 Determination of Review Process.
16D.03.13 Development Authorization – Review Procedure.
16D.03.14 Authorization Decisions – Basis for Action.
16D.03.15 Conditional Approval of Development Authorization.
16D.03.16 Fees and Charges.

ARTICLE V – CRITICAL AREAS REPORTS

16D.03.17 Critical Areas Report Requirements.
16D.03.18 Supplemental Report Requirements for Specific Critical Areas.

ARTICLE VI – PERMIT REVIEW CRITERIA

16D.03.19 Substantial Development Permit.
16D.03.21 Shoreline Conditional Uses.
16D.03.22 Variance.
16D.03.25 Minor Revisions to Approved Uses or Developments.
16D.03.26 Nonconforming Uses and Facilities.

16D.03.27 General Critical Areas Protective Measures.

ARTICLE I – GENERAL PROVISIONS

16D.03.01 Shoreline Development Authorization Required.

(1) No new development, construction or use shall occur within shoreline jurisdiction without obtaining a development authorization in accordance with the provisions of this title, except for those provided for in section

16D.03.05 (~~Minor Activities Allowed without a Permit or Exemption~~ Exceptions to Local Review) and 16D.03.09 (~~Exemptions~~). Exemptions, as provided for in sections 16D.03.07 ~~and 16D.03.08~~, shall be considered as development authorization, including those taking place on federal lands and requiring permits or review as provided in 16D.01.067 (Applicability of Permit System to Federal Agencies) but qualifying for other exemptions under this chapter. All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program.

(2) With respect to application and review procedures, it is the intent of this title to streamline and coordinate the authorization of critical area projects which require other local, state and/or federal permits or authorizations. Any nonexempt development, construction or use occurring within shoreline jurisdiction shall be processed according to the provisions of this chapter and ~~the Critical Area Ordinance (SMP Chapter 17.50) the Project Permit Administration Ordinance (YCC Title 16B).~~

(3) Approval of a development authorization under this title shall be in addition to, and not a substitute for, any other development permit or authorization required by ~~Yakima County~~ the City of Selah. Approval of a development authorization under this title shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.

(4) Permits issued in accordance with this title shall run with the land.

16D.03.045 Minor Activities Allowed without a Permit or Exemption.

(1) The following activities are included under 16D.01.05(1) (Applicability) and are allowed without a permit or exemption:

(a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include harvesting or changing crops, mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Cutting down trees and shrubs within a buffer is not covered under this provision. Excavation, filling, and construction of new landscaping features, such as concrete work, berms and walls, are not covered in this provision and are subject to review;

(b) Minor maintenance and/or repair of lawfully established structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, etc. Construction or replacement of structural elements is not covered in this provision, but may be covered under an exemption. Cleaning canals, ditches, drains, wasteways, etc., without expanding their original configuration is not considered additional earthwork, as long as the cleared materials are placed outside the stream corridor, wetlands, and buffers;

(c) Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education or scientific research;

(d) Creation of unimproved private trails that do not cross streams or wetlands that are less than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;

(e) Planting of native vegetation;

(f) Noxious weed control outside vegetative buffers identified in Chapter 16D.06.16, except for area wide vegetation removal/grubbing;

(g) Noxious weed control within vegetative buffers, if the criteria listed below are met.

(i) Hand removal/spraying of individual plants only;

- (ii) No area wide vegetation removal/grubbing.

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

(1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Periodic Review Checklist Guidance 6 September 2019.

(2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.

(4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

Commented [AP29]: Table 2, 2017c

16D.03.06 Exemption – Procedural Requirements.

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

- (1) Exemptions shall be construed narrowly and any exempted development shall be consistent with the policies and provisions of this title.
- (2) Only those developments that meet the precise terms of one or more of the listed exemptions may qualify for review under these provisions.
- (3) If any part of a proposed development is not eligible for exemption, then a development permit is required for the entire proposed development project.
- (4) The burden of proof that a development or use is exempt from the development permit process is on the applicant.
- (5) When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this title, such development must also obtain a variance (16D.03.22).
- (6) All activities exempt from the requirement for a substantial development permit shall use reasonable methods to avoid impacts to critical areas within shoreline jurisdiction. To be exempt from the requirement for a substantial development permit does not give permission to degrade a critical area or Shoreline or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense, according to section 16D.06.23 (Reclamation).
- (7) The proponent of an exempt activity shall submit a written request for permit exemption to the administrative official that describes the activity and states the exemption requested. The applicant shall submit to the administrative official a written description of the project that demonstrates compliance with applicable standards.

- (8) The administrative official shall review the exemption request to verify that it complies with this title.
- (9) The administrative official shall approve or deny the exemption.
- (10) A formal letter of exemption shall be provided where an exempt activity is approved under this title. A copy of the exemption shall be kept on file by the administrative official. If an exemption cannot be granted, the administrative official shall notify the applicant in writing of the reason, at which time the applicant may pursue other permit processes under this title.
- (11) Conditions may be attached to the approval of exempted developments and/or uses as necessary to assure continued consistency of the project with this title.
- (12) Exempt activities are identified in the following locations. Such activities are stated as exempt from the substantial development permit or flood hazard permits. However, this provision does not exempt an activity from other permits or reviews that may be required under this title.

(a) Those activities listed in WAC 173-27-040, and summarized in sections 16D.03.097 (Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines), are exempt from the substantial development permit requirements for wetlands (16D.07), hydrologically related critical areas features (16D.06.03) and shorelines (16D.10);

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

~~After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and/or Variances must be mailed simultaneously with any Substantial Development Permits for the project.~~

~~(1) The permit and documentation of the final local decision will be mailed together with the complete permit application, a findings and conclusions letter, a permit data form (cover sheet), and applicable SEPA documents.~~

~~(2) Consistent with RCW 90.58.140(1), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below.~~

~~(a) For projects that only require a Substantial Development Permit, the date that Ecology receives the City's decision.~~

~~(b) For a Conditional Use Permit (CUP) or Variance, the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.~~

~~(c) For SDPs simultaneously mailed with a CUP or Variance to Ecology, the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.~~

16D.03.08 WSDOT Project Special Procedures.

~~(1) The City will conduct permit reviews for WSDOT projects (except fireways) within 90 days pursuant to RCW 90.01.485.~~

~~(2) Pursuant to RCW 90.58.140, WSDOT projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.~~

Commented [AP30]: Table 8, Items 1 & 4

Flood Hazard Management provisions provided by SMC 11.19 and SMC 11.50.

Commented [AP32]: Table 2, 2015a

16D.03.03 Exemptions ~~for Hydrologically Related Critical Areas, Wetlands and~~

The following development activities ~~identified in WAC 173-27-040, and summarized below,~~ are exempt from substantial development permits that are required within Shoreline jurisdiction designated in chapter 16D.10.03 (Shoreline Jurisdiction):

- (1) Construction by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family, which residence meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this title. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- (2) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife;
- (3) Development and construction for which the total cost or fair market value, whichever is higher, does not exceed ~~five thousand dollars~~ ~~7,047 dollars~~ (adjusted for inflation as determined by the Washington Office of Financial Management using methods provided in RCW 90.58.030(3)(e) and WAC173-27-040(2)(a)); provided such development and construction does not ~~involve excavation, fill, or other work which is not consistent with the functional properties of stream corridors and other hydrologically related critical areas as set forth in Section 16D.06.05 of this title; and provided, that any such development and construction within shoreline jurisdiction does not~~ materially interfere with the public use of the water or shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- (4) Construction or practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, and/or alteration of the contour of the land by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A "feedlot" shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- (5) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. Replacement of a

Commented [LW34]: Table 2, 2017a

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

(6) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat, which requires immediate action or response within a time period too brief to allow full compliance with this title. The following criteria must exist to qualify any action under an emergency provision:

- (a) There must be an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from a natural condition or technical incident;
- (b) The emergency response must be confined to the action necessary to protect life or property from damage;
- (c) The scope of the emergency response must be limited to the work necessary to relieve the immediate threat;
- (d) The emergency response applies only to the period of time in which the actual emergency exists;
- (e) The request must be accompanied by a paid permit application or a request for a non-emergency exemption. Submittal requirements beyond normal exemption submittal requirements are waived until after the emergency is deemed abated.

As soon as the emergency is deemed abated by appropriate authorities, compliance with the requirements of this title is required, and may include removal of the emergency construction if nonstructural construction measures can adequately deal with site issues;

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

- (a) ~~In fresh waters the fair market value of the dock replacement does not exceed twenty-two thousand five hundred (\$22,500), and are of equal or lesser square footage than the existing dock being replaced, or~~
- (b) ~~The fair market value of new docks constructed in fresh waters does not exceed eleven thousand two hundred (\$11,200) dollars~~

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

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

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

(11) Any project with a certification from the governor pursuant to chapter 80.50 RCW (Energy facilities – site locations);

- (12) Watershed restoration project that are authorized by the sponsor of a watershed restoration plan and that implement the plan or a part of the plan, and meet the requirements of WAC 173-27-040(6), as amended;
- (13) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
- (a) The activity does not interfere with the normal public use of surface waters within shoreline jurisdiction;
 - (b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (c) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - (d) A private entity seeking development authorization within shoreline jurisdiction must first post a performance bond or provide other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions;
- (14) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020 (control of spartina and purple loosestrife), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW (SEPA);
- (15) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, that meets the requirements of WAC 173-27-040(2)(p) as amended.
- (a) The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
 - (b) The project has received hydraulic project approval, when required, by the department of fish and wildlife pursuant to chapter 75.20 RCW (Hydraulics Code);
 - (c) The administrative official has determined that the project is consistent with this title;
 - (d) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 (Fish Habitat Enhancement Projects) are deemed to be consistent with this title;
- (16) Hazardous substance remedial actions, for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW (Model Toxics Control Act) or when the Department of Ecology conducts a remedial action under chapter 70.105D RCW (Model Toxics Control Act). The Department of Ecology shall assure that such projects comply with the substantive requirements of chapter 90.58 RCW (SMA), chapter 173-26 WAC (SMA Guidelines) and the Shoreline Master Program, when applicable;
- (17) The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property from critical areas and buffers; provided, that:
- (a) A dead tree within a buffer may be shortened to the point that the tree will not strike a structure or defined vehicle parking area. The remainder shall be maintained to provide wildlife habitat, nesting locations and perch sites. A remainder less than ten (10) feet tall may be removed completely;
 - (b) A diseased or damaged tree may be removed as determined by the administrative official;
 - (c) The removed portion of trees should be placed within the vegetative buffer area as wildlife habitat, unless it will interfere with a maintained vegetation area identified in section 16D.03.05(1)(a) (Minor Activities Allowed without a Permit or Exemption), or as determined otherwise by the administrative official. Portions of trees to be removed from the buffer area should be felled to the outer edge of a vegetative buffer and dragged

out. Heavy equipment is not allowed within the buffer, except within areas identified in 16D.03.05(1)(a) (Minor Activities Allowed without a Permit or Exemption). Damaged riparian vegetation must be repaired;

(d) Each tree that is felled or topped shall be replaced in a manner acceptable to the administrative official.

16D.03.09. The structural member prohibiting or restricting activities with vehicles, equipment, machinery, and tools (including A/C (5124) of 1990 or to otherwise provide physical access to the structure by and along with disabilities.

Commented [LW36]: Table 2, 2016a

16D.03.10 Mitigation Requirements.

(1) All developments shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - (f) Monitoring the impact and taking appropriate corrective measures.
- (2) Mitigation for individual actions may include a combination of the above measures.
- (3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with an approved mitigation plan. Mitigation shall not be implemented until after approval of the mitigation plan.
- (4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. When necessary, mitigation may be provided that is out-of-kind and/or off-site.

ARTICLE IIIV – REVIEW PROCESS

16D.03.11 Application Submittal.

- (1) Application for a development authorization under this title shall be made on forms provided by the department. The application submittal shall include a site plan drawn to scale showing:
- (a) The actual shape and dimensions of the property site to be used;
 - (b) Existing and proposed structures;
 - (c) Excavation, fill, drainage facilities, topography, slope; and

(d) Such other information as is needed to determine the nature and scope of the proposed development, including the maximum extent of the project site with respect to construction, excavation, equipment and material storage, and other project related work.

(2) The site plan should also show the location of all critical areas, such as those identified in sections ~~SMC 11.50.16D.03.02 (Critical Area Identification Form and Critical Areas Report Requirements) and 16D.03.17 (Critical Areas Report Requirements) and~~ include all required critical areas reports prepared in conformance with ~~16D.03.17SMC 11.50.080~~, and include the permit information required either in ~~SMC Title 16B (Project Permit Administration) or in chapter 16D.05.14 (Flood Hazard Protection Administration)~~, as appropriate.

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

16D.03.12 Determination of Review Process.

(1) The administrative official shall determine from the application submittal, and other available information, what type of permit or review is required under this title. The administrative official shall make such determination as early in the application process as is possible and shall inform the project applicant in writing of any application needs. ~~Available information used in this determination may include:~~

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

Table 3-1

General Permits or Reviews
Substantial Development. Shoreline Substantial development projects include any development subject to RCW Chapter 90.58, the Shoreline Management Act.
Exemptions. Exemptions are generally minor activities that do not need to go through the permit process.
Specific Permits
Conditional Use Permit. Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in Table 16D.10.05 as conditional uses, and that are usually seen as uses that either do not need a Shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny.
Variance. A Shoreline Variance may be used within Shoreline jurisdiction to grant relief from specific performance standards where there are extraordinary circumstances that will impose unnecessary hardships.
Nonconforming Use or Facility Alteration. Nonconforming Use or Facility Alterations are necessary when an existing legal use that currently does not conform to this title is to be altered.
Minor Revisions to an Existing Permit. Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.
Flood Hazard Permit. A Flood Hazard Permit is required for activities within floodplains. It is different in that it has special administrative provisions, and may include many of the specific permit types noted above within it, which are described in chapters 16D.05.20 through 16D.05.72. It is focused mainly on construction methods, but may include site design to minimize impacts to adjacent properties or resources, or to locate the proposed development in areas where depth and velocity of floodwaters during the base flood do not exceed the current standards for construction of human-occupied structures or safe access.

Commented [AP38]: Table 8, Items 1 & 4
 Extraneous; no longer necessary now that Flood Hazard Management provisions provided by SMC 11.19 and SMC 11.50.

16D.03.13 Development Authorization – Review Procedure.

Upon submittal and acceptance of a completed development authorization application, the administrative official shall process and review the application as follows: ~~except that permits or reviews required for critical areas under Chapters 16D.05.20 through 16D.05.72 shall be processed using the permit development standards, approval criteria and other provisions established in Chapters 16D.05.20 through 16D.05.72.~~

(1) Development authorizations shall be processed consistent with review procedures provided in ~~SMC Chapter 11.01.040 (Application Review Procedures) SMC Title 16B (Project Permit Administration)~~, and with any specific processes requirements provided in 16D.03.19 through 16D.03.26 (specific permit descriptions), including but not limited to:

- (a) Submittals;
- (b) Completeness review;
- (c) Notices;
- (d) ~~Reviewing Official's Decision~~;
- (e) Hearings;
- (f) Decision ; and
- (g) ~~Decision Appeals~~.

(2) Development authorizations shall be reviewed for conformance with the applicable development standards provided in ~~16D.03.27 (General Critical Areas Protection Measures) Chapter 11.50 SMC and in Chapter 16D.06 through 16D.10; except that:~~

~~(a) — Forest practices under a state or federal approval lying within shoreline jurisdiction, which meet the standards of 16D.06.24(1) (Forest Practices), shall be deemed to be meeting acceptable critical areas protection measures and are only subject to the development standards of 16D.10 (Shorelines), when applicable;~~

(3) In addition to the review procedures of ~~SMYCC Title 16B21~~, the following additional procedures shall apply to development authorizations within shoreline jurisdiction:

- (a) The public comment period for shoreline permits shall conform to WAC 173-27-110 (30 days), except that the public comment period for limited utility extensions and shoreline stabilization measures for bulkheads to protect a single-family residence and its appurtenant structures shall conform to WAC 173-27-120 (20 days);
- (b) For limited utility extensions and bulkheads for a single-family residence, the time for the ~~County City~~ to issue a decision shall conform to WAC 173-27-120 (21 days from the last day of the comment period);
- (c) The effective date of a shoreline permit shall conform to WAC 173-27-090 (the later of the permit date or the date of final action on subsequent appeals of the shoreline permit, unless the applicant notifies the Department of delays in other necessary construction permits);
- (d) The expiration dates for a shoreline permit regarding start of construction and completion, and the extension of deadlines for those dates, shall conform with WAC 173-27-090 (start construction within 2 years, complete construction within 5 years, 1 year extensions of those dates, and allowance for the administrative official to set alternative permit expiration dates with a showing of good cause);
- (e) For limited utility extensions and bulkheads for single-family residences, the time for the ~~County City~~ to complete any local appeal shall conform to WAC 173-27-120 (30 days);

Commented [AP39]: Table 8, Items 1 & 4

Extraneous; no longer necessary now that Flood Hazard Management provisions provided by SMC 11.19 and SMC 11.50.

- (f) The Department shall send its decision and the application materials to the Department of Ecology after the local decision and any local appeal procedures have been completed in conformance with WAC 173-27-130;
- (g) For substantial development permits, the Department of Ecology will file the permit without additional action according to WAC 173-27-130;
- (h) For conditional use and variance permits, the Department of Ecology will follow WAC 173-27-130 and WAC 173-27-200 (issue a decision within 30 days of the date of filing);
- (i) The appeal period of a Department of Ecology action to the Shoreline Hearings Board will follow WAC 173-27-190 (21 days from the date of filing for a substantial development permit, or issuing a decision on a conditional use or variance permit);
- (j) The Shorelines Hearings Board will follow the rules governing that body (RCW 90.58).

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

- (1) Danger to life and property that would likely occur as a result of the project;
- (2) Compatibility of the project with the critical area features on, adjacent to, or near the property; Shoreline values and ecological functions; and public access and navigation;
- (3) Conformance with the applicable development standards in this title;
- (4) Requirements of other applicable local, state or federal permits or authorizations, including compliance with flood ~~hazard mitigation/damage prevention~~ requirements of Chapters ~~11.19 SMC 16D.05-20 through 16D.05-72~~;
- (5) Adequacy of the information provided by the applicant or available to the department;
- (6) Ability of the project to satisfy the purpose and intent of this title;
- (7) Based upon the project evaluation, the decision maker shall take one of the following actions:
 - (a) Grant the development authorization;
 - (b) Grant the development authorization with conditions, as provided in 16D.03.15 (Conditional Approval of Development Authorization), to mitigate impacts to the critical area feature(s) present on or adjacent to the project site;
 - (c) Deny the development authorization;
- (8) The decision by the administrative official on the development authorization shall include written findings and conclusions stating the reasons upon which the decision is based.

16D.03.15 Conditional Approval of Development ~~Authorization~~

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

- (1) Accomplish the purpose and intent of this title;
- (2) Eliminate or mitigate any identified specific or general negative impacts of the project on the critical area, and on shoreline ecological functions;
- (3) Restore important resource features that have been degraded or lost because of past or present activities on the project site;

- (4) Protect designated critical areas and shoreline jurisdiction, from damaging and incompatible development;
- (5) Ensure compliance with specific development standards in this title.

16D.03.16 Fees and Charges.

The ~~board of county commissioners~~ City Council establishes the schedule of fees and charges listed in ~~Yakima County Code, Title 20 (Yakima County Code) § 20.120~~ Fee Schedule), for development authorizations, variances, appeals and other matters pertaining to this title.

~~ARTICLE V – CRITICAL AREAS REPORTS~~

16D.03.19 Substantial Development Permit.

- (1) Classification Criteria. Substantial development permits include any development subject to RCW Chapter 90.58 (Shoreline Management Act).
- (2) Process. Substantial development permits shall be processed as a ~~Class 2~~ Class 2 review in accordance with ~~SMC section 16D.03.106 (Application/Project Permit Administration)~~.
- (3) Decision Criteria. Decisions on substantial development permits shall be based on the general decision criteria found in section 16D.03.14 (Authorization Decisions – Basis for Action).

16D.03.21 Shoreline Conditional Uses.

- (1) Classification Criteria. Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in section 16D.03.059 (Shoreline Land Use table) as Conditional Uses, and that are usually seen as uses that either do not need a shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny. Unclassified Conditional projects, uses and developments which may be proposed in the future, but were not considered during development of the SMP. It is understood, however, that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of special cases acceptable to the goals, policies and intentions of the master program. The purpose of a conditional use permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020 (Legislative findings). In authorizing a conditional use, special conditions may be attached to the permit by ~~Yakima County~~ City of Selah or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the master program.
- (2) Process. All applications for a conditional use shall be processed as a ~~Class 2~~ Class 2 review in accordance with ~~SMC section 16D.03.106 (Project Permit Administration Application)~~.
- (3) Decision Criteria. The decision on a conditional use shall be based upon the criteria established in Section 16D.03.14 (Authorization Decisions – Basis for Action) together with the criteria established below. The burden of proving that the project is consistent with the applicable criteria shall be upon the applicant, who must supply evidence or information demonstrating to the satisfaction of the administrative official that all of the following criteria will be met:
 - (a) Failure to satisfy any one of the criteria below shall result in denial of the conditional use.
 - (i) That the proposed use will be consistent with the policies of RCW 90.58.020 (Legislative findings).
 - (ii) That the proposed use will not interfere with the normal public use of public shorelines.
 - (iii) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

Commented [AP41]: Removed to eliminate potential conflict between Selah's CAO and the SMP. Critical Areas Report criteria in SMC 11.50 will apply.

- (iv) That the proposed use will cause no significant adverse effects to the shoreline environment designation in which it is located.
 - (v) That the public interest suffers no substantial detrimental effect.
- (b) Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 (Legislative findings) and shall not produce substantial adverse effects to the shoreline environment.

16D.03.22 Variance.

- (1) **Classification Criteria.** A variance may be used within shoreline jurisdiction to grant relief from specific bulk, dimensional or performance standards where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the standards will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (Legislative findings). Shoreline variances from the use regulations of the master program are prohibited.
- (2) **Process.** *Requests for a variance permit shall be processed as a Type II review in accordance with 36A Title 16D (Project Permit Administration).* Each request for a Variance shall be considered separately and prior to any decision on an application for development authorization. Any decision to approve or conditionally approve the development authorization will include and specifically cite only those variances approved for inclusion with the project.
- (3) **Decision Criteria.** The decision on a Variance shall be based upon the criteria established *in WAC 173-27-170 in Section 16D.03.13 (Authorization Decisions - Basis for Action)* together with the criteria established below. Variance requests shall cite the specific standard or condition from which relief is requested and be accompanied by the evidence necessary to demonstrate the variance is in conformance with all of the criteria below. Failure to satisfy any one of the criteria shall result in denial of the variance.
- (a) **Special Conditions.** There is a hardship identified in (3)(b) below, that is specifically related to a unique natural or physical condition associated with the project site, such as irregular lot shape, size, or natural features, which is not the result of a deed restriction, a lack of knowledge of requirements involved when the property was acquired, or other actions resulting from the proponent's own actions;
 - (b) **Unnecessary Hardship.** The strict application of a standard would deprive the proponent of a reasonable use of the land or rights commonly enjoyed by other properties in the same area. That greater profit would result if a variance were granted is not evidence of a hardship;
 - (c) **General Compatibility.** The project is generally compatible with other permitted or authorized uses in the immediate project area and with uses planned for the area under the comprehensive plan and/or the Shoreline Master Program and granting the variance will not cause adverse effects to abutting and adjacent properties or the critical area;
 - (d) **Special Privilege.** The requested variance would not constitute a grant of special privilege not enjoyed by other abutting and adjacent properties and the variance is the minimum necessary to afford the requested relief;
 - (e) **Public Interest.** The requested variance will not endanger the public safety or health and that the public interest will not be compromised;
 - (f) **Cumulative Impact.** In the granting of any variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if other variances were to be granted in the area where similar circumstances exist, the total cumulative effect of the variances shall also remain consistent with the policies of this chapter and shall not produce substantial adverse impacts to the designated critical area;

- (g) That the public rights of navigation and use of the shorelines will not be adversely affected.

16D.03.25 Minor Revisions to Approved Uses or Developments.

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

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

(b) Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements, or with the Shoreline Master Program.

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

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

(d) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further, that any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of these regulations;

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

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

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

- (2) **Process.** Minor revisions to existing permits shall be processed as a [Type I/Class-Class](#) review, as provided under [WAC Title 16B \(Permit Fee and Administration\) SMC Chapter 16B.06](#). Parties of record to the original permit shall be notified of the revision, though a comment period is not required. A revision for a project within shoreline jurisdiction shall follow state filing, appeal and approval standards as provided in WAC 173-27-100 (Revisions to Permits).

- (3) **Decision Criteria.** Decisions on permit revisions shall be based on the general decision criteria found in [section 16D.03.14 \(Authorization Decisions - Basic to All\)](#).

Nonconforming uses and facilities are classified as either conforming uses with nonconforming structures or areas, or as nonconforming uses, as described in subsection 1 below. Both types have different review processes and decision criteria, as provided below in subsections 2 and 3.

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

(a) **Nonconforming Uses.** Uses of a structure or land that were lawfully established at the time of their initiation but are currently prohibited by this title are nonconforming uses, and may utilize structures or land areas that are also nonconforming. A nonconforming use that is discontinued for any reason for more than one

year shall have a presumption of intent to abandon, shall not be re-established, and shall lose its nonconforming status, unless a variance is obtained to extend the length of time, based on documentation showing that an intent to abandon did not exist during the period of discontinuance. Such a variance request may be submitted after the deadline has passed. In the case of destruction or damage where reconstruction costs exceed 50% of the assessed value, the structure shall not be rebuilt.

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

(c) Any nonconforming structure, area, or use may be maintained with ordinary care according to the provisions in 16D.01.05 (Applicability), ~~16D.03.05 (Minor Activities Allowed without a Permit or Exemption)~~ and 16D.03.06 (Exemptions – Procedural Requirements), and do not require additional review under these nonconforming provisions.

(2) Process.

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

(i) Those that do not increase the existing nonconformity and otherwise conform to all other provisions of this title are allowed without additional review under these nonconforming provisions;

(ii) Those that increase the nonconformity, including establishing additional square footage within a buffer, are allowed without additional review under these nonconforming provisions; however, a variance must be obtained for the increased nonconformity;

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

(iv) A nonconforming structure which is moved any distance shall be processed as provided in subsections (i) and (ii) above;

(v) Reconstruction or repair of structures destroyed or damaged 75% or more of the assessed value of the structure (not the whole property), including that resulting from neglect of maintenance or repair, shall be processed under these nonconforming provisions as a ~~Type II Class 2~~ review under ~~SMC Section 10.06 YC4 Title 16B (Project Permit Administration Applications)~~.

(b) Alterations to Nonconforming Uses.

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

(ii) Alterations to nonconforming uses, including their nonconforming structures or areas that do not qualify under paragraph (i) above, shall be processed under these nonconforming provisions as a ~~Type II Class 2~~ review, as provided under ~~SMC Section 10.06 YC4 Title 16B (Project Permit Administration Applications)~~.

(iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, a nonconforming use as listed in section 16D.~~1606.095~~ (Shoreline Land Use Table) may convert to another nonconforming use; although, a nonconforming use shall not change to any use prohibited in section 16D.06.10 (Prohibited Uses). Conversion from one nonconforming use to another within the urban and rural shoreline environments shall be processed under these nonconforming provisions as a ~~Type II Class 2~~ review, as provided under ~~SMC Section 10.06 YC4 Title 16B~~.

(3) Decision Criteria.

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

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

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

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

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

(c) Decisions on nonconforming uses:

(i) A nonconforming use may not be altered or expanded in any manner that would bring that use into greater nonconformity;

(ii) Within shoreline jurisdiction, nonconforming uses shall meet the decision criteria for conditional use permits in section 16D.03.21(3) (Shoreline Conditional Uses);

(iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, conversion from one nonconforming use to another may be approved if the replacement use is more conforming with the intent of the applicable shoreline environment policies of [the comprehensive plan Plan 2015 \(Policies NS 7.05 through NS 7.22\)](#), and if the impacts to the shoreline environment from the existing use are reduced by changing the use.

Chapter 16D.04

Sections:

16D.04.01 Enforcement Responsibilities Generally.

~~16D.04.02 Enforcement Responsibilities – Chapters 16D.05-20 through 16D.05-22, Flood Hazard Permits.~~

16D.04.01 Enforcement Responsibilities Generally.

It shall be the duty of the administrative official or his designee to enforce the provisions of the Shoreline Master Program pertaining to all development within the jurisdiction of this title, ~~except as expressly noted in Section 16D.04.02 below pertaining to flood hazard permits.~~ Whenever any development is found to be in violation of this title or a development authorization issued pursuant to this title, the administrative official or his designee may order any work on such development stopped by serving written notice on any person engaged in the wrongdoing or causing such development to be done. The notice shall state the nature of the violation and order all violation activities to stop. The order shall state the corrective actions necessary to fulfill authorization conditions and/or terms of this title and the time within which such corrections shall occur. The order shall identify the parties responsible to take the corrective actions mandated in order. No further development shall be authorized unless and until compliance with the development authorization conditions and/or terms of this title has been achieved to the satisfaction of the administrative official. Violations of this chapter constitute a public nuisance and ~~Yakima County~~ ~~the City of Selah~~ may take such actions as are authorized in ~~Yakima County~~ ~~the City of Selah~~ ordinance and State statute to abate such nuisances.

~~16D.04.02 Enforcement Responsibilities Chapters 16D.05.20 through 16D.05.72.~~

- (1) Any person, firm, or corporation violating any of the provisions of this Title, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW or any other remedy provided by law. Any person who violates or fails to comply with any of its requirements shall, upon conviction of a misdemeanor in a court of competent jurisdiction, be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both, and in addition shall pay all costs and expenses involved in the case. A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this chapter shall be denominated Class I civil infractions. The maximum penalty and default amount for a Class I civil infraction shall be two hundred fifty dollars, not including statutory assessments. Each day such violation continues shall be considered a separate offense; however, no additional action will be initiated pending the disposition of any previous suit or complaint.
- (2) It shall be the affirmative duty of the ~~county~~City prosecutor's office to seek relief under this section for violations of this title.
- (3) Nothing herein shall prevent the ~~county~~City prosecutor's office from taking such other lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.
- (4) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, continuing violations of this title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this title shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity.
- (5) Nothing in this Chapter shall be constructed as requiring the ~~County~~City to enforce the prohibitions in this Chapter against all or any properties which may violate the Ordinance. The ~~City~~County has the discretion to enforce and prosecute violations of this ordinance as the ~~City~~County's resources permit. Exercise of such discretion may result in the enforcement and prosecution of a limited number of violations at any given time. Nothing in this Section or the absence of any similar provision from any other ~~City~~County law shall be constructed to impose a duty upon the ~~City~~County to enforce such other provision of law.

Chapter 16D.05 FLOOD HAZARD MANAGEMENT

Sections:

- 16D.05.20 Flood Hazard Areas – General Provisions
- 16D.05.28 Flood Hazard Protection Standards
- 16D.05.32 Floodway Fringe Uses
- 16D.05.36 Floodway Uses
- 16D.05.40 Nonconforming Uses and Structures
- 16D.05.44 Flood Hazard Protection Administration
- 16D.05.48 Elevation and Floodproofing Certification
- 16D.05.52 Variances
- 16D.05.72 Map Correction Procedures

Commented [AP44]: Table 8, Items 1 & 4

Flood Hazard Management provisions provided by SMC 11.19 and SMC 11.50.

~~Chapter Section 16D.05.20 – FLOOD HAZARD AREAS – GENERAL PROVISIONS~~

Sections:

ARTICLE I – INTRODUCTION

- 16D.06.01 Purpose and Intent.
- 16D.06.02 ~~Protection Approach, Shoreline Jurisdiction.~~
- 16D.06.03 ~~Shoreline Environments.~~
- 16D.06.07 ~~Wetland Rating System.~~
- 16D.06.09 ~~Shoreline Land Use Table.~~
- 16D.06.10 Prohibited Uses.
- 16D.06.11 General Policies and Standards.

ARTICLE ~~IV~~ II – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16D.06.12 Use Classifications.
- 16D.06.13 Water-Dependent Uses.
- 16D.06.14 Water-Related Uses.
- 16D.06.15 Water-Enjoyment and Nonwater-Oriented Uses.
- 16D.06.16 Vegetative Buffers.

ARTICLE ~~IV~~ V – ~~SHORELINE LAND~~ MODIFICATION DEVELOPMENT STANDARDS

- 16D.06.17 Roads, Railroads and Parking.
- 16D.06.18 Utility Transmission Lines and Facilities.
- 16D.06.19 Shore Stabilization.
- 16D.06.20 Dredging and Excavation.
- 16D.06.21 Filling.
- 16D.06.22 Commercial Mining of Gravels.
- 16D.06.23 Reclamation.

ARTICLE ~~VI~~ VI – SHORELINE USE DEVELOPMENT STANDARDS

- 16D.06.24 Forest Practices.
- 16D.06.25 Commercial and Community Services.
- 16D.06.26 Industrial Activities.
- 16D.06.27 Residential.
- 16D.06.28 Recreation.
- 16D.06.29 Agriculture.
- 16D.06.30 Aquaculture.
- 16D.06.31 Piers and Docks.

ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.

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

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

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

~~(1) The shorelines of Yakima County, the City of Selah include stream corridor systems, hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:~~

16D.06.08 — Maps.

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

- (1) ~~The Naches River and the Yakima River. Those Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~
- (2) Subject to Subsection 7 below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no "floodway" has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).

Commented [AP45]: Re-located text from 16D.10.01

Commented [AP53]: Table 8, Item 1
Extraneous; Appendices B & C removed.

- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16D.06.03 Shoreline Environments.

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

- (1) **Urban Environment.** This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) **Conservancy Environment.** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) **Natural Environment.** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) **Urban Conservancy Environment.** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

Commented [AP54]: Table 2, 2009a

Commented [AP55]: Re-located from 16D.10.04.

Commented [AP56]: Update as necessary upon completion of SED Map.

(6) Floodway/Channel Migration Zone Environment. This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the county's City's shorelines that are constrained by severe biophysical limitations.

Chapter Section 16D.05.28 – FLOOD HAZARD PROTECTION STANDARDS

Subsections:

16D.05.28.010 — General Standards

16D.05.28.020 — Specific Standards

16D.05.28.010 — General Standards.

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

(1) — Anchoring and Construction Techniques.

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

(i) — Anchored to prevent flotation, collapse or lateral movement of the structure; and

(ii) — Constructed using materials and utility equipment resistant to flood damage; and

(iii) — Constructed using methods and practices that minimize flood damage; and

(iv) — Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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

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

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

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

(3) — Subdivision Proposals: Subdivision proposals shall:

(a) — Be consistent with the need to minimize flood damage;

(b) — Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) — Have adequate drainage provided to reduce exposure to flood damage; and

~~(d) — Include base flood elevation data.~~

Sections:

ARTICLE I – INTRODUCTION

- 16D.06.01 Purpose and Intent.
- 16D.06.02 ~~Protection Approach~~ Shoreline Jurisdiction.
- 16D.06.03 Shoreline Environments
- ~~16D.06.07 Wetland Rating System.~~
- 16D.06.09 Shoreline Land Use Table
- 16D.06.10 Prohibited Uses.
- 16D.06.11 General Policies and Standards.

ARTICLE ~~IV~~ II – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16D.06.12 Use Classifications.
- 16D.06.13 Water-Dependent Uses.
- 16D.06.14 Water-Related Uses.
- 16D.06.15 Water-Enjoyment and Nonwater-Oriented Uses.
- 16D.06.16 Vegetative Buffers.

ARTICLE ~~IV~~ III – ~~SHORELINE LAND~~ MODIFICATION DEVELOPMENT STANDARDS

- 16D.06.17 Roads, Railroads and Parking.
- 16D.06.18 Utility Transmission Lines and Facilities.
- 16D.06.19 Shore Stabilization.
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- 16D.06.21 Filling.
- 16D.06.22 Commercial Mining of Gravels.
- 16D.06.23 Reclamation.

ARTICLE ~~V~~ IV – SHORELINE USE DEVELOPMENT STANDARDS

- 16D.06.24 Forest Practices.
- 16D.06.25 Commercial and Community Services.
- 16D.06.26 Industrial Activities.
- 16D.06.27 Residential.
- 16D.06.28 Recreation.
- 16D.06.29 Agriculture.
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- 16D.06.31 Piers and Docks.

ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.

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

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

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

~~(1) — The shorelines of Yakima County, the City of Selah, include stream-corridor systems, hydrologically-related critical areas, streams, lakes, ponds, wetlands, and associated uplands which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:~~

~~16D.06.05 — Maps.~~

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

- ~~(1) The Naches River and the Yakima River. ~~These Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~~~
- (2) Subject to Subsection 7 below, wherever the “floodway” has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no “floodway” has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).

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Commented [AP53]: Table B, Item 1

Extraneous; Appendices B & C removed.

- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16D.06.03 Shoreline Environments.

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

- (1) Urban Environment. This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) Conservancy Environment. This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) Natural Environment. This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) Urban Conservancy Environment. This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

Commented [AP54]: Table 2, 2009a

Commented [AP55]: Re-located from 16D.10.04.

Commented [AP56]: Update as necessary upon completion of SED Map.

Chapter 16D.06 FISH AND WILDLIFE HABITAT AND
THE STREAM CORRIDOR SYSTEMS SHORELINE
MANAGEMENT

- (6) Floodway/Channel Migration Zone Environment. This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the [county's City's](#) shorelines that are constrained by severe biophysical limitations.

Chapter 16D.05.32 – FLOODWAY FRINGE USES

Sections:

16D.05.32.010 – Permitted Uses.

16D.05.32.020 – Prohibited Uses.

16D.05.32.010 – Permitted Uses.

The following uses are permitted in the floodway fringe areas:

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

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 14-2007 § 1 (Exh. A) (part), 2007)

16D.05.32.020 – Prohibited Uses.

The following uses shall be prohibited in floodway fringe areas:

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

Chapter 16D.07 WETLANDS & SHORELINE MANAGEMENT
Chapter Section 16D.05.36 – FLOODWAY USES

Sections:

ARTICLE I – INTRODUCTION

- 16D.06.01 Purpose and Intent.
- 16D.06.02 ~~Protection Approach~~ Shoreline Jurisdiction.
- 16D.06.03 Shoreline Environments.
- ~~16D.06.07 Wetland Rating System.~~
- 16D.06.09 Shoreline Land Use Table.
- 16D.06.10 Prohibited Uses.
- 16D.06.11 General Policies and Standards.

ARTICLE IV – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16D.06.12 Use Classifications.
- 16D.06.13 Water-Dependent Uses.
- 16D.06.14 Water-Related Uses.
- 16D.06.15 Water-Enjoyment and Nonwater-Oriented Uses.
- 16D.06.16 Vegetative Buffers.

ARTICLE IV – SHORELINE LAND MODIFICATION DEVELOPMENT STANDARDS

- 16D.06.17 Roads, Railroads and Parking.
- 16D.06.18 Utility Transmission Lines and Facilities.
- 16D.06.19 Shore Stabilization.
- 16D.06.20 Dredging and Excavation.
- 16D.06.21 Filling.
- 16D.06.22 Commercial Mining of Gravels.
- 16D.06.23 Reclamation.

ARTICLE V – SHORELINE USE DEVELOPMENT STANDARDS

- 16D.06.24 Forest Practices.
- 16D.06.25 Commercial and Community Services.
- 16D.06.26 Industrial Activities.
- 16D.06.27 Residential.
- 16D.06.28 Recreation.
- 16D.06.29 Agriculture.
- 16D.06.30 Aquaculture.
- 16D.06.31 Piers and Docks.

ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.

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

- (1) Promote reasonable and appropriate use of the shorelines that will protect the public and private interest;
- (2) Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within ~~the City of Selah (RCW 90.58)~~;

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

~~(1) — The shorelines of Yakima County, the City of Selah, include stream corridor systems, hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:~~

~~16D.06.08 — Maps.~~

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

- (1) ~~The Naches River and the Yakima River. These Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~
- (2) Subject to Subsection 7 below, wherever the “floodway” has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no “floodway” has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).

Commented [AP45]: Re-located text from 16D.10.01

Commented [AP53]: Table 8, Item 1

Extraneous; Appendices B & C removed.

- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16D.06.03 Shoreline Environments.

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

- (1) **Urban Environment.** This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) **Conservancy Environment.** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) **Natural Environment.** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) **Urban Conservancy Environment.** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

Commented [AP54]: Table 2, 2009a

Commented [AP55]: Re-located from 16D.10.04.

Commented [AP56]: Update as necessary upon completion of SED Map.

Chapter 16D.06 ~~FISH AND WILDLIFE HABITAT AND
THE STREAM CORRIDOR SYSTEMS~~ SHORELINE
MANAGEMENT

(6) Floodway/Channel Migration Zone Environment. This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the ~~county's~~ City's shorelines that are constrained by severe biophysical limitations.

Chapter Section 16D.05.36 – FLOODWAY USES

Subsections:

16D.05.36.010 – Permitted Uses.

16D.05.36.020 – Prohibited Uses.

16D.05.36.010 – Permitted Uses.

Permitted uses include any use permitted in the zoning district in accordance with SMC YCC Title 10.19 of this code; provided, that said use is in compliance with the flood hazard protection standards of Chapter 16D.05.28 and other applicable provisions of this title, and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of Section 16D.05.36.020(2).

(1) — Surface mining; provided, that the applicant can provide clear evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of SMC YCC Title 10.19 and 21 and the Yakima County/City of Selah Shoreline Management Master Program Regulations (WAC 173.10.470).

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

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

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

(c) — Buried utility transmission lines transporting hazardous and nonhazardous materials, including but not limited to crude and refined petroleum products and natural gas, water and sewage, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by Yakima County/City of Selah, 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/City of Selah 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/City of Selah 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

Sections:

ARTICLE I – INTRODUCTION

- 16D.06.01 Purpose and Intent.
- 16D.06.02 ~~Protection Approach~~ Shoreline Jurisdiction.
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- ~~16D.06.07 Wetland Rating System.~~
- ~~16D.06.09 Shoreline Land Use Table.~~
- 16D.06.10 Prohibited Uses.
- 16D.06.11 General Policies and Standards.

ARTICLE ~~IV~~ II – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16D.06.12 Use Classifications.
- 16D.06.13 Water-Dependent Uses.
- 16D.06.14 Water-Related Uses.
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- 16D.06.17 Roads, Railroads and Parking.
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ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.

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

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

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

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~~(1) The shorelines of Yakima County, the City of Selah include stream corridor systems, hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:~~

~~16D.06.08 Maps.~~

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

- ~~(1) The Naches River and the Yakima River. These Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~
- (2) Subject to Subsection 7 below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no "floodway" has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).

Commented [AP53]: Table 8, Item 1
Extraneous; Appendices B & C removed.

- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16D.06.03 Shoreline Environments.

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

- (1) **Urban Environment.** This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) **Conservancy Environment.** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) **Natural Environment.** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) **Urban Conservancy Environment.** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

Commented [AP54]: Table 2, 2009a

Commented [AP55]: Re-located from 16D.10.04.

Commented [AP56]: Update as necessary upon completion of SED Map.

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- (6) Floodway/Channel Migration Zone Environment. This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the ~~county's~~ City's shorelines that are constrained by severe biophysical limitations.

Chapter Section 16D.05.40 – NONCONFORMING USES AND STRUCTURES

Subsections:

- 16D.05.40.010 – Generally
- 16D.05.40.020 – Nonconforming Uses of Land
- 16D.05.40.030 – Nonconforming Structures
- 16D.05.40.040 – Improvements
- 16D.05.40.050 – Restoration
- 16D.05.40.060 – Discontinuance

16D.05.40.010 – Generally:

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

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

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

(Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 14-2007 § 1 (Exh. A) (part), 2007)

16D.05.40.020 – Nonconforming Uses of Land.

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

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

(2) At such time as a structure is erected thereon, the structure and the use of the land shall conform to the regulations specified by Chapters 16D.05.20 through 16D.05.72 and SMCYCC Title 10 and 1119.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 14-2007 § 1 (Exh. A) (part), 2007)

16D.05.40.030 – Nonconforming Structures.

(1) If, on October 1, 1995, the effective date of Chapters 16D.05.20 through 16D.05.72, a structure is nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirement of said chapters and Chapter 19.33 of SMCYCC Title 1019; 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.

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ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.

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

- (3) Protect public rights of navigation;
- (4) Recognize and protect private property rights consistent with public interest;
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- (7) Increase public access to publicly owned areas of the shorelines where increased use levels are desirable;
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- (9) Recognize and protect statewide interest;
- (10) Give preference to uses that result in long-term over short-term benefits; and
- (11) Provide for no net loss of ecological functions from both individual permitted development and individual exempt development.

~~(1) The shorelines of Yakima County, the City of Selah include stream corridor systems, hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:~~

~~16D.06.08—Maps.~~

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

- ~~(1) The Naches River and the Yakima River [These Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.]~~
- (2) Subject to Subsection 7 below, wherever the “floodway” has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no “floodway” has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).

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- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
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16D.06.03 Shoreline Environments.

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

- (1) **Urban Environment.** This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) **Conservancy Environment.** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) **Natural Environment.** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) **Urban Conservancy Environment.** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

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Chapter 16D.06 FISH AND WILDLIFE HABITAT AND
THE STREAM CORRIDOR SYSTEM SHORELINE
MANAGEMENT

- (6) **Floodway/Channel Migration Zone Environment.** This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the [County & City's](#) shorelines that are constrained by severe biophysical limitations.

Chapter Section 16D.05.44 – FLOOD HAZARD PROTECTION ADMINISTRATION

Subsections:

- 16D.05.44.010 — Administration
- 16D.05.44.020 — Authority
- 16D.05.44.030 — Permit — Required
- 16D.05.44.040 — Permit — Application
- 16D.05.44.050 — Permit — Review
- 16D.05.44.060 — Use of Available Data
- 16D.05.44.070 — Limitations
- 16D.05.44.080 — Permit — Expiration and Cancellation
- 16D.05.44.090 — Performance bonds
- 16D.05.44.100 — Appeals
- 16D.05.44.110 — Coordination

16D.05.44.010 — Administration.

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

16D.05.44.020 — 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 16D.05.20 through 16D.05.72 and in other applicable local, state and federal regulations has been demonstrated and the proposal is found to be consistent with the purpose of the policies of the Critical Areas Ordinance.

16D.05.44.030 — Permit — Required.

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

16D.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 SMC Title 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;

Sections:

ARTICLE I – INTRODUCTION

- 16D.06.01 Purpose and Intent.
- 16D.06.02 ~~Protection Approach~~ Shoreline Jurisdiction.
- 16D.06.03 ~~Shoreline Environments~~
- ~~16D.06.07 Wetland Rating System.~~
- 16D.06.09 ~~Shoreline Land Use Table.~~
- 16D.06.10 Prohibited Uses.
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ARTICLE ~~V~~ – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16D.06.12 Use Classifications.
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- 16D.06.14 Water-Related Uses.
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ARTICLE ~~IV~~ – SHORELINE LAND MODIFICATION DEVELOPMENT STANDARDS

- 16D.06.17 Roads, Railroads and Parking.
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Chapter 16D.05.48 ELEVATION AND FLOODPROOFING CERTIFICATION FLOOD HAZARD MANAGEMENT

ChapterSection 16D.05.48 – ELEVATION AND FLOODPROOFING CERTIFICATION

Subsections:

- 16D.05.48.010 — ~~Applicability.~~
- 16D.05.48.020 — ~~Certification Form.~~
- 16D.05.48.030 — ~~Information to Be Obtained and Maintained.~~
- 16D.05.48.040 — ~~Certification Responsibility.~~

16D.05.48.010 — ~~Applicability.~~

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

16D.05.48.020 — ~~Certification Form.~~

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

16D.05.48.030 — ~~Information to Be Obtained and Maintained.~~

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

- (1) ~~— The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;~~
- (2) ~~— The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight, with walls substantially impermeable to the passage of water;~~
- (3) ~~— Where a base flood elevation has not been established according to Section 16D.05.20.010, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) as related to the highest adjacent grade, and whether or not the structure contains a basement.~~

16D.05.48.040 — ~~Certification Responsibility.~~

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

ChapterSection 16D.05.52 – VARIANCES

Subsections:

- 16D.05.52.010 — Procedure.
- 16D.05.52.020 — Variance Limitations.
- 16D.05.52.030 — Conditions for Authorization.
- 16D.05.52.040 — Administrative Official's Decision.
- 16D.05.52.050 — Notification and Final Decision.
- 16D.05.52.060 — Power to Refer Decisions.
- 16D.05.52.070 — Appeals.

16D.05.52.010 — Procedure.

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

16D.05.52.020 — 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 16D.05.20 through 16D.05.72.

16D.05.52.030 — Conditions for Authorization.

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

- (1) — There are special circumstances applicable to the subject property or to the intended use, such as size, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone; and
- (2) — The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located; and
- (3) — Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and
- (4) — Failure to grant the variance would result in exceptional hardship to the applicant; and
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- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16D.06.03 Shoreline Environments.

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

- (1) Urban Environment. This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) Conservancy Environment. This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) Natural Environment. This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) Urban Conservancy Environment. This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

Commented [AP54]: Table 2, 2009a

Commented [AP55]: Re-located from 16D.10.04.

Commented [AP56]: Update as necessary upon completion of SED Map.

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- (6) Floodway/Channel Migration Zone Environment. This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the [County's](#) shorelines that are constrained by severe biophysical limitations.

Shoreline Master Program Regulations

Chapter 16D.06 FISH AND WILDLIFE HABITAT AND
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~~Chapter~~ Section 16D.05.72 — MAP CORRECTION PROCEDURES

16D.05.72.010 — Federal Flood Hazard Map Correction Procedures.

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

Chapter 16D.06

Sections:

ARTICLE I – INTRODUCTION

- 16D.06.01 Purpose and Intent.
- 16D.06.02 ~~Protection Approach~~ Shoreline Jurisdiction.
- 16D.06.03 Shoreline Environments.
- 16D.06.07 ~~Wetland Rating System.~~
- 16D.06.09 Shoreline Land Use Table.
- 16D.06.10 Prohibited Uses.
- 16D.06.11 General Policies and Standards.

ARTICLE ~~IV~~ VI – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16D.06.12 Use Classifications.
- 16D.06.13 Water-Dependent Uses.
- 16D.06.14 Water-Related Uses.
- 16D.06.15 Water-Enjoyment and Nonwater-Oriented Uses.
- 16D.06.16 Vegetative Buffers.

ARTICLE ~~IV~~ VI – ~~SHORELINE LAND~~ MODIFICATION DEVELOPMENT STANDARDS

- 16D.06.17 Roads, Railroads and Parking.
- 16D.06.18 Utility Transmission Lines and Facilities.
- 16D.06.19 Shore Stabilization.
- 16D.06.20 Dredging and Excavation.
- 16D.06.21 Filling.
- 16D.06.22 Commercial Mining of Gravels.
- 16D.06.23 Reclamation.

ARTICLE ~~V~~ VI – SHORELINE USE DEVELOPMENT STANDARDS

- 16D.06.24 Forest Practices.
- 16D.06.25 Commercial and Community Services.
- 16D.06.26 Industrial Activities.
- 16D.06.27 Residential.
- 16D.06.28 Recreation.
- 16D.06.29 Agriculture.
- 16D.06.30 Aquaculture.
- 16D.06.31 Piers and Docks.

ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.

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

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

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

Commented [AP45]: Re-located text from 16D.10.01

~~(1) The shorelines of Yakima County, the City of Selah, include stream corridor systems, hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:~~

16D.06.08—Maps.

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

- (1) ~~The Naches River and the Yakima River, those Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~
- (2) Subject to Subsection 7 below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no "floodway" has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).

Commented [AP53]: Table 8, Item 1
Extraneous; Appendices B & C removed.

- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
- (7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.
- (8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16D.06.03 Shoreline Environments.

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

- (1) **Urban Environment.** This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.
- (3) **Conservancy Environment.** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.
- (4) **Natural Environment.** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.
- (5) **Urban Conservancy Environment.** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

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Chapter 16D.06 FISH AND WILDLIFE HABITAT AND THE STREAM CORRIDOR SYSTEM SHORELINE MANAGEMENT

(6) Floodway/Channel Migration Zone Environment. This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the ~~county's~~ City's shorelines that are constrained by severe biophysical limitations.

ARTICLE III – GENERAL DEVELOPMENT STANDARDS

16D.06.09 Shoreline Land Use Table.

Commented [AP57]: Re-located from 16D.10.05

Table 16D.10.05 lists the uses and activities for each shoreline environmental designation that are allowed by substantial development permit and/or conditional use permit, or are prohibited. Such uses shall be processed in accordance with chapter 16D.03 (Permit and Review Procedures). This table does not change those situations of when this title does not apply to a development (16D.01.05, Applicability), or when a use or activity listed as needing a substantial development permit may qualify for an exemption instead (16D.03.097, Exemptions).

Definitions for some uses are provided in chapter 16D.02. The provisions in Table 16D.10.05 apply to specific common uses and types of development only to the extent they occur within shoreline jurisdiction. Symbols in the table have the following meanings:

- (S) means a substantial development permit is required;
- (C) means a conditional use permit is required;
- (X) means the use is prohibited;
- (N/A) means the entry is not applicable and the entry in the activity column provides information to redirect the reader to another activity.

Table 16D.10.05

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.097, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.</p>						
GENERAL						
Activities listed in 16D.06.10, Prohibited uses	X	X	X	X	X	X
AGRICULTURE <i>Also see section 16D.03.07 for common exemptions</i>						
Agriculture, including accessory agricultural structures, but excluding grazing	S	S	C	X	C	S
Grazing, also see special grazing provisions in 16D.01.05(e), Applicability, and 16D.03.13(2)(b), Development Authorization, for development standards	S	S	S	S	S	S

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable Review section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.						
Confinement feeding options (CFO)	X	C	X	X	X	X
Ag.-related industry (feed mills, processing/packing plants, storage facilities, etc.)	C	C	X	X	X	C
AQUACULTURE						
Rearing	C	S	C	X	C	C
Processing	C	S	X	X	X	C
Packing and storage	C	S	X	X	X	C
FOREST PRACTICES UNDER STATE PERMIT <small>Also see special forest practices provisions in section 16D.01.05 for applicability, chapter 16D.02 for definitions, 16D.03.07 for exemptions, and section 16D.03.13(2)(a) for development standards.</small>						
All federal forest practices or nonfederal forest practices meeting the criteria below: 1. Harvest/treat at least 5 acres of forestland, or supporting such an operation 2. All harvesting w/in 200' of OHWM of shoreline of statewide significance uses methods meeting RCW 90.58.150 (selective harvest) 3. Activities are not associated with a conversion option harvest 4. Approved under a WDNR Forest Practices Permit 5. Not associated with a harvest under a Class IV – General application to convert forest land to nonforestry use	S	S	S	C	S	S
Nonfederal forest practices not meeting criteria (1), (2), or (3) above	C	C	C	C	C	C
Nonfederal forest practices not meeting criteria (4) above (Class 1 forest practices, activities not requiring WDNR review, etc.) shall be reviewed as separate uses or activities	N/A	N/A	N/A	N/A	N/A	N/A
Nonfederal forest practices not meeting criteria (5) above shall be reviewed as the new proposed use	N/A	N/A	N/A	N/A	N/A	N/A
MINING						
Surface mining	C	C	C	X	X	C
Underground mining	X	X	X	X	X	X
Mining for habitat restoration	S	S	S	S	S	S
ARCHEOLOGICAL						
Interpretive center	S	C	C	X	X	S
Restoration of historic structures	S	S	C	C	C	S
Archeological excavation	C	C	C	C	C	C
RESIDENTIAL USE <small>Also see section 16D.03.07 for retention exemptions</small>						
Cabin (see definition; 800 sq. ft.) or single improved RV site where other single-family residences are not permitted	X	X	X	X	X	S

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16D.01.05, Applicability, to see if this Title applies to the project.</p> <p>Review section 16D.03.027, Exemptions for Hydrologically-Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.</p>						
Single-family residence, including: – family home services – accessory apartment – mobile home for aged/infirm relative (or equivalent uses listed in the zoning ordinance)	S	S	S	X	X	X
Duplex	S	S	X	X	X	X
Multifamily	C	X	X	X	X	X
Rooming and boarding houses	C	X	X	X	X	X
Fraternity or sorority houses	C	X	X	X	X	X
Manufactured home park or subdivision outside floodplain	C	X	X	X	X	X
Manufactured home park or subdivision w/in floodplain	X	X	X	X	X	X
RV park with units remaining year-round – Review as mobile home park	N/A	N/A	N/A	N/A	N/A	N/A
RV park with units not remaining year-round – See recreational use section, moderate intensity	N/A	N/A	N/A	N/A	N/A	N/A
Houseboats and over-water residential uses	X	X	X	X	X	X
COMMERCIAL AND COMMUNITY SERVICE USES						
Large commercial uses (more than 1/2 acre of use area) of a water-oriented nature, including commercial boating facilities, marinas, and extended moorings. Boat launches shall be treated as a recreational use	C	C	C	X	X	C
Small commercial uses (1/2 acre or less of use area) of a water-oriented nature	S	S	C	X	X	S
Nonwater-oriented commercial uses, except for instances below	X	X	X	X	X	X
Nonwater-oriented uses, when set back from OHWM or wetland edge by either a public right of way or 100'+ of a separate parcel	C	C	C	X	X	C
Nonwater-oriented uses in a mixed use project that includes a water dependent commercial, industrial, aquaculture, or recreational use	C	C	C	X	X	C
Events and temporary uses involving public interest (see definition) that do not impair the shoreline environment. Note: Definition to be added to administrative sections	C	C	C	C	C	C
INDUSTRIAL						
Water-oriented uses	C	C	X	X	X	X
Nonwater-oriented uses, except for instances below	X	X	X	X	X	X
Nonwater-oriented uses, when set back from the OHWM or wetland edge by either a public right of way or 100'+ of a separate parcel	C	C	X	X	X	X
Nonwater-oriented uses in a mixed use project that includes a water dependent commercial, industrial, aquaculture, or recreational use	C	C	X	X	X	X

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16D.01.05, Applicability, to see if this Title applies to the project.</p> <p>Review section 16D.03.02, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit.</p> <p>For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.</p>						
RECREATION Also see sections 16D.01.05, Applicability, and 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for uses that may not require permits or review.						
Commercial components of the use that are not explicitly related to the recreation operation must also conform to the commercial section of this table	N/A	N/A	N/A	N/A	N/A	N/A
Indoor recreation – Reviewed as commercial use; see that section of table	N/A	N/A	N/A	N/A	N/A	N/A
Boat launches. Other boating facilities and marinas are reviewed as commercial uses	C	C	C	C	C	C
Commercial motorized boat recreation tour routes (related facilities are reviewed as commercial uses and boating facilities)	C	C	C	C	C	C
State owned recreation facilities and ecological study areas	S	S	C	C	C	S
Outdoor recreation of a nonwater-oriented nature (sports complex, organized sport fields, golf course)	C	C	C	X	X	C
Hi-intensity outdoor recreation of a water-oriented nature (urban area parks, white water parks, etc.)	S	C	C	X	C	S
Moderate-intensity outdoor recreation of a water-oriented nature (use areas with minor structures and improvements, such as campgrounds, picnic facilities, hiking trails, swimming beaches, fishing sites, nature/history interpretive centers); RV park/camping with units not remaining year-round is included in this category (also see residential RV uses)	S	S	S	X	C	S
Low-intensity outdoor recreation of a water-oriented nature (unimproved use areas, such as hiking or nature trails, primitive camping areas); an unimproved personal camping and recreation site is included in this category	S	S	S	C	S	S
Very-low-intensity recreation (wildlife viewing, scenic vistas, fishing, hunting, rafting, walking, etc.). See section 16D.01.05, Applicability, for activities not subject to this title	N/A	N/A	N/A	N/A	N/A	N/A
Events and temporary uses involving public interest (see definition) which may interfere with normal public use, that do not impair the shoreline environment	C	C	C	C	C	C
TRANSPORTATION & PARKING						
Access roads serving permitted uses	S	S	S	C	C	S
Highways and freeways	C	C	C	X	C	C
Railways	C	C	C	X	C	C
Transportation maintenance facilities	C	C	C	X	X	C
Parking for authorized use – Reviewed with authorized use	N/A	N/A	N/A	N/A	N/A	N/A
Park and ride lots and similar stand alone parking facilities	X	X	X	X	X	X
UTILITIES						

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable Review section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.027, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.						
Utility services accessory to individual projects undergoing shoreline review – review w/ project	N/A	N/A	N/A	N/A	N/A	N/A
Utility services to projects outside shoreline jurisdiction	S	S	S	C	C	S
Land/air/water monitoring station	S	S	S	S	S	S
Utility transmission lines, except as noted below	X	X	X	X	X	X
Utility transmission lines on shorelands, where no other feasible option is available	C	C	C	C	C	C
Production and processing facilities of a water-oriented nature, including power generation, water and wastewater treatment facilities	C	C	C	C	C	C
Production and processing facilities of a nonwater-oriented nature, except as noted below	X	X	X	X	X	X
Production and processing facilities of a nonwater-oriented nature, where no other feasible option is available	C	C	C	C	C	C
Storage/collection of garbage cans/dumpsters for individual use	S	S	S	S	S	S
Solid waste transfer station/drop box	C	C	C	X	X	X
Storage/disposal of solid waste, including landfills, sewage sludge, and agricultural waste. For existing uses, see section 16D.03.26, Nonconforming Uses and Facilities	X	X	X	X	X	X
SIGNS Note: signs must also conform to the local sign ordinance						
Blinking or revolving signs	X	X	X	X	X	X
Signs obstructing views of shorelines and scenic vistas from public rights-of-way	X	X	X	X	X	X
On-premises for authorized use	S	S	S	S	S	S
Off-premises (except temporary and information signs)	S	X	X	X	X	X
Temporary signs (election signs; sale, rental, or lease signs on real estate; etc.) are not considered development	N/A	N/A	N/A	N/A	N/A	N/A
Information signs (directional, landmark, trail marker, etc.)	S	S	S	S	S	S
INSTREAM STRUCTURES Also see 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for uses that may not require permits.						
In-stream elements for shore stabilization, roads/bridges, habitat restoration, piers/docks/marinas, and fill are reviewed as those activities	N/A	N/A	N/A	N/A	N/A	N/A
Construction that does not impound water (but may include stream bed manipulation); including whitewater recreation structures and flow gauging stations	C	C	X	X	X	X
Construction that impounds water or increases the height of impounded water	C	C	C	C	X	C

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16D.01.05, Applicability, to see if this Title applies to the project.</p> <p>Review section 16D.03.027, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit.</p> <p>For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.</p>						
PIERS AND DOCKS Also see section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for uses that may not require a permit						
Pier/dock (including for over-water structures), except for instances below	X	X	X	X	X	X
Pier/dock for water dependent commercial, industrial, aquaculture, or recreational use; or public access; or a single-family residence facility to access watercraft	S	S	C	X	X	S
DREDGING						
Dredging (including obtaining minerals, aggregate, or landfill material), except for instances below	X	X	X	X	X	X
Dredging for – water dependent use – public access	C	C	C	C	C	C
Dredging to modify channels or basins (excluding maintenance) for existing navigation uses	S	S	S	X	X	S
Dredging for habitat restoration	S	S	S	S	S	S
FILLING & DREDGE MATERIAL DISPOSAL						
Fill within the OHWM, except for instances below	X	X	X	X	X	X
Fill within the OHWM for – water dependent use – public access – expansion of existing transportation system of state-wide significance – dredge material placement for habitat restoration project – beaches	C	C	C	C	C	C
Fill (nondredged) within the OHWM for habitat restoration	S	S	S	S	S	S
Fill outside the OHWM, except for instances below	X	X	X	X	X	X
Fill outside the OHWM for site development of an approved use	S	S	S	C	C	S
SHORE STABILIZATION Also see section 16D.03.07, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, for activities that may not require permits						
Nonstructural stabilization measures (revegetation, wood debris placement, sediment supplementation, bio-engineering, etc.). Also see section 16D.03.07(15) for the restoration exemption	S	S	S	S	S	S
On-land stabilization structures, except for instances below	X	X	X	X	X	X
On-land stabilization structures (bulkheads, retaining walls, dikes, levees, rip-rap, etc.) demonstrating necessity per 16D.06.19(11)(e). Also see section 16D.03.07 for residential and bulkhead exemptions	C	C	C	C	C	C
In-water stabilization structures, except for instances below	X	X	X	X	X	X
In-water stabilization structures (breakwaters, jetties, groins, weirs, bank bars, etc.) demonstrating necessity per 16D.06.19(11)(e) for	C	C	C	C	C	C

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable Review section 16D.01.05, Applicability, to see if this Title applies to the project. Review section 16D.03.02, Exemptions for Hydrologically Related Critical Areas, Wetlands and Shorelines, to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16D.03.26, Nonconforming uses and facilities.						
– water dependent use – public access – specific public purposes – in support of bank stabilization						
In-water stabilization structures for habitat restoration demonstrating necessity per 16D.06.19(11)(e). Also see section 16D.03.07(15) for the restoration exemption	S	S	S	S	S	S

(Rec. 54 2010 § 2 (Am. B § 35), 2010, Ord. 14 2007 § 1 (Ed. A) (part), 2007)

16D.06.10 Prohibited Uses.

The following uses and activities are prohibited within shoreline jurisdiction-designated hydrologically related critical area:

- (1) Storage, handling, and disposal of material or substances that are dangerous or hazardous with respect to water quality and life safety;
- (2) Confinement feeding operations including livestock feedlots and dairy confinement areas;
- (3) The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;
- (4) The draining or filling of a wetland, lake or pond, except as provided for in Section 16D.06.21 (Filling);
- (5) The removal and transport of material for fill outside of the stream corridor;
- (6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities. This provision does not include municipal wastewater lines or septic systems approved by a local or state agency with authority to permit such facilities;
- (7) Solid waste disposal sites;
- (8) Automobile wrecking yards;
- (9) Fill for the sole purpose of increasing land area within the shorelines;

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

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

(102) Within shoreline jurisdiction, those uses not allowed in particular shoreline environments as provided in section 16D.06.059 (Shoreline Land Use Table).

Commented [AP58]: Table 8, Items 1 &

Extraneous; Flood Hazard Management provisions now provided by SMC 11.19 and 11.50.

(Res. 54-2010 § 2 (Am. R. § 26), 2010; Ord. 14-2007 § 1 (Iskh. A) (part), 2007)

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

- (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) Existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the stream corridor shall be disturbed to the minimum extent possible.
- (3) Nesting areas and other sensitive wildlife habitat identified within a stream corridor shall be disturbed to the minimum extent possible.
- (4) Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered.
- (5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by a local, state or federal agency, and transportation projects using stormwater manuals that are deemed equivalent to the Eastern Washington Stormwater Manual, are exempt from the requirements below.
 - (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.
 - (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 16D.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 ~~the Yakima County of Selah~~, 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 16D.05.20 through 16D.05.72 of the title~~ SMC 11.19 (Flood Damage Prevention) and 11.50.140 (Frequently Flooded Areas) 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 16D.06.23 (Reclamation).
- ~~(21) Projects located within the floodway must meet the requirements of 16D.05.36.010 (Floodway Permitted Uses).~~
- (a) The conversion will demonstrably reduce impacts to stream corridor and other hydrologically related critical area features; and
- ~~(b) The conversion will restore and/or enhance the functional properties outlined in Section 16D.06.05 (Functional Properties).~~
- (a) Individual projects or actions that, if continued as a pattern, would accumulatively result in the degradation or impairment of the shoreline environment shall be avoided.
- (b) Individual projects or actions shall provide for no net loss of shoreline ecological functions.
- (c) Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.
- (d) Outdoor advertising signs must conform to size, spacing and lighting provisions of the Washington State Scenic Vistas Act of 1971, where applicable.

Commented [AP60]: Table 8, Item 1

(e) There shall be a thirty-five (35) foot maximum building height for all structures, except that utility towers and poles, dams, concrete and asphalt batching plants, water treatment towers, wastewater treatment facilities and bridges are not required to meet this standard, and specific height limitations for residential structures are as follows:

- (i) Twenty-five feet above average grade level in the conservancy environment;
 - (ii) Twenty feet above average grade level in the natural environment;
 - (iii) Twenty-five feet above average grade level in the urban conservancy environment;
 - (iv) Twenty feet above average grade level in the floodway/channel migration zone.
- (f) New development within shoreline jurisdiction shall be located and designed to:
- (i) Avoid the need for future shore stabilization, to the extent feasible;
 - (ii) Avoid or, if that is not possible, to minimize the need for new and maintenance dredging;
 - (iii) Assure that subdivision lots created will not require shore stabilization in order for reasonable development to occur. The standards should be accomplished using geotechnical analysis of the site and shoreline characteristics, as provided in section 16D.06.19(11) (Additional Shoreline Standards for Shore Stabilization);
 - (iv) Setback new development on steep slopes or bluffs sufficiently to ensure that shore stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis, as provided in section 16D.06.19(11) (Additional Shoreline Standards for Shore Stabilization);
 - (v) New development that would require shore stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

ARTICLE ~~III~~IV – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

16D.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 16D.06.13 through 16D.06.15 except for those listed in Section 16D.03.05 (Minor Activities Allowed without a Permit or Exemption):

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

water processing and treatment plants, support services for fish hatcheries or aquaculture, fly shops and boat rental shops.

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

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

The following provisions shall apply to water-dependent uses:

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

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

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

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

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

(1) Establishment. There is hereby established a system of vegetative buffers that are necessary to protect the ecological functions and values of shorelines, ~~and certain hydrologically-related critical areas including wetlands.~~ ~~The buffer for shoreline streams and lakes, the vegetative buffer shall be 100 feet. For wetlands, based on a review of the best available science, buffers are listed in table 6-1.~~

- (a) Vegetative buffers shall be measured from the Ordinary High Water Mark (OHWM) for streams, lakes and ponds, ~~and from the wetland edge for wetlands, as identified in the field. The width of the wetland buffer shall be determined according to the wetland type, specified in Table 6-1.~~

- (b) Buffer width may be reduced through the Variance (~~16D.03.22~~) permit process.
- (c) The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream-shoreline 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

ARTICLE IV – LAND-SHORELINE MODIFICATION DEVELOPMENT STANDARDS

16D.06.17 Roads, Railroads and Parking.

The following provisions shall apply to the location and construction of roads, railroads and parking within shorelines:

- (1) Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor.
 - (a) Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
 - (b) Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor.
 - (c) Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.
- (2) Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the corridor.
- (3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone.
- (4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.
- (5) Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water, sediment and woody debris.
- (6) Natural stream channels and drainage ways shall be preserved through the use of bridges for crossings, unless the use of culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainageways. Where bridges are not feasible, large, natural bottom culverts, multi-plate pipes and bottomless arches shall be used.
- (7) The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsections (1) and (2), and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.
- (8) Where fish, amphibian or other wildlife passage is present, culverts shall be designed and constructed to specifications provided through the Washington State Aquatic Habitat Guidelines or a comparable source of expertise.

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

16D.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 16D.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 ~~16D.05.28.010(2) (re infiltration or discharge into or out of the system)~~ SMC 11.19 and 11.50.140

(9) Utility transmission lines within the floodway and floodway fringe shall meet the standards of SMC 11.19 and 11.50.140 ~~16D.05.32.010(2)~~.

~~(10) Utility transmission lines within the floodway shall meet the standards of 16D.05.36.010(2).~~

- (a) Where feasible utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive.
- (b) New utility facilities shall be designed and located to preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, especially recreation, residential and public access.
- (c) Expansion, updating, and maintenance of existing facilities is allowed but shall be designed to be located to avoid adverse impacts to shoreline resources as much as possible.
- (d) Permit applications shall meet the following submittal review standards:
 - (i) Applications shall submit studies (social, economic, environmental, engineering, etc.) to demonstrate that a shoreline location is the most feasible of the available options.
 - (ii) Applications to locate transmission lines shall submit a location plan that shows existing utility routes in the vicinity of the proposed transmission line. Failure of utility lines to follow existing routes, where feasible, shall cause denial of the application.
 - (iii) Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the administrative official to be insufficient for the protection or restoration of the shoreline environment shall cause denial of the application.

Commented [AP62]: Table 8, Item 1
Redundant with item (9) above.

16D.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.
- (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 the resultant shore does not extend beyond the new ordinary high water mark, finished grades are consistent with abutting properties, a restoration plan is approved for the area, and the fill material is in compliance with Section 16D.06.21 (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) Stream bank and lakeshore protection shall be accomplished using bioengineered (biotechnical) designs employing living plant materials as primary structural components of resistance to erosion and mass wasting, unless a report prepared by a qualified engineer experienced in soil bioengineering (biotechnical) and shoreline protection

demonstrates that conventional structural armoring is the only feasible means of stabilizing the subject stream bank or lakeshore.

- (7) Applications to construct or enlarge dikes or levees shall meet the requirements of [16D.05.26.01\(4\)\(b\)SMC 11.19.](#)
- (8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore.
- (9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or other solid construction methods.
- (10) All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance, and repairs for the life of the project.
- (11) Additional Shoreline Standards for Shore Stabilization. The requirements below shall apply to all shore stabilization activities within shoreline jurisdiction.
- (a) Where feasible, dikes and levees shall be located outside of the floodway or channel migration zone of the river or stream in order to minimize any attendant increase in water stage and stream flow velocity over existing conditions.
 - (b) Riprapping and other shore stabilization measures shall be designed, located, and constructed in such a manner as to minimize the disruption of natural channel characteristics.
 - (c) Where a geotechnical analysis or report is required, it shall meet the provisions of 16D.03.18(6) (flood hazard reduction and shore modification in shoreline jurisdiction).
 - (d) When structural flood hazard reduction and shore stabilization measures are necessary, they shall be located and designed to meet the provisions of 16D.03.18(6) (flood hazard reduction and shore modification in shoreline jurisdiction).
 - (e) Demonstration of Necessity. New structural shore stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
 - (i) New or enlarged structural stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shore stabilization.
 - (ii) Erosion control structures in support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:
 - (A) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (B) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (C) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
 - (iii) Erosion control structures in support of water-dependent development when all of the conditions below apply:

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

16D.06.20 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.
- (8) Additional Shoreline Standards for Dredging and Excavation. The requirements below shall apply to all dredging and excavation activities within shoreline jurisdiction.
- (a) All applications for substantial development permits that include dredging shall supply a dredging plan that includes the following information:
- (i) The quantity of material to be removed.
 - (ii) The method of removal.
 - (iii) Location of spoil disposal sites and measures that will be taken to protect the environment around them.
 - (iv) Plans for the protection and restoration of the shoreline environment during and after dredging operations.
- (b) A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

16D.06.21 Filling.

The following provisions shall apply to filling activities within shorelines:

- (1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction with water-dependent uses or an approved reclamation plan under Section 16D.06.23 (Reclamation) ~~or approved compensatory mitigation plan under Section 16C.03.17(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 Chapter ~~SMC 11.19.6 16D.05.20 through 16D.05.72~~.
- (5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities.
- (6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
- (7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
- (8) Fill shall be stabilized with native vegetation where appropriate to prevent erosion, migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless technical consultation with other regulating agencies indicates alternative means are required.
- (9) Projects that propose fill shall make every effort to acquire fill on site (also known as compensatory storage) where appropriate.

- (10) Fill should not obstruct, cut off, or isolate stream corridor features.
- (11) Additional Shoreline Standards for Fill. The requirements below shall apply to all filling activities within shoreline jurisdiction.
- (a) Fill projects shall be evaluated for effects on total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat.
- (b) Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the administrative official to be insufficient for the protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

16D.06.22 Commercial Mining of Gravels.

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

- (1) Prior to the authorization of a commercial gravel mining operation, the project proponent shall provide maps to scale which illustrate the following:
- (a) The extent to which gravel excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation;
- (b) The location, extent and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation;
- (c) The description, location, and extent of any proposed subsequent use that would be different than existing uses.
- (2) The operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value.
- (3) Any surface mining allowed within the floodway shall meet the standards of ~~16D.05.36.010(1)~~ [SMC 11.19](#).
- (4) Except where authorized by ~~Washington County~~ [the City of Selah](#) 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).
- (6) Additional Shoreline Standards for Industrial Mining of Gravels. The requirements below shall apply to all mining activities within shoreline jurisdiction.
- (a) Applicants shall submit a mining and reclamation plan to the Administrator describing the proposed site, quantity of material to be removed, method of removal, and measures that will be taken to protect lakes and streams from siltation and sedimentation. A surface mining plan or a reclamation plan judged by the

administrative official to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

(b) Mining processing activities and stockpiles shall be sited in such a manner so as to avoid damage or loss resulting from flooding.

(c) Mining processing activities shall utilize existing and/or new vegetation where necessary to minimize visual and noise impacts.

(d) New mining and associated activities shall assure that proposed subsequent use of the mined property is consistent with the provisions of the environment designation and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

16D.06.23 Reclamation.

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

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

ARTICLE VI – SHORELINE USE DEVELOPMENT STANDARDS

16D.06.24 Forest Practices.

The following provisions shall apply to forest practices, as defined, within shoreline jurisdiction:

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

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

- (b) All harvesting within 200 feet of OHWM of Shoreline of Statewide Significance uses methods meeting RCW 90.58.150 (selective harvest), as amended;
 - (c) Activities are not associated with a conversion option harvest;
 - (d) Approved under a forest practices permit;
 - (e) Not associated with a harvest under a Class IV, General application to convert forest land to nonforestry use.
- (2) Nonfederal forest practices not meeting criteria (1)(a), (b), or (c) above are designated as a conditional use.
- (3) Nonfederal forest practices, not meeting criterion (1)(d) above (Class 1 forest practices, activities not requiring DNR review, etc.) shall be reviewed as separate uses or activities.
- (4) Nonfederal forest practices not meeting criterion (1)(e) above shall be reviewed as a new proposed use.

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

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

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

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

- (1) Facilities and structures shall be designed and screened with vegetation to minimize degradation of shoreline aesthetic qualities.
- (2) Industries which have proven to be environmentally hazardous shall be discouraged from locating along the shorelines.
- (3) Industrial uses and redevelopment of industrial uses shall provide for environmental cleanup and restoration in degraded or contaminated locations.
- (4) Application for new industrial activities shall demonstrate either:
 - (a) How the use qualifies as a water-oriented use and how facilities function as such; or
 - (b) That a nonwater-oriented use is part of a mixed use development that includes a water dependent use, and that it will provide a significant public benefit towards meeting SMA objectives, such as providing public access and ecological restoration; or
 - (c) That a nonwater-oriented use is setback from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.

16D.06.27 Residential.

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

- (1) Developers in the urban, natural and urban conservancy environments shall ensure that utility lines including electricity and communications will be underground, except where the presence of bedrock or other obstructions make undergrounding impractical. Aboveground lines in existence at the time of adoption of the master program shall be undergrounded during normal replacement processes.
- (2) Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall allow for pedestrian access to such water bodies for residents of upland lots within the subdivision.

- (3) Residential development and preliminary plats shall contain plans indicating how shore vegetation will be preserved and erosion controlled. A vegetation protection and/or erosion control plan judged by the Administrator to be insufficient for protection of the shoreline environment shall cause denial of an application.
- (4) Subdivisions within the jurisdiction of the master program shall maintain an overall project density of one dwelling unit per one-half acre. Subsequent re-subdivision of any portion of the property contained in the original plat in order to increase density above that specified herein is prohibited.

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

- (1) Recreational activities in the urban and rural environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.
- (2) No permanent structures are allowed in the natural environment.
- (3) The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.
- (4) Access to recreational areas should emphasize both areal and linear access. Linkage of shoreline parks and public access points by means of linear access should be encouraged.
- (5) Different uses within a specific recreational facility must be compatible with each other.
- (6) Commercial components of the use that are not explicitly related to the recreational operation must also conform to the commercial use standards of section 16D.06.25 (Commercial and Community Services).

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

- (1) Confinement feeding operations shall meet the following standards:
 - (a) Applicants shall submit a proposed site plan that indicates:
 - (i) Maximum number and type of livestock to be kept on the site;
 - (ii) Existing and proposed contour of the land and topographic features;
 - (iii) Groundwater profiles, streams and drainage ways;
 - (iv) Soil types;
 - (v) Existing and proposed building locations;
 - (vi) Waste disposal facilities including: Site runoff storage ponds, location of manure stockpiles, holding tanks and ponds, ultimate manure disposal sites;
 - (vii) Other use areas such as feed storage, animal movement routes and animal pens.
 - (b) A site plan judged by the administrative official to be insufficient for the protection of the shoreline environment shall cause denial of the application.

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

~~(3) Rangeland livestock grazing may qualify for the exemption from critical areas development standards listed in 16D.02.13(2)(b).~~

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

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

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

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

~~(Res 54-2010 § 2 (Att-B § 24), 2010; Ord 14-2007 § 1 (Exh-A) (part), 2007)~~

Chapter 16D.08

GEOLOGICALLY HAZARDOUS AREAS

Sections:

- 16D.08.01 Purpose and Intent.
- 16D.08.02 Mapping and Designation.
- 16D.08.03 Geologically Hazardous Areas Protection Approach.
- 16D.08.04 Development Review Procedure for Geologically Hazardous Areas.
- 16D.08.05 General Protection Requirements.

16D.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/City of Selah when incompatible development is sited in areas of significant hazard. Some risks due to geologic hazards might be capable of mitigation through engineering, design, or modified construction standards so the level of risk is reduced to an acceptable level. However, when mitigation is not feasible, development within geologically hazardous areas is best avoided.

(2) The purposes of this chapter are to:

- (a) Minimize risks to public health and safety and reduce the risk of property damage by regulating development on or adjacent to geologically hazardous areas;
- (b) Maintain natural geological processes while protecting existing and new development;
- (c) Establish review procedures for development proposals in geologically hazardous areas.

16D.08.02 Mapping and Designation.

(1) Geologically hazardous areas are areas that are susceptible to one or more of the following types of hazards based on WAC 365-190-080(4)(b) through (h):

- (a) Erosion hazards;
- (b) Landslide hazards, which in the Yakima County/City of Selah inventory includes:
 - (i) Oversteepened slope hazards;
 - (ii) Alluvial fan/flash flooding hazards;
 - (iii) Avalanche hazards; and
 - (iv) Stream undercutting hazards;
- (c) Seismic hazards (referred to below as earthquake hazards);
- (d) 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/City of Selah." Erosion hazard areas were identified by using the "Soil Survey of Yakima County/City of Selah Area, Washington" and the "Soil Survey of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County/City of Selah." The analysis utilized the general soil map unit descriptions of severe and very severe hazard of water erosion.

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Geologically Hazardous Area standards are provided in SM 11.50.

(3) The approximate location and extent of geologically hazardous areas are shown on the County's critical area map titled "Geologically Hazardous Areas of Yakima County/City of Selah." The following geologically hazardous areas, with the corresponding map code in parenthesis, are mapped and classified using the stated criteria based on WAC 365-190-080(4)(b) through (h):

Chapter 16D.09

CRITICAL AQUIFER RECHARGE AREAS (CARA)

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CARA standards provided in SMC 11.50.

Sections:

- 16D.09.01 — Purpose and Intent.
- 16D.09.02 — Mapping.
- 16D.09.03 — Protection Approach.

16D.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 (CARA) in this title.

(2) — Potable water is an essential life sustaining element. Much of Yakima County/City of Selah'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/City of Selah's CARA from contamination;
- (b) — Establish a protection approach that emphasizes the use of existing laws and regulations, and minimizes the use of new regulations.

(4) — It is not the intent of this chapter to:

- (a) — Regulate everyday activities (including the use of potentially hazardous substances that are used according to State and Federal regulations and according to label specifications);
- (b) — Enforce or prevent illegal activities;
- (c) — Regulate land uses that use or store small volumes of hazardous substances (including infield agricultural chemical storage facilities, which do not require permits, or are already covered, under existing state, federal, or county review processes and have detailed permit review);
- (d) — Establish additional review for septic systems, which are covered under existing County review processes and have detailed permit review by another agency;
- (e) — Establish additional review for stormwater control, which are covered under existing County review processes and have detailed permit review; or
- (f) — Require review for uses that do not need building permits and/or zoning review.

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

16D.09.02 — Mapping.

(1) — Mapping Methodology: The CARA are depicted in the map titled "Critical Aquifer Recharge Areas of Yakima County/City of Selah." The CARA map was developed through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology "Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances" (Publication No. 97-30). Yakima County/City of Selah has determined this analysis to be the best available science at the time the analysis was conducted. This analysis

was at a coarse, countywide scale, rather than a site-specific assessment. The approximate location and extent of critical aquifer recharge areas are shown on the map, and are to be used as a guide for the county, project applicants and/or property owners, and may be updated as more detailed data becomes available. The CARA map estimates areas of moderate, high and extreme susceptibility to contamination, in addition to wellhead protection areas. To characterize hydrogeologic susceptibility of the recharge area to contamination, the GIS analysis used the following physical characteristics:

Chapter 16D.10 SHORELINES

Sections:

- 16D.10.01 — Purpose and Intent
- 16D.10.02 — Restriction as Affecting Fair Market Value of Property
- 16D.10.03 — Shoreline Jurisdiction
- 16D.10.04 — Shoreline Environments
- 16D.10.05 — Shoreline Land Use Table

16D.10.01 Purpose and Intent

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

- (1) — Promote reasonable and appropriate use of the shorelines that will protect the public and private interest;
- (2) — Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within City of Selah;
- (3) — Protect public rights of navigation;
- (4) — Recognize and protect private property rights consistent with public interest;
- (5) — Maintain or re-create a high quality of environment along the shorelines;
- (6) — Preserve and protect fragile natural resources and culturally significant features;
- (7) — Increase public access to publicly owned areas of the shorelines where increased use levels are desirable;
- (8) — Protect public and private properties from adverse effects of improper development in hazardous shorelines areas;
- (9) — Recognize and protect statewide interest;
- (10) — Give preference to uses that result in long-term over short-term benefits; and
- (11) — Provide for no net loss of ecological functions from both individual permitted development and individual exempt development.

16D.10.02 — Restriction as Affecting Fair Market Value of Property.

The restrictions imposed by these regulations shall be considered by the Yakima County Assessor in establishing the fair market value of the property pursuant to RCW 90.58-200.

16D.06.02 — Shoreline Jurisdiction.

Pursuant to the authority of RCW 90.58-030(2)(f) and WAC 173-22-040(2) and (3), the jurisdictional limits of the Shoreline Master Program within City of Selah for areas that are subject to these regulations, are listed below. The City of Selah has developed maps to generally depict the extent of shoreline jurisdictional boundaries for all shorelines within the City. These maps are for informational and illustrative purposes only and are not regulatory in nature. Where such maps are not available or do not correspond with physical features on the ground, jurisdictional

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Relevant text re-located to Chapter 16D.06 (Shoreline Management)

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~~boundaries shall be controlled by the criteria listed below, WAC 173-22, and the Act itself. It is understood when the maps and the actual physical features do not correspond, the physical features will dictate the extent of the jurisdictional boundaries. It is understood that the actual physical features may change. The physical features will dictate the extent of the shoreline jurisdictional boundaries. Shoreline jurisdictional area shall include:~~



CITY OF SELAH
SHORELINE MASTER PROGRAM

*Adopted by the City of Selah City Council by Ordinance [REDACTED] and Ordinance [REDACTED]
on December [REDACTED], 2021*
Approved by the Washington State Department of Ecology and effective [REDACTED] 2021

January 2021



SHORELINE MASTER PROGRAM GOALS AND POLICIES

CITY OF SELAH 2017 COMPREHENSIVE PLAN - Natural Systems Element

SHORELINE MASTER PROGRAM REGULATIONS

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Chapter 16.01 - GENERAL PROVISIONS

Sections:

16.01.01	Title and Authority.
16.01.02	Language Interpretation.
16.01.03	Purpose of Title.
16.01.04	Intent of Title.
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16.01.06	Applicability of Permit System to Federal Agencies.
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16.01.08	Severability.
16.01.09	Effective Date.

16.01.01 Title and Authority.

(1) The City of Selah Shoreline Master Program is established pursuant to RCW 36.70A.060 (Growth Management Act, Natural resource lands and critical areas – Development regulations), RCW Chapter 90.58 (Shoreline Management Act), RCW Chapter 43.21C (State Environmental Policy Act), and federal requirements for eligibility in the National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR). This title shall be known as the “Shoreline Master Program of the City of Selah, Washington.”

(2) The Shoreline Master Program of the City of Selah shall, for the purposes of RCW 36.70A.480 (GMA, Shorelines of the State) be considered a supplement to the City of Selah Comprehensive Plan. The Shoreline Master Program Regulations shall, for the purposes of 36.70A.480 (GMA, Shorelines of the State) be considered a set of use regulations applying only to shoreline areas as specified in RCW 90.58 (SMA) and WAC 173-26 (SMP Guidelines). These regulations are intended to be substantive legal rules and procedures used to implement the goals and policies of the Master Program. These regulations shall be applied and interpreted in a manner consistent with the remainder of the Master Program or the Act.

16.01.02 Language Interpretation.

Unless specifically defined in Chapter 16.02, words, phrases and terms in this title shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application. “Shall” is mandatory; “may” is discretionary and does not impose a requirement; “should” is always advisory; “include(s)” means includes but not limited to. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural; and the plural, the singular.

16.01.03 Purpose of Title.

The purpose of the Shoreline Master Program is to establish a single, uniform system of procedures and standards to be applied to development within Shoreline jurisdiction of the City of Selah.

16.01.04 Intent of Title.

(1) The Shoreline Master Program establishes goals, policies, standards, and regulations pertaining to projects, uses and development within Shoreline jurisdiction, development within critical areas or other areas under Shoreline jurisdiction as provided in the Shoreline Management Act (RCW 90.58) and the Growth Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program. The policies, standards and procedures of this title are intended to:

- (a) Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions;

- (b) Prevent further degradation of critical areas;
 - (c) Conserve, protect and, where feasible, restore essential or important natural resources;
 - (d) Protect the public health, safety and general welfare;
 - (e) Further the goals and objectives of the City of Selah Comprehensive Plan and all of its elements;
 - (f) Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A) as it applies to shoreline jurisdiction, the Shoreline Management Act (RCW Chapter 90.58), and the National Flood Insurance Program;
 - (g) Recognize and protect private property rights;
 - (h) Provide development options for landowners of all existing lots to the greatest extent possible, through the establishment of variance, reasonable use provisions and non-conforming use and facility provisions;
 - (i) Manage for no net loss of ecological function within Shoreline jurisdiction, to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life;
 - (j) Establish a consistent foundation of regulations that apply to similar issues whether they are inside or outside shoreline jurisdiction. Additional protection measures required as a result of Shoreline Master Program updates to this title are identified as applying within shoreline jurisdiction and are not intended to be applied outside shoreline jurisdiction;
 - (k) Recognize that mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use when conducted consistent with the policies and provisions of WAC 173-26-241(h), within all shoreline designations, except the natural and floodway/CMZ environments.
- (2) In addition, the policies, standards and procedures of this title:
- (a) Are not intended to regulate the operation and maintenance of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective dates of provisions in the City of Selah Critical Areas Ordinance (SMC Title 11.50) or Shoreline Master Program;
 - (b) Are not intended to result in an unconstitutional taking of private property;
 - (c) Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the Critical Areas Ordinance (SMC Title 11.50) or Shoreline Master Program; but rather to use compensatory mitigation as a tool to mitigate impacts of new development;
 - (d) Are not intended to presume that regulatory tools are the only mechanism for protection, but rather integrated with nonregulatory tools in as balanced a manner as possible;
 - (e) Are not intended to prohibit the use of valid water rights.

16.01.05 Applicability.

- (1) The provisions of this title shall apply to any new development, construction or use within the City of Selah's municipal boundaries, designated as a critical area inside shoreline jurisdiction, designated as shoreline jurisdiction and designated as a special flood hazard area under the National Flood Insurance Program. Those shorelines within the City of Selah and its Urban Growth Area which have been inventoried and found to meet the criteria as a shoreline of the state are as follows:
- a. Streams, Rivers and Floodplains

i. Naches River

ii. Yakima River

- (2) Other rules and regulations, including the City of Selah Municipal Codes (SMC Title 10 Zoning and Title 11 Building Codes), shall remain in full force and effect as they apply to a designated critical area or shoreline. Wherever the requirements of the Shoreline Master Program conflict with the requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other lawfully adopted City rules or regulations, the most restrictive standards shall govern.
- (3) The City of Selah Critical Areas Ordinance (CAO), Chapter 11.50 SMC (Ordinance No. XXXX, dated XXXX, 202X), is incorporated herein by this reference into this Shoreline Master Program, except as noted below. All references to the Critical Areas Ordinance, SMC 11.50, are for this specific version.
- (a) If the provisions of Chapter 11.50 SMC and other parts of the Shoreline Master Program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.
- (b) Provisions of Chapter 11.50 SMC that are not consistent with the SMA (RCW 90.58) shall not apply in shoreline jurisdiction. Specifically, the following subsections shall not apply in shoreline jurisdiction:
- (i) 11.50.50, Exemptions and nonconforming uses;(ii) 11.50.60, Exceptions;
 - (iii) 11.50.090, Appeals; and
 - (iv) 11.50.100, Enforcement.

16.01.06 Applicability of Permit System to Federal Agencies.

The permit system shall be applied in the following manner to federal agencies on lands within shoreline jurisdiction:

- (1) Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of this title or chapter 90.58 RCW. Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government, or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or City of Selah substantial jurisdiction over activities on those lands;
- (2) The permit system shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership;
- (3) The permit system shall apply to developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government;
- (4) The above paragraphs shall be controlling for the purposes of shoreline permits for federal land or federal projects; however the following attempts to clarify these limits for practical use:
- (a) Federal development on federally owned land is not required to obtain a permit;
 - (b) Federal development on a federally owned lease is not required to obtain a permit, as long as the development is consistent with the purpose of the lease;
 - (c) Development on federally owned land under a nonfederal lease or easement must obtain a shoreline permit;
 - (d) Nonfederal development or use on federally owned land must obtain a shoreline permit;

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

16.01.07 Administrative Authority.

(1) The City of Selah Planning Department shall be responsible for the general administration. The Planning Director or Director's designee shall serve as the shoreline administrator. The administrative official shall establish procedures for implementation of this title.

- (a) Where the provisions of these regulations may be unclear in special circumstances, or where judgment must be made because of the nature of the language used, the administrative official shall make such interpretations. Such interpretation shall specify whether the issue is under shoreline jurisdiction or not. A separate record of all interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may relate to a pending action shall be examined by the administrative official for its effect or influence on the pending action.
- (b) A written request for interpretation of any provision of this title, or any rule or regulation adopted pursuant to this title, may be submitted to the administrative official. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be administrated in accordance with SMC Section 21.01.030 and 21.03.020.
- (c) The City shall consult with the Department of Ecology (Ecology) to ensure that any formal written interpretations are consistent with the purpose and intent of the SMA (RCW 90.58), pursuant to WAC 173-26-140.

16.01.08 Severability.

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

16.01.09 Effective Date

The effective of this Shoreline Master Program, and any future amendments therein, is 14 days from Ecology's written notice of final action.

Chapter 16.02 - DEFINITIONS

16.02.001 Definitions Generally.

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

16.02.005 Abutting.

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

16.02.010 Adjacent.

“Adjacent” means to be nearby and not necessarily abutting.

16.02.012 Administrative official.

“Administrative Official” means the duly appointed Director of the Planning Department, or his designee, or the relevant decision maker identified in the Selah Municipal Code; synonymous with “administrator” or “director.”

16.02.015 Agricultural Activities.

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

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

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

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

16.02.025 Alluvial Fan.

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

16.02.030 Applicant.

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

16.02.033 Aquaculture.

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

16.02.035 Aquifer.

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

16.02.040 Critical Aquifer Recharge Area.

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

16.02.042 Bank.

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

16.02.043 Bankfull Depth.

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

16.02.044 Base Flood.

“Base flood” for purposes of administering Chapters 16.05.20 through 16.05.72 means the flood having a 1-percent chance of being equaled or exceeded in any given year. (Ref. IBC 1612.2)

16.02.045 Base Flood Elevation.

“Base flood elevation” for purposes of administering Chapters 16.05.20 through 16.05.72 means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Ref. IBC 1612.2)

16.02.046 Basement.

“Basement” for purposes of administering Chapters 16.05.20 through 16.05.72 means any area of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2)

16.02.055 Bed.

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

16.02.060 Bedrock.

“Bedrock” means in-place solid rock.

16.02.065 Berm.

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

16.02.067 Best Management Practices.

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

16.02.070 Bioengineering.

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

16.02.075 Breakwater.

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

16.02.080 Bulkhead.

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

16.02.082 Cabin.

For purposes of administering the Shoreline Master Program, “cabin” means a small single-family residence of 800 square feet or less, without a garage or carport and without large accessory buildings. Small accessory buildings, such as detached storage sheds or accessory structures totaling 120 square feet or less, may be allowed. Dwellings not meeting these standards are considered standard single-family residences.

16.02.085 Channel.

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

16.02.090 Channel Migration Zone.

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

16.02.092 Chief Building Official.

“Chief Building Official” or “building official” means the manager of the Building and Fire Safety Division of the Department of Planning or designee.

16.02.095 Classification.

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

16.02.100 Clearing.

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

16.02.110 Compaction.

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

16.02.115 Confinement Feeding Operation.

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

16.02.120 Construction.

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

16.02.125 Designated.

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

16.02.130 Department.

“Department” means the City of Selah Planning Department.

16.02.135 Development.

“Development” means any use as defined under RCW 90.58.030(3)(d) (definitions), or the division of land into lots or parcels in accordance with the city Subdivision Ordinance (SMC Chapter 11.50 ‘Platting and Subdivision Requirements), and any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a site up to, but not including, construction as defined in this chapter. For the purpose of Chapters 16.05.20 through 16.05.72, “development” also means any manmade change to improved or unimproved real estate located within the special flood hazard area, including but not limited

to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or permanent storage of equipment and works defined in this chapter. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

16.02.140 Dike.

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

16.02.145 Dock.

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

16.02.150 Dredging.

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

16.02.160 Earth Material.

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

16.02.163 Ecological Functions.

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

16.02.166 Ecosystem-Wide Processes.

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

16.02.170 Enhance.

"Enhance" means to strengthen any of the basic functional properties listed in Section 16.06.05 that exist but do not perform at optimum efficiency. "Optimum" refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.

16.02.175 Ephemeral Stream.

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

16.02.180 Erosion.

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

16.02.185 Events and Temporary Uses.

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

16.02.190 Excavation.

“Excavation” means the mechanical removal of earth material.

16.02.195 Feasible.

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

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

16.02.200 Fill.

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

16.02.205 Flood.

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

16.02.206 Flood Hazard Permit.

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

16.02.207 Flood Insurance Rate Map.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

16.02.208 Flood Insurance Study.

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

16.02.210 Floodplain.

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

16.02.215 Flood-prone.

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

16.02.216 Flood-proofing.

“Flood-proofing” for purposes of administering Chapters 16.05.20 through 16.05.72 means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.

16.02.220 Floodway.

“Floodway” means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway must not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state [RCW 90.58.030(2)(b)].

16.02.225 Floodway Fringe.

“Floodway fringe” for purposes of administering Chapters 16.05.20 through 16.05.72 means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.

16.02.230 Forest Land.

“Forest land” means land primarily devoted to forest practices activities.

16.02.240 Forest Practices.

“Forest practices” means activities conducted under federal forest practices approval or under a Forest Practices permit reviewed and approved by the Washington Department of Natural Resources pertaining to the management of forest land, including growing, managing, harvesting, and interim storage of merchantable timber for commercial

value, as well as incidental activities reviewed under federal or state approval, such as road construction and maintenance (including bridges) and mining activities.

16.02.250 Grade.

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

16.02.255 Grading.

“Grading” means any excavation, filling, or combination thereof.

16.02.260 Groundwater.

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

16.02.266 Hyporheic.

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

16.02.270 Intermittent Streams.

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

16.02.275 Lake or Pond.

“Lake or pond” means an inland body of standing water. The term includes the reservoir or expanded part of a river behind a dam.

16.02.282 Manufactured Home.

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

16.02.283 Manufactured Home Park or Subdivision.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale pursuant to SMC Chapter 10.56.

16.02.284 Manufactured Home Park or Subdivision, Existing.

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

16.02.285 Minerals.

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

16.02.290 Mining.

“Mining” means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation (16.06.20).

16.02.295 Native.

“Native” means indigenous to, or originating naturally within, City of Selah.

16.02.300 Natural Conditions.

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

16.02.302 Nonconforming Development or Nonconforming Structure.

“Nonconforming structure” means an existing structure that was lawfully constructed at the time it was built prior to the effective date of the SMA or this Shoreline Master Program, but is no longer fully consistent with present regulations such as setbacks, buffer or yards; area; bulk; height or density standards due to subsequent changes to the master program.

16.02.303 Nonconforming Lot.

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

16.02.304 Nonconforming Use.

“Nonconforming use” means an existing shoreline use which was lawfully established prior to the effective date of provisions of the SMA or this Shoreline Master Program, but which no longer conforms to the present use regulations due to subsequent changes to the SMP.

16.02.305 Ordinary High Water Mark (OHWM).

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

16.02.310 Perennial Stream.

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

16.02.320 Project Site.

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

16.02.322 Recreation Vehicle.

“Recreation vehicle” means a vehicle which is:

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

16.02.325 Restore.

“Restore” means to re-establish the basic functional properties that have been lost or destroyed through natural events or human activity. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions.

16.02.330 Revetment.

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

16.02.335 Riparian Vegetation.

“Riparian vegetation” means the terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that depends on these water sources for soil moisture greater than would otherwise be available from local precipitation.

16.02.340 Riprap.

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

16.02.345 Scour.

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

16.02.355 Shoreline.

For purposes of administering the Shoreline Master Program, “shoreline” means those water areas, the associated features, and the land areas within the City of Selah that are subject to the State Shoreline Management Act, especially as defined in RCW 90.58.030 (definitions), and as further identified in 16.06.02 (Shoreline Jurisdiction).

16.02.360 Shore Stabilization.

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

16.02.363 Single Improved Recreational Vehicle Site.

For purposes of administering the Shoreline Master Program, “single improved recreational vehicle site” means a site on which a recreational vehicle, as defined in 16.02.322, may be parked with minimal services (such as electricity, well and septic system), without a garage or carport, and without large accessory buildings (small detached storage sheds or accessory structures totaling 120 square feet or less may be allowed). Recreational vehicle sites not meeting these criteria are considered single-family residences.

16.02.365 Slope.

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

16.02.366 Solid Waste.

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

16.02.367 Special Flood Hazard Areas.

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

16.02.370 Stream.

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

16.02.390 Structure.

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

16.02.400 Use.

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

16.02.415 Vegetative Buffer or Buffer.

“Vegetative buffer” or “buffer” means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for the performance of the basic functional properties of shorelines or critical areas as set forth in Chapter 11.50 SMC. It is understood that optimal conditions do not always exist due to degradation of the vegetative buffer before establishment of this title, or due to colonization by non-native species. Such conditions still provide functional properties, though at a lower level, depending on the difference from natural conditions.

16.02.425 Wetland.

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

16.02.430 Wildlife.

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

16.02.435 Wildlife Habitat.

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

16.02.440 Works.

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

Chapter 16.03 - APPLICATION AND REVIEW PROCEDURES

Sections:

ARTICLE I – GENERAL PROVISIONS

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ARTICLE I – GENERAL PROVISIONS

16.03.01 Shoreline Development Authorization Required.

(1) No new development, construction or use shall occur within shoreline jurisdiction without obtaining a development authorization in accordance with the provisions of this title, except for those provided for in section 16.03.05 (Exceptions to Local Review) and 16.03.09 (Exemptions). Exemptions, as provided for in sections 16.03.09, shall be considered as development authorization, including those taking place on federal lands and requiring permits or review as provided in 16.01.06 (Applicability of Permit System to Federal Agencies) but qualifying for other exemptions under this chapter. All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program.

(2) With respect to application and review procedures, it is the intent of this title to streamline and coordinate the authorization of critical area projects which require other local, state and/or federal permits or authorizations. Any nonexempt development, construction or use occurring within shoreline jurisdiction shall be processed according to the provisions of this chapter and the Critical Area Ordinance (SMC Chapter 11.50).

- (3) Approval of a development authorization under this title shall be in addition to, and not a substitute for, any other development permit or authorization required by the City of Selah. Approval of a development authorization under this title shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.
- (4) Permits issued in accordance with this title shall run with the land.

ARTICLE II – ABBREVIATED REVIEW ALTERNATIVES

16.03.04 Minor Activities Allowed without a Permit or Exemption.

- (1) The following activities are included under 16.01.05(1) (Applicability) and are allowed without a permit or exemption:
- (a) Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include harvesting or changing crops, mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Cutting down trees and shrubs within a buffer is not covered under this provision. Excavation, filling, and construction of new landscaping features, such as concrete work, berms and walls, are not covered in this provision and are subject to review;
 - (b) Minor maintenance and/or repair of lawfully established structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, etc. Construction or replacement of structural elements is not covered in this provision, but may be covered under an exemption. Cleaning canals, ditches, drains, wasteways, etc., without expanding their original configuration is not considered additional earthwork, as long as the cleared materials are placed outside the stream corridor, wetlands, and buffers;
 - (c) Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education or scientific research;
 - (d) Creation of unimproved private trails that do not cross streams or wetlands that are less than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
 - (e) Planting of native vegetation;
 - (f) Noxious weed control outside vegetative buffers identified in Chapter 16.06.16, except for area wide vegetation removal/grubbing;
 - (g) Noxious weed control within vegetative buffers, if the criteria listed below are met. Control methods not meeting these criteria may still apply for a restoration exemption, or other authorization as applicable:
 - (i) Hand removal/spraying of individual plants only;
 - (ii) No area wide vegetation removal/grubbing.

16.03.05 Exceptions to Local Review.

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

- (1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Periodic Review Checklist Guidance 6 September 2019

- (2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
- (3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
- (4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
- (5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

16.03.06 Exemption – Procedural Requirements.

Certain activities and uses are exempt from some permit processes and shall instead be reviewed using the procedures below.

- (1) Exemptions shall be construed narrowly and any exempted development shall be consistent with the policies and provisions of this title.
- (2) Only those developments that meet the precise terms of one or more of the listed exemptions may qualify for review under these provisions.
- (3) If any part of a proposed development is not eligible for exemption, then a development permit is required for the entire proposed development project.
- (4) The burden of proof that a development or use is exempt from the development permit process is on the applicant.
- (5) When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this title, such development must also obtain a variance (16.03.22).
- (6) All activities exempt from the requirement for a substantial development permit shall use reasonable methods to avoid impacts to critical areas within shoreline jurisdiction. To be exempt from the requirement for a substantial development permit does not give permission to degrade a critical area or Shoreline or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense, according to section 16.06.23 (Reclamation).
- (7) The proponent of an exempt activity shall submit a written request for permit exemption to the administrative official that describes the activity and states the exemption requested. The applicant shall submit to the administrative official a written description of the project that demonstrates compliance with applicable standards.
- (8) The administrative official shall review the exemption request to verify that it complies with this title.
- (9) The administrative official shall approve or deny the exemption.
- (10) A formal letter of exemption shall be provided where an exempt activity is approved under this title. A copy of the exemption shall be kept on file by the administrative official. If an exemption cannot be granted, the administrative official shall notify the applicant in writing of the reason, at which time the applicant may pursue other permit processes under this title.
- (11) Conditions may be attached to the approval of exempted developments and/or uses as necessary to assure continued consistency of the project with this title.

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

(a) Those activities listed in WAC 173-27-040, and summarized in section 16.03.09 (Exemptions), are exempt from the substantial development permit requirements;

16.03.07 Permit Filing Procedures.

After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances must be mailed simultaneously with any Substantial Development Permits for the project.

(1) The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

(2) Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:

(a) For projects that only require a Substantial Development Permit: the date that Ecology receives the City's decision.

(b) For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

(c) For SDPs simultaneously mailed with a CUP or Variance to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

16.03.08 WSDOT Project Special Procedures.

(1) The City will conduct permit reviews for WSDOT projects on state highways within 90 days, pursuant to RCW 47.01.485.

(2) Pursuant to RCW 90.58.140, WSDOT projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

16.03.09 Exemptions.

The development activities identified in WAC 173-27-040, and summarized below, are exempt from substantial development permits that are required within Shoreline jurisdiction designated in chapter 16.10.03 (Shoreline Jurisdiction):

(1) Construction by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family, which residence meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this title. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

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

(3) Development and construction for which the total cost or fair market value, whichever is higher, does not exceed 7,047 dollars (adjusted for inflation as determined by the Washington Office of Financial Management using methods provided in RCW 90.58.030(3)(e) and WAC173-27-040(2)(a)); provided such development and construction does not materially interfere with the public use of the water or shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(4) Construction or practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, and/or alteration of the contour of the land by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A “feedlot” shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(5) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal repair” means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause additional substantial adverse effects to shoreline resources or environment. The need for replacement resulting from a neglect of maintenance and repair is not considered a common method of repair. Replacement of nonconforming uses or facilities may also be subject to section 16.03.26 (Nonconforming Uses and Facilities);

(6) Emergency construction necessary to protect property from damage by the elements. An “emergency” is an unanticipated and imminent threat, which requires immediate action or response within a time period too brief to allow full compliance with this title. The following criteria must exist to qualify any action under an emergency provision:

(a) There must be an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from a natural condition or technical incident;

(b) The emergency response must be confined to the action necessary to protect life or property from damage;

(c) The scope of the emergency response must be limited to the work necessary to relieve the immediate threat;

- (d) The emergency response applies only to the period of time in which the actual emergency exists;
- (e) The request must be accompanied by a paid permit application or a request for a non-emergency exemption. Submittal requirements beyond normal exemption submittal requirements are waived until after the emergency is deemed abated.

As soon as the emergency is deemed abated by appropriate authorities, compliance with the requirements of this title is required, and may include removal of the emergency construction if nonstructural construction measures can adequately deal with site issues;

- (7) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser of a single-family and multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if:
 - (a) In fresh waters the fair market value of the dock replacement does not exceed twenty-two thousand five hundred (\$22,500), and are of equal or lesser square footage than the existing dock being replaced, or
 - (b) The fair market value of new docks constructed in fresh waters does not exceed eleven thousand two hundred (\$11,200) dollar. However, subsequent construction having a fair market value exceeding the amount above occurs within five years of completion of the prior construction, the subsequent construction must be considered a substantial development for the purpose of these regulations.
- (8) The operation, maintenance or construction of canals, waterways, drains, reservoirs, or other manmade facilities that now exist or are hereinafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;
- (9) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage and diking system;
- (10) Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;
- (11) Any project with a certification from the governor pursuant to chapter 80.50 RCW (Energy facilities – site locations);
- (12) Watershed restoration project that are authorized by the sponsor of a watershed restoration plan and that implement the plan or a part of the plan, and meet the requirements of WAC 173-27-040(6), as amended;
- (13) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - (a) The activity does not interfere with the normal public use of surface waters within shoreline jurisdiction;
 - (b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (c) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - (d) A private entity seeking development authorization within shoreline jurisdiction must first post a performance bond or provide other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions;
- (14) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020 (control of spartina and purple loosestrife), through the use of an herbicide or other treatment methods applicable to weed

control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW (SEPA);

(15) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, that meets the requirements of WAC 173-27-040(2)(p) as amended.

(a) The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

(b) The project has received hydraulic project approval, when required, by the department of fish and wildlife pursuant to chapter 75.20 RCW (Hydraulics Code);

(c) The administrative official has determined that the project is consistent with this title;

(d) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 (Fish Habitat Enhancement Projects) are deemed to be consistent with this title;

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

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

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

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

(c) The removed portion of trees should be placed within the vegetative buffer area as wildlife habitat, unless it will interfere with a maintained vegetation area identified in section 16.03.05(1)(a) (Minor Activities Allowed without a Permit or Exemption), or as determined otherwise by the administrative official. Portions of trees to be removed from the buffer area should be felled to the outer edge of a vegetative buffer and dragged out. Heavy equipment is not allowed within the buffer, except within areas identified in 16.03.05(1)(a) (Minor Activities Allowed without a Permit or Exemption). Damaged riparian vegetation must be repaired;

(d) Each tree that is felled or topped shall be replaced in a manner acceptable to the administrative official.

(18) The external or internal retrofitting of an existing structure with exclusive purpose of compliance with the Americans with Disabilities Act (ADA) of 1990 or to otherwise provide physical access to the structure by individuals with disabilities.

16.03.10 Mitigation Requirements.

(1) All developments shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

- (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - (f) Monitoring the impact and taking appropriate corrective measures.
- (2) Mitigation for individual actions may include a combination of the above measures.
- (3) Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with an approved mitigation plan. Mitigation shall not be implemented until after approval of the mitigation plan.
- (4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. When necessary, mitigation may be provided that is out-of-kind and/or off-site.

ARTICLE III – REVIEW PROCESS

16.03.11 Application Submittal.

- (1) Application for a development authorization under this title shall be made on forms provided by the department. The application submittal shall include a site plan drawn to scale showing:
- (a) The actual shape and dimensions of the property site to be used;
 - (b) Existing and proposed structures;
 - (c) Excavation, fill, drainage facilities, topography, slope; and
 - (d) Such other information as is needed to determine the nature and scope of the proposed development, including the maximum extent of the project site with respect to construction, excavation, equipment and material storage, and other project related work.
- (2) The site plan should also show the location of all critical areas, such as those identified in sections SMC 11.50 and include all required critical areas reports prepared in conformance with SMC 11.50.080.

16.03.12 Determination of Review Process.

- (1) The administrative official shall determine from the application submittal, and other available information, what type of permit or review is required under this title. The administrative official shall make such determination as early in the application process as is possible and shall inform the project applicant in writing of any application needs.
- (2) Specific information on when a permit or review is required, its review process type and review criteria are found in the section for each permit or review. However, a brief description of each type of permit or review is provided in Table 3-1 below. Some permits or reviews are general and all projects will have a general review. Some permits are more specialized and apply only in specific cases or situations. More than one (1) permit or review may be needed for a project.

Table 3-1

General Permits or Reviews
Substantial Development. Shoreline Substantial development projects include any development subject to RCW Chapter 90.58, the Shoreline Management Act.
Exemptions. Exemptions are generally minor activities that do not need to go through the permit process.
Specific Permits
Conditional Use Permit. Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in Table 16.10.05 as conditional uses, and that are usually seen as uses that either do not need a Shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny.
Variance. A Shoreline Variance may be used within Shoreline jurisdiction to grant relief from specific performance standards where there are extraordinary circumstances that will impose unnecessary hardships.
Nonconforming Use or Facility Alteration. Nonconforming Use or Facility Alterations are necessary when an existing legal use that currently does not conform to this title is to be altered.
Minor Revisions to an Existing Permit. Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.

16.03.13 Development Authorization – Review Procedure.

Upon submittal and acceptance of a completed development authorization application, the administrative official shall process and review the application as follows.

(1) Development authorizations shall be processed consistent with review procedures provided in SMC Chapter 10.06.040 (Application Review Procedures), and with any specific processes requirements provided in 16.03.19 through 16.03.26 (specific permit descriptions), including but not limited to:

- (a) Submittals;
- (b) Completeness review;
- (c) Notices;
- (d) Reviewing Official’s Decision
- (e) Hearings;
- (f) Decision; and
- (g) Decision appeals.

(2) Development authorizations shall be reviewed for conformance with the applicable development standards provided in Chapter 11.50 SMC and in Chapter 16.06.

(2) Decisions on a development authorization shall be consistent with section 16.03.14 (Authorization Decisions – Basis for Action), 16.03.15 (Conditional Approval of Development Authorization) and with any specific decision criteria provided under the sections for each relevant permit type, as provided in 16.03.19 through 16.03.26 (specific permit descriptions).

(3) In addition to the review procedures of SMC Title 21, the following additional procedures shall apply to development authorizations within shoreline jurisdiction:

- (a) The public comment period for shoreline permits shall conform to WAC 173-27-110 (30 days), except that the public comment period for limited utility extensions and shoreline stabilization measures for bulkheads to protect a single-family residence and its appurtenant structures shall conform to WAC 173-27-120 (20 days);
- (b) For limited utility extensions and bulkheads for a single-family residence, the time for the City to issue a decision shall conform to WAC 173-27-120 (21 days from the last day of the comment period);
- (c) The effective date of a shoreline permit shall conform to WAC 173-27-090 (the later of the permit date or the date of final action on subsequent appeals of the shoreline permit, unless the applicant notifies the Department of delays in other necessary construction permits);
- (d) The expiration dates for a shoreline permit regarding start of construction and completion, and the extension of deadlines for those dates, shall conform with WAC 173-27-090 (start construction within 2 years, complete construction within 5 years, 1 year extensions of those dates, and allowance for the administrative official to set alternative permit expiration dates with a showing of good cause);
- (e) For limited utility extensions and bulkheads for single-family residences, the time for the City to complete any local appeal shall conform to WAC 173-27-120 (30 days);
- (f) The Department shall send its decision and the application materials to the Department of Ecology after the local decision and any local appeal procedures have been completed in conformance with WAC 173-27-130;
- (g) For substantial development permits, the Department of Ecology will file the permit without additional action according to WAC 173-27-130;
- (h) For conditional use and variance permits, the Department of Ecology will follow WAC 173-27-130 and WAC 173-27-200 (issue a decision within 30 days of the date of filing);
- (i) The appeal period of a Department of Ecology action to the Shoreline Hearings Board will follow WAC 173-27-190 (21 days from the date of filing for a substantial development permit, or issuing a decision on a conditional use or variance permit);
- (j) The Shorelines Hearings Board will follow the rules governing that body (RCW 90.58).

16.03.14 Authorization Decisions – Basis for Action.

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

- (1) Danger to life and property that would likely occur as a result of the project;
- (2) Compatibility of the project with the critical area features on, adjacent to, or near the property; Shoreline values and ecological functions; and public access and navigation;
- (3) Conformance with the applicable development standards in this title;
- (4) Requirements of other applicable local, state or federal permits or authorizations, including compliance with flood damage preventions requirements of Chapter 11.19 SMC;
- (5) Adequacy of the information provided by the applicant or available to the department;
- (6) Ability of the project to satisfy the purpose and intent of this title;
- (7) Based upon the project evaluation, the decision maker shall take one of the following actions:
 - (a) Grant the development authorization;

- (b) Grant the development authorization with conditions, as provided in 16.03.15 (Conditional Approval of Development Authorization), to mitigate impacts to the critical area feature(s) present on or adjacent to the project site;
 - (c) Deny the development authorization;
- (8) The decision by the administrative official on the development authorization shall include written findings and conclusions stating the reasons upon which the decision is based.

16.03.15 Conditional Approval of Development.

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

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

16.03.16 Fees and Charges.

The City Council establishes the schedule of fees and charges listed in City of Selah Code, Title 20 (City of Selah Fee Schedule), for development authorizations, variances, appeals and other matters pertaining to this title.

ARTICLE IV – PERMIT REVIEW CRITERIA

16.03.19 Substantial Development Permit.

- (1) Classification Criteria. Substantial development permits include any development subject to RCW Chapter 90.58 (Shoreline Management Act).
- (2) Process. Substantial development permits shall be processed as a Class 2 review in accordance with SMC section 10.06 (Applications).
- (3) Decision Criteria. Decisions on substantial development permits shall be based on the general decision criteria found in section 16.03.14 (Authorization Decisions – Basis for Action).

16.03.21 Shoreline Conditional Uses.

- (1) Classification Criteria. Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in section 16.06.09 (Shoreline Land Use table) as Conditional Uses, and that are usually seen as uses that either do not need a shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny. Unclassified Conditional projects, uses and developments which may be proposed in the future, but were not considered during development of the SMP. It is understood, however, that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of special cases acceptable to the goals, policies and intentions of the master program. The purpose of a conditional use permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020 (Legislative findings). In authorizing a conditional use, special conditions may be

attached to the permit by City of Selah or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the master program.

(2) **Process.** All applications for a conditional use shall be processed as a Class 2 review in accordance with SMC section 10.06 (Applications).

(3) **Decision Criteria.** The decision on a conditional use shall be based upon the criteria established in Section 16.03.14 (Authorization Decisions – Basis for Action) together with the criteria established below. The burden of proving that the project is consistent with the applicable criteria shall be upon the applicant, who must supply evidence or information demonstrating to the satisfaction of the administrative official that all of the following criteria will be met:

- (a) Failure to satisfy any one of the criteria below shall result in denial of the conditional use.
 - (i) That the proposed use will be consistent with the policies of RCW 90.58.020 (Legislative findings).
 - (ii) That the proposed use will not interfere with the normal public use of public shorelines.
 - (iii) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
 - (iv) That the proposed use will cause no significant adverse effects to the shoreline environment designation in which it is located.
 - (v) That the public interest suffers no substantial detrimental effect.
- (b) Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 (Legislative findings) and shall not produce substantial adverse effects to the shoreline environment.

16.03.22 Variance.

(1) **Classification Criteria.** A variance may be used within shoreline jurisdiction to grant relief from specific bulk, dimensional or performance standards where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the standards will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (Legislative findings). Shoreline variances from the use regulations of the master program are prohibited.

(2) **Process.** Each request for a Variance shall be considered separately and prior to any decision on an application for development authorization. Any decision to approve or conditionally approve the development authorization will include and specifically cite only those variances approved for inclusion with the project.

(3) **Decision Criteria.** The decision on a Variance shall be based upon the criteria established in WAC 173-27-170 together with the criteria established below. Variance requests shall cite the specific standard or condition from which relief is requested and be accompanied by the evidence necessary to demonstrate the variance is in conformance with all of the criteria below. Failure to satisfy any one of the criteria shall result in denial of the variance.

- (a) **Special Conditions.** There is a hardship identified in (3)(b) below, that is specifically related to a unique natural or physical condition associated with the project site, such as irregular lot shape, size, or natural features, which is not the result of a deed restriction, a lack of knowledge of requirements involved when the property was acquired, or other actions resulting from the proponent's own actions;
- (b) **Unnecessary Hardship.** The strict application of a standard would deprive the proponent of a reasonable use of the land or rights commonly enjoyed by other properties in the same area. That greater profit would result if a variance were granted is not evidence of a hardship;

- (c) **General Compatibility.** The project is generally compatible with other permitted or authorized uses in the immediate project area and with uses planned for the area under the comprehensive plan and/or the Shoreline Master Program and granting the variance will not cause adverse effects to abutting and adjacent properties or the critical area;
- (d) **Special Privilege.** The requested variance would not constitute a grant of special privilege not enjoyed by other abutting and adjacent properties and the variance is the minimum necessary to afford the requested relief;
- (e) **Public Interest.** The requested variance will not endanger the public safety or health and that the public interest will not be compromised;
- (f) **Cumulative Impact.** In the granting of any variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if other variances were to be granted in the area where similar circumstances exist, the total cumulative effect of the variances shall also remain consistent with the policies of this chapter and shall not produce substantial adverse impacts to the designated critical area;
- (g) That the public rights of navigation and use of the shorelines will not be adversely affected.

16.03.25 Minor Revisions to Approved Uses or Developments.

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

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

(b) Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements, or with the Shoreline Master Program.

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

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

(d) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further, that any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of these regulations;

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

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

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

(2) **Process.** Minor revisions to existing permits shall be processed as a Class I review, as provided under SMC Chapter 10.06. Parties of record to the original permit shall be notified of the revision, though a comment period is

not required. A revision for a project within shoreline jurisdiction shall follow state filing, appeal and approval standards as provided in WAC 173-27-100 (Revisions to Permits).

- (3) Decision Criteria. Decisions on permit revisions shall be based on the general decision criteria found in

16.03.26 Nonconforming Uses and Facilities.

Nonconforming uses and facilities are classified as either conforming uses with nonconforming structures or areas, or as nonconforming uses, as described in subsection 1 below. Both types have different review processes and decision criteria, as provided below in subsections 2 and 3.

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

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

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

(c) Any nonconforming structure, area, or use may be maintained with ordinary care according to the provisions in 16.01.05 (Applicability) and 16.03.06 (Exemptions – Procedural Requirements), and do not require additional review under these nonconforming provisions.

- (2) Process.

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

(i) Those that do not increase the existing nonconformity and otherwise conform to all other provisions of this title are allowed without additional review under these nonconforming provisions;

(ii) Those that increase the nonconformity, including establishing additional square footage within a buffer, are allowed without additional review under these nonconforming provisions; however, a variance must be obtained for the increased nonconformity;

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

(iv) A nonconforming structure which is moved any distance shall be processed as provided in subsections (i) and (ii) above;

(v) Reconstruction or repair of structures destroyed or damaged 75% or more of the assessed value of the structure (not the whole property), including that resulting from neglect of maintenance or repair, shall be processed under these nonconforming provisions as a Class 2 review under SMC Section 10.06 (Applications).

(b) Alterations to Nonconforming Uses.

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

(ii) Alterations to nonconforming uses, including their nonconforming structures or areas that do not qualify under paragraph (i) above, shall be processed under these nonconforming provisions as a Class 2 review, as provided under SMC Section 10.06 (Applications).

(iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, a nonconforming use as listed in section 16.06.09 (Shoreline Land Use Table) may convert to another nonconforming use; although, a nonconforming use shall not change to any use prohibited in section 16.06.10 (Prohibited Uses). Conversion from one nonconforming use to another within the urban and rural shoreline environments shall be processed under these nonconforming provisions as a Class 2 review, as provided under SMC Section 10.06.

(3) Decision Criteria.

(a) Decisions on projects that require review under the nonconforming provisions, as identified under subsection (2) above, shall be based on the general decision criteria found in section 16.03.14 (Authorization Decisions – Basis for Action) together with the criteria below.

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

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

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

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

(c) Decisions on nonconforming uses:

(i) A nonconforming use may not be altered or expanded in any manner that would bring that use into greater nonconformity;

(ii) Within shoreline jurisdiction, nonconforming uses shall meet the decision criteria for conditional use permits in section 16.03.21(3) (Shoreline Conditional Uses);

(iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, conversion from one nonconforming use to another may be approved if the replacement use is more conforming with the intent of the applicable shoreline environment policies of the comprehensive plan, and if the impacts to the shoreline environment from the existing use are reduced by changing the use.

Chapter 16.04 - ENFORCEMENT AND PENALTIES

Sections:

- 16.04.01 Enforcement Responsibilities Generally.
16.04.02 Penalties.

16.04.01 Enforcement Responsibilities Generally.

It shall be the duty of the administrative official or his designee to enforce the provisions of the Shoreline Master Program pertaining to all development within the jurisdiction of this title. Whenever any development is found to be in violation of this title or a development authorization issued pursuant to this title, the administrative official or his designee may order any work on such development stopped by serving written notice on any person engaged in the wrongdoing or causing such development to be done. The notice shall state the nature of the violation and order all violation activities to stop. The order shall state the corrective actions necessary to fulfill authorization conditions and/or terms of this title and the time within which such corrections shall occur. The order shall identify the parties responsible to take the corrective actions mandated in order. No further development shall be authorized unless and until compliance with the development authorization conditions and/or terms of this title has been achieved to the satisfaction of the administrative official. Violations of this chapter constitute a public nuisance and the City of Selah may take such actions as are authorized in the City of Selah ordinance and State statute to abate such nuisances.

16.04.02 Penalties.

- (1) Any person, firm, or corporation violating any of the provisions of this Title, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW or any other remedy provided by law. Any person who violates or fails to comply with any of its requirements shall, upon conviction of a misdemeanor in a court of competent jurisdiction, be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both, and in addition shall pay all costs and expenses involved in the case. A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this chapter shall be denominated Class I civil infractions. The maximum penalty and default amount for a Class I civil infraction shall be two hundred fifty dollars, not including statutory assessments. Each day such violation continues shall be considered a separate offense; however, no additional action will be initiated pending the disposition of any previous suit or complaint.
- (2) It shall be the affirmative duty of the City prosecutor's office to seek relief under this section for violations of this title.
- (3) Nothing herein shall prevent the City prosecutor's office from taking such other lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.
- (4) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, continuing violations of this title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this title shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity.
- (5) Nothing in this Chapter shall be constructed as requiring the City to enforce the prohibitions in this Chapter against all or any properties which may violate the Ordinance. The City has the discretion to enforce and prosecute violations of this ordinance as the City's resources permit. Exercise of such discretion may result in the enforcement and prosecution of a limited number of violations at any given time. Nothing in this Section or the absence of any similar provision from any other City law shall be constructed to impose a duty upon the City to enforce such other provision of law.

Chapter 16.06 - SHORELINE MANAGEMENT

Sections:

ARTICLE I – INTRODUCTION

- 16.06.01 Purpose and Intent.
- 16.06.02 Shoreline Jurisdiction.
- 16.06.03 Shoreline Environments.

ARTICLE II – GENERAL DEVELOPMENT STANDARDS

- 16.06.09 Shoreline Land Use Table.
- 16.06.10 Prohibited Uses.
- 16.06.11 General Policies and Standards.

ARTICLE III – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

- 16.06.12 Use Classifications.
- 16.06.13 Water-Dependent Uses.
- 16.06.14 Water-Related Uses.
- 16.06.15 Water-Enjoyment and Nonwater-Oriented Uses.
- 16.06.16 Vegetative Buffers.

ARTICLE IV – SHORELINE MODIFICATION DEVELOPMENT STANDARDS

- 16.06.17 Roads, Railroads and Parking.
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- 16.06.19 Shore Stabilization.
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- 16.06.22 Commercial Mining of Gravels.
- 16.06.23 Reclamation.

ARTICLE V – SHORELINE USE DEVELOPMENT STANDARDS

- 16.06.24 Forest Practices.
- 16.06.25 Commercial and Community Services.
- 16.06.26 Industrial Activities.
- 16.06.27 Residential.
- 16.06.28 Recreation.
- 16.06.29 Agriculture.
- 16.06.30 Aquaculture.
- 16.06.31 Piers and Docks.

ARTICLE I – INTRODUCTION

16.06.01 Purpose and Intent.

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

- (1) Promote reasonable and appropriate use of the shorelines that will protect the public and private interest;

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

16.06.02 Shoreline Jurisdiction.

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

- (1) The Naches River and the Yakima River.
- (2) Subject to Subsection 7 below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
- (3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no "floodway" has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high water mark, whichever is greater.
- (4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high water mark.
- (5) Where a Channel Migration Zone (CMZ) has been identified, and extends beyond the jurisdiction established by subsection (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of subsection (3).
- (6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.

(7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high water mark of the shoreline water body.

(8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

16.06.03 Shoreline Environments.

The following shoreline environments listed below are used as a system of categorizing shoreline areas according to management objectives and the character of the shoreline. The shoreline environments are based on the goals and policies found in the comprehensive plan. Six (6) environments are hereby established, as listed below. It is understood that the actual physical features may change. The physical features shall dictate the extent of the environmental boundaries. These changes are hereby incorporated by reference into this document so that the environments will shift with river changes. Shoreline environments are shown on the map entitled "Shoreline Environment Map of City of Selah." This map is for informational and illustrative purposes only and is not regulatory in nature.

(1) **Urban Environment.** This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an urban environment is oriented toward quality of development in harmony with the shoreline. The urban environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.

(2) **Rural Environment.** This environment is characterized by agricultural and recreational uses, moderate land values, moderate public and private capital investment (roads, utilities, etc.), and/or some biophysical development limitations. The management objectives are to protect agricultural land, maintain open space, and provide for recreational uses compatible with agricultural production.

(3) **Conservancy Environment.** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low density recreational uses in this environment, with restriction of development in hazardous areas.

(4) **Natural Environment.** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic or archeological features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.

(5) **Urban Conservancy Environment.** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The urban conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

(6) **Floodway/Channel Migration Zone Environment.** This environment is characterized by deep/fast floodwaters and a shifting channel, and is the most hazardous shoreline area. The floodway/channel migration zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its

floodplain, and emphasizes the preservation of the natural hydraulic, geologic and biological functions of the City's shorelines that are constrained by severe biophysical limitations.

ARTICLE II – GENERAL DEVELOPMENT STANDARDS

16.06.09 Shoreline Land Use Table.

Table 16.06.09 lists the uses and activities for each shoreline environmental designation that are allowed by substantial development permit and/or conditional use permit, or are prohibited. Such uses shall be processed in accordance with chapter 16.03 (Permit and Review Procedures). This table does not change those situations of when this title does not apply to a development (16.01.05, Applicability), or when a use or activity listed as needing a substantial development permit may qualify for an exemption instead (16.03.09, Exemptions).

Definitions for some uses are provided in chapter 16.02. The provisions in Table 16.06.09 apply to specific common uses and types of development only to the extent they occur within shoreline jurisdiction. Symbols in the table have the following meanings:

- (S) means a substantial development permit is required;
- (C) means a conditional use permit is required;
- (X) means the use is prohibited;
- (N/A) means the entry is not applicable and the entry in the activity column provides information to redirect the reader to another activity.

Table 16.06.09

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16.01.05, Applicability, to see if this Title applies to the project.</p> <p>Review section 16.03.09, Exemptions to see if the project qualifies for an exemption from a substantial development permit.</p> <p>For existing uses that are prohibited see section 16.03.26, Nonconforming uses and facilities.</p>						
GENERAL						
Activities listed in 16.06.10, Prohibited uses	X	X	X	X	X	X
AGRICULTURE						
Agriculture, including accessory agricultural structures, but excluding grazing	S	S	C	X	C	S
Grazing, also see 16.03.13(2)(b), Development Authorization, for development standards	S	S	S	S	S	S
Confinement feeding options (CFO)	X	C	X	X	X	X
Ag.-related industry (feed mills, processing/packing plants, storage facilities, etc.)	C	C	X	X	X	C
AQUACULTURE						

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16.01.05, Applicability, to see if this Title applies to the project.</p> <p>Review section 16.03.09, Exemptions to see if the project qualifies for an exemption from a substantial development permit.</p> <p>For existing uses that are prohibited see section 16.03.26, Nonconforming uses and facilities.</p>						
Rearing	C	S	C	X	C	C
Processing	C	S	X	X	X	C
Packing and storage	C	S	X	X	X	C
FOREST PRACTICES UNDER STATE PERMIT						
<p>All federal forest practices or nonfederal forest practices meeting the criteria below:</p> <ol style="list-style-type: none"> 1. Harvest/treat at least 5 acres of forestland, or supporting such an operation 2. All harvesting w/in 200' of OHWM of shoreline of statewide significance uses methods meeting RCW 90.58.150 (selective harvest) 3. Activities are not associated with a conversion option harvest 4. Approved under a WDNR Forest Practices Permit 5. Not associated with a harvest under a Class IV – General application to convert forest land to nonforestry use 	S	S	S	C	S	S
Nonfederal forest practices not meeting criteria (1), (2), or (3) above	C	C	C	C	C	C
Nonfederal forest practices not meeting criteria (4) above (Class 1 forest practices, activities not requiring WDNR review, etc.) shall be reviewed as separate uses or activities	N/A	N/A	N/A	N/A	N/A	N/A
Nonfederal forest practices not meeting criteria (5) above shall be reviewed as the new proposed use	N/A	N/A	N/A	N/A	N/A	N/A
MINING						
Surface mining	C	C	C	X	X	C
Underground mining	X	X	X	X	X	X
Mining for habitat restoration	S	S	S	S	S	S
ARCHEOLOGICAL						
Interpretive center	S	C	C	X	X	S
Restoration of historic structures	S	S	C	C	C	S
Archeological excavation	C	C	C	C	C	C
RESIDENTIAL USE						
Cabin (see definition; 800 sq. ft.) or single improved RV site where other single-family residences are not permitted	X	X	X	X	X	S
Single-family residence, including: – family home services – accessory apartment – mobile home for aged/infirm relative (or equivalent uses listed in the zoning ordinance)	S	S	S	X	X	X
Duplex	S	S	X	X	X	X

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16.01.05, Applicability, to see if this Title applies to the project. Review section 16.03.09, Exemptions to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16.03.26, Nonconforming uses and facilities.</p>						
Multifamily	C	X	X	X	X	X
Rooming and boarding houses	C	X	X	X	X	X
Fraternity or sorority houses	C	X	X	X	X	X
Manufactured home park or subdivision outside floodplain	C	X	X	X	X	X
Manufactured home park or subdivision w/in floodplain	X	X	X	X	X	X
RV park with units remaining year-round – Review as mobile home park	N/A	N/A	N/A	N/A	N/A	N/A
RV park with units not remaining year-round – See recreational use section, moderate intensity	N/A	N/A	N/A	N/A	N/A	N/A
Houseboats and over-water residential uses	X	X	X	X	X	X
COMMERCIAL AND COMMUNITY SERVICE USES						
Large commercial uses (more than 1/2 acre of use area) of a water-oriented nature, including commercial boating facilities, marinas, and extended moorings. Boat launches shall be treated as a recreational use	C	C	C	X	X	C
Small commercial uses (1/2 acre or less of use area) of a water-oriented nature	S	S	C	X	X	S
Nonwater-oriented commercial uses, except for instances below	X	X	X	X	X	X
Nonwater-oriented uses, when set back from OHWM or wetland edge by either a public right of way or 100'+ of a separate parcel	C	C	C	X	X	C
Nonwater-oriented uses in a mixed use project that includes a water dependent commercial, industrial, aquaculture, or recreational use	C	C	C	X	X	C
Events and temporary uses involving public interest (see definition) that do not impair the shoreline environment. Note: Definition to be added to administrative sections	C	C	C	C	C	C
INDUSTRIAL						
Water-oriented uses	C	C	X	X	X	X
Nonwater-oriented uses, except for instances below	X	X	X	X	X	X
Nonwater-oriented uses, when set back from the OHWM or wetland edge by either a public right of way or 100'+ of a separate parcel	C	C	X	X	X	X
Nonwater-oriented uses in a mixed use project that includes a water dependent commercial, industrial, aquaculture, or recreational use	C	C	X	X	X	X
RECREATION						
Commercial components of the use that are not explicitly related to the recreation operation must also conform to the commercial section of this table	N/A	N/A	N/A	N/A	N/A	N/A
Indoor recreation – Reviewed as commercial use; see that section of table	N/A	N/A	N/A	N/A	N/A	N/A

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16.01.05, Applicability, to see if this Title applies to the project. Review section 16.03.09, Exemptions to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16.03.26, Nonconforming uses and facilities.</p>						
Boat launches. Other boating facilities and marinas are reviewed as commercial uses	C	C	C	C	C	C
Commercial motorized boat recreation tour routes (related facilities are reviewed as commercial uses and boating facilities)	C	C	C	C	C	C
State owned recreation facilities and ecological study areas	S	S	C	C	C	S
Outdoor recreation of a nonwater-oriented nature (sports complex, organized sport fields, golf course)	C	C	C	X	X	C
Hi-intensity outdoor recreation of a water-oriented nature (urban area parks, white water parks, etc.)	S	C	C	X	C	S
Moderate-intensity outdoor recreation of a water-oriented nature (use areas with minor structures and improvements, such as campgrounds, picnic facilities, hiking trails, swimming beaches, fishing sites, nature/history interpretive centers); RV park/camping with units not remaining year-round is included in this category (also see residential RV uses)	S	S	S	X	C	S
Low-intensity outdoor recreation of a water-oriented nature (unimproved use areas, such as hiking or nature trails, primitive camping areas); an unimproved personal camping and recreation site is included in this category	S	S	S	C	S	S
Very-low-intensity recreation (wildlife viewing, scenic vistas, fishing, hunting, rafting, walking, etc.). See section 16.01.05, Applicability, for activities not subject to this title	N/A	N/A	N/A	N/A	N/A	N/A
Events and temporary uses involving public interest (see definition) which may interfere with normal public use, that do not impair the shoreline environment	C	C	C	C	C	C
TRANSPORTATION & PARKING						
Access roads serving permitted uses	S	S	S	C	C	S
Highways and freeways	C	C	C	X	C	C
Railways	C	C	C	X	C	C
Transportation maintenance facilities	C	C	C	X	X	C
Parking for authorized use – Reviewed with authorized use	N/A	N/A	N/A	N/A	N/A	N/A
Park and ride lots and similar stand alone parking facilities	X	X	X	X	X	X
UTILITIES						
Utility services accessory to individual projects undergoing shoreline review – review w/ project	N/A	N/A	N/A	N/A	N/A	N/A
Utility services to projects outside shoreline jurisdiction	S	S	S	C	C	S
Land/air/water monitoring station	S	S	S	S	S	S
Utility transmission lines, except as noted below	X	X	X	X	X	X

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16.01.05, Applicability, to see if this Title applies to the project. Review section 16.03.09, Exemptions to see if the project qualifies for an exemption from a substantial development permit. For existing uses that are prohibited see section 16.03.26, Nonconforming uses and facilities.</p>						
Utility transmission lines on shorelands, where no other feasible option is available	C	C	C	C	C	C
Production and processing facilities of a water-oriented nature, including power generation, water and wastewater treatment facilities	C	C	C	C	C	C
Production and processing facilities of a nonwater-oriented nature, except as noted below	X	X	X	X	X	X
Production and processing facilities of a nonwater-oriented nature, where no other feasible option is available	C	C	C	C	C	C
Storage/collection of garbage cans/dumpsters for individual use	S	S	S	S	S	S
Solid waste transfer station/drop box	C	C	C	X	X	X
Storage/disposal of solid waste, including landfills, sewage sludge, and agricultural waste. For existing uses, see section 16.03.26, Nonconforming Uses and Facilities	X	X	X	X	X	X
SIGNS Note: signs must also conform to the local sign ordinance						
Blinking or revolving signs	X	X	X	X	X	X
Signs obstructing views of shorelines and scenic vistas from public rights-of-way	X	X	X	X	X	X
On-premises for authorized use	S	S	S	S	S	S
Off-premises (except temporary and information signs)	S	X	X	X	X	X
Temporary signs (election signs; sale, rental, or lease signs on real estate; etc.) are not considered development	N/A	N/A	N/A	N/A	N/A	N/A
Information signs (directional, landmark, trail marker, etc.)	S	S	S	S	S	S
INSTREAM STRUCTURES						
In-stream elements for shore stabilization, roads/bridges, habitat restoration, piers/docks/marinas, and fill are reviewed as those activities	N/A	N/A	N/A	N/A	N/A	N/A
Construction that does not impound water (but may include stream bed manipulation); including whitewater recreation structures and flow gauging stations	C	C	X	X	X	X
Construction that impounds water or increases the height of impounded water	C	C	C	C	X	C
PIERS AND DOCKS						
Pier/dock (including for over-water structures), except for instances below	X	X	X	X	X	X
Pier/dock for water dependent commercial, industrial, aquaculture, or recreational use; or public access; or a single-family residence facility to access watercraft	S	S	C	X	X	S
DREDGING						
Dredging (including obtaining minerals, aggregate, or landfill material), except for instances below	X	X	X	X	X	X

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/ CMZ	Urban Conservancy
<p>S = Substantial development C = Conditional use X = Prohibited N/A = Not applicable</p> <p>Review section 16.01.05, Applicability, to see if this Title applies to the project.</p> <p>Review section 16.03.09, Exemptions to see if the project qualifies for an exemption from a substantial development permit.</p> <p>For existing uses that are prohibited see section 16.03.26, Nonconforming uses and facilities.</p>						
Dredging for – water dependent use – public access	C	C	C	C	C	C
Dredging to modify channels or basins (excluding maintenance) for existing navigation uses	S	S	S	X	X	S
Dredging for habitat restoration	S	S	S	S	S	S
FILLING & DREDGE MATERIAL DISPOSAL						
Fill within the OHWM, except for instances below	X	X	X	X	X	X
Fill within the OHWM for – water dependent use – public access – expansion of existing transportation system of state-wide significance – dredge material placement for habitat restoration project	C	C	C	C	C	C
– beaches	C	C	C	X	X	C
Fill (nondredged) within the OHWM for habitat restoration	S	S	S	S	S	S
Fill outside the OHWM, except for instances below	X	X	X	X	X	X
Fill outside the OHWM for site development of an approved use	S	S	S	C	C	S
SHORE STABILIZATION						
Nonstructural stabilization measures (revegetation, wood debris placement, sediment supplementation, bio-engineering, etc.). Also see section 16.03.07(15) for the restoration exemption	S	S	S	S	S	S
On-land stabilization structures, except for instances below	X	X	X	X	X	X
On-land stabilization structures (bulkheads, retaining walls, dikes, levees, rip-rap, etc.) demonstrating necessity per 16.06.19(11)(e). Also see section 16.03.07 for residential and bulkhead exemptions	C	C	C	C	C	C
In-water stabilization structures, except for instances below	X	X	X	X	X	X
In-water stabilization structures (breakwaters, jetties, groins, weirs, bank barbs, etc.) demonstrating necessity per 16.06.19(11)(e) for – water dependent use – public access – specific public purposes – in support of bank stabilization	C	C	C	C	C	C
In-water stabilization structures for habitat restoration demonstrating necessity per 16.06.19(11)(e). Also see section 16.03.07(15) for the restoration exemption	S	S	S	S	S	S

16.06.10 Prohibited Uses.

The following uses and activities are prohibited within shoreline jurisdiction:

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- (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 16.06.21 (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 shorelines;
- (10) Within shoreline jurisdiction, those uses not allowed in particular shoreline environments as provided in section 16.06.09 (Shoreline Land Use Table).

16.06.11 General Policies and Standards.

The following policies and standards shall apply to any development, construction, or use carried out within shoreline jurisdiction:

- (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) Existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the stream corridor shall be disturbed to the minimum extent possible.
- (3) Nesting areas and other sensitive wildlife habitat identified within a stream corridor shall be disturbed to the minimum extent possible.
- (4) Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered.
- (5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by a local, state or federal agency, and transportation projects using stormwater manuals that are deemed equivalent to the Eastern Washington Stormwater Manual, are exempt from the requirements below.
 - (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 16.03.10 (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 the City of Selah, 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 SMC 11.19 (Flood Damage Prevention) and 11.50.140 (Frequently Flooded Areas) 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 16.06.23 (Reclamation).
- (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 critical area features; and
- (24) Additional General Shoreline Standards. The requirements below shall apply to all activities within shoreline jurisdiction.
- (a) Individual projects or actions that, if continued as a pattern, would accumulatively result in the degradation or impairment of the shoreline environment shall be avoided.
 - (b) Individual projects or actions shall provide for no net loss of shoreline ecological functions.
 - (c) Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.
 - (d) Outdoor advertising signs must conform to size, spacing and lighting provisions of the Washington State Scenic Vistas Act of 1971, where applicable.
 - (e) There shall be a thirty-five (35) foot maximum building height for all structures, except that utility towers and poles, dams, concrete and asphalt batching plants, water treatment towers, wastewater treatment facilities and bridges are not required to meet this standard, and specific height limitations for residential structures are as follows:
 - (i) Twenty-five feet above average grade level in the conservancy environment;
 - (ii) Twenty feet above average grade level in the natural environment;
 - (iii) Twenty-five feet above average grade level in the urban conservancy environment;
 - (iv) Twenty feet above average grade level in the floodway/channel migration zone.
 - (f) New development within shoreline jurisdiction shall be located and designed to:
 - (i) Avoid the need for future shore stabilization, to the extent feasible;
 - (ii) Avoid or, if that is not possible, to minimize the need for new and maintenance dredging;
 - (iii) Assure that subdivision lots created will not require shore stabilization in order for reasonable development to occur. The standards should be accomplished using geotechnical analysis of the site and shoreline characteristics, as provided in section 16.06.19(11) (Additional Shoreline Standards for Shore Stabilization);
 - (iv) Setback new development on steep slopes or bluffs sufficiently to ensure that shore stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis, as provided in section 16.06.19(11) (Additional Shoreline Standards for Shore Stabilization);
 - (v) New development that would require shore stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

ARTICLE III – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

16.06.12 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 16.06.13 through 16.06.15 except for those listed in Section 16.03.05 (Minor Activities Allowed without a Permit or Exemption):

- (1) Water-oriented uses are one of the following three (3) categories of uses:
 - (a) Water-dependent uses include dams, water diversion facilities, marinas, boat launching facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland crossings for roads and railroads, stream and wetland crossings for utilities, swimming beaches, fishing sites, in-water or on-land shore stabilization structures, livestock watering sites, and other uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations. This provision applies only to the specific portion of a project that is demonstrably dependent upon the water or shore.
 - (b) A water-related use is one not intrinsically dependent on a waterfront location but whose economic viability is enhanced by a waterfront location either because it requires large quantities of water, or because it provides services for water dependent uses and the proximity to its customers makes such services less expensive and/or more convenient. Examples would include thermal power plants, wastewater treatment plants, water processing and treatment plants, support services for fish hatcheries or aquaculture, fly shops and boat rental shops.
 - (c) A water-enjoyment use is a recreational or other use that facilitates public access within shoreline jurisdiction as a primary characteristic of the use, or provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use; and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. Within shoreline jurisdiction the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment in order to qualify as a water-enjoyment use within shoreline jurisdiction. Examples include recreational uses orientated to the shoreline's water features, and restaurants with water viewing.
- (2) Nonwater-oriented uses include any use not qualifying as uses in subsection (1) above.

16.06.13 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 16.06.16 (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.

16.06.14 Water-Related Uses.

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

- (1) Structures and use areas shall be located as far landward from the ordinary high water mark or wetland edge as is possible and still preserve the essential or necessary relationship with the surface water.
- (2) Structures and use areas shall not be located within the vegetative buffer specified in Section 16.06.16 (Vegetative Buffers) except where existing development or the requirements associated with the use make such a location unavoidable.

16.06.15 Water-Enjoyment and Nonwater-Oriented Uses.

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

- (1) Structures and use areas shall be set back so as not to be located within the vegetative buffer specified in Section 16.06.16 (Vegetative Buffers).
- (2) Construction abutting the vegetative buffer specified in Section 16.06.16 (Vegetative Buffers) shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.

16.06.16 Vegetative Buffers.

- (1) Establishment. There is hereby established a system of vegetative buffers that are necessary to protect the ecological functions and values of shorelines. For shoreline streams and lakes, the vegetative buffer shall be 100 feet.
 - (a) Vegetative buffers shall be measured from the Ordinary High Water Mark (OHWM) for streams, lakes and ponds.
 - (b) Buffer width may be reduced through the Variance permit process.
 - (c) The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the shoreline 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.

ARTICLE IV – SHORELINE MODIFICATION DEVELOPMENT STANDARDS

16.06.17 Roads, Railroads and Parking.

The following provisions shall apply to the location and construction of roads, railroads and parking within shorelines:

- (1) Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor.
 - (a) Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
 - (b) Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor.
 - (c) Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.

- (2) Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the corridor.
- (3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone.
- (4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.
- (5) Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water, sediment and woody debris.
- (6) Natural stream channels and drainage ways shall be preserved through the use of bridges for crossings, unless the use of culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainageways. Where bridges are not feasible, large, natural bottom culverts, multi-plate pipes and bottomless arches shall be used.
- (7) The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsections (1) and (2), and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.
- (8) Where fish, amphibian or other wildlife passage is present, culverts shall be designed and constructed to specifications provided through the Washington State Aquatic Habitat Guidelines or a comparable source of expertise.
- (9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water.
- (10) Roads must be designed and constructed using established flood resistant design and construction methods when they may be subject to damage by flood waters.
- (11) Roads and bridges within floodways must meet the requirements of section 16.05.36.010 subsections (2) and (7).
- (12) Additional Shoreline Standards for Roads, Railroads and Parking. The standards in this section only apply to new uses within shoreline jurisdiction.
 - (a) Parking areas shall be located upland of the areas they serve.
 - (b) Owners of two or more adjoining uses, structures or parcels of land may utilize jointly the same parking area when the hours of operation do not overlap.
 - (c) A conditional use permit for roads, railroads or parking areas must demonstrate through social, economic, environmental, and engineering studies that a shoreline location is the most feasible of the available options.

16.06.18 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 16.06.05 (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 SMC 11.19 and 11.50.140.
- (9) Utility transmission lines within the floodway and floodway fringe shall meet the standards of SMC 11.19 and 11.50.140..
- (11) Additional Shoreline Standards for Utility Transmission Lines and Facilities. The requirements below shall apply to all utility transmission lines and facilities within shoreline jurisdiction. Utility services to individual projects undergoing shoreline review, including those where the primary use may be in a different shoreline environment than the utility service shall not require separate substantial development permits for utility service installations, but are subject to all of the provisions in 16.06.18 (Utility Transmission Lines and Facilities), except those listed below. Utility service to projects outside shoreline jurisdiction are subject to normal shoreline permitting, and are subject to all of the provisions in 16.06.18 (Utility Transmission Lines and Facilities), except those listed below.
- (a) Where feasible utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive.
- (b) New utility facilities shall be designed and located to preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, especially recreation, residential and public access.
- (c) Expansion, updating, and maintenance of existing facilities is allowed but shall be designed to be located to avoid adverse impacts to shoreline resources as much as possible.
- (d) Permit applications shall meet the following submittal review standards:
- (i) Applications shall submit studies (social, economic, environmental, engineering, etc.) to demonstrate that a shoreline location is the most feasible of the available options.
- (ii) Applications to locate transmission lines shall submit a location plan that shows existing utility routes in the vicinity of the proposed transmission line. Failure of utility lines to follow existing routes, where feasible, shall cause denial of the application.

(iii) Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the administrative official to be insufficient for the protection or restoration of the shoreline environment shall cause denial of the application.

16.06.19 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.
- (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 the resultant shore does not extend beyond 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 16.06.21 (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) Stream bank and lakeshore protection shall be accomplished using bioengineered (biotechnical) designs employing living plant materials as primary structural components of resistance to erosion and mass wasting, unless a report prepared by a qualified engineer experienced in soil bioengineering (biotechnical) and shoreline protection demonstrates that conventional structural armoring is the only feasible means of stabilizing the subject stream bank or lakeshore.
- (7) Applications to construct or enlarge dikes or levees shall meet the requirements of SMC 11.19.
- (8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore.
- (9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or other solid construction methods.
- (10) All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance, and repairs for the life of the project.
- (11) Additional Shoreline Standards for Shore Stabilization. The requirements below shall apply to all shore stabilization activities within shoreline jurisdiction.
 - (a) Where feasible, dikes and levees shall be located outside of the floodway or channel migration zone of the river or stream in order to minimize any attendant increase in water stage and stream flow velocity over existing conditions.
 - (b) Riprapping and other shore stabilization measures shall be designed, located, and constructed in such a manner as to minimize the disruption of natural channel characteristics.
 - (c) Where a geotechnical analysis or report is required, it shall meet the provisions of 16.03.18(6) (flood hazard reduction and shore modification in shoreline jurisdiction).

- (d) When structural flood hazard reduction and shore stabilization measures are necessary, they shall be located and designed to meet the provisions of 16.03.18(6) (flood hazard reduction and shore modification in shoreline jurisdiction).
- (e) Demonstration of Necessity. New structural shore stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
- (i) New or enlarged structural stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shore stabilization.
 - (ii) Erosion control structures in support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:
 - (A) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (B) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (C) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
 - (iii) Erosion control structures in support of water-dependent development when all of the conditions below apply:
 - (A) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (B) Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
 - (C) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- (f) Erosion control structures to protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to the Model Toxics Control Act (70.105D RCW) shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that demonstrates that nonstructural measures such as planting vegetation, or installing on-site drainage improvements, is not feasible or not sufficient.
- (g) An existing shore stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion. For purposes of this section standards on shore stabilization measures, "replacement" means the construction of a new structure to perform a shore stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shore stabilization measures shall be considered new structures under paragraph (e) above.
- (i) Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shore stabilization structure.

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

16.06.20 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.
- (8) Additional Shoreline Standards for Dredging and Excavation. The requirements below shall apply to all dredging and excavation activities within shoreline jurisdiction.
 - (a) All applications for substantial development permits that include dredging shall supply a dredging plan that includes the following information:
 - (i) The quantity of material to be removed.
 - (ii) The method of removal.
 - (iii) Location of spoil disposal sites and measures that will be taken to protect the environment around them.
 - (iv) Plans for the protection and restoration of the shoreline environment during and after dredging operations.
 - (b) A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

16.06.21 Filling.

The following provisions shall apply to filling activities within shorelines:

- (1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction with water-dependent uses or an approved reclamation plan under Section 16.06.23 (Reclamation).
- (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 Chapter SMC 11.19.
- (5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities.
- (6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
- (7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
- (8) Fill shall be stabilized with native vegetation where appropriate to prevent erosion, migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless technical consultation with other regulating agencies indicates alternative means are required.
- (9) Projects that propose fill shall make every effort to acquire fill on site (also known as compensatory storage) where appropriate.
- (10) Fill should not obstruct, cut off, or isolate stream corridor features.
- (11) Additional Shoreline Standards for Fill. The requirements below shall apply to all filling activities within shoreline jurisdiction.
 - (a) Fill projects shall be evaluated for effects on total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat.
 - (b) Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the administrative official to be insufficient for the protection or restoration of the shoreline environment shall cause denial of a substantial development permit.

16.06.22 Commercial Mining of Gravels.

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

- (1) Prior to the authorization of a commercial gravel mining operation, the project proponent shall provide maps to scale which illustrate the following:
 - (a) The extent to which gravel excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation;
 - (b) The location, extent and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation;
 - (c) The description, location, and extent of any proposed subsequent use that would be different than existing uses.

- (2) The operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value.
- (3) Any surface mining allowed within the floodway shall meet the standards of SMC 11.19..
- (4) Except where authorized by the City of Selah 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).
- (6) Additional Shoreline Standards for Industrial Mining of Gravels. The requirements below shall apply to all mining activities within shoreline jurisdiction.
 - (a) Applicants shall submit a mining and reclamation plan to the Administrator describing the proposed site, quantity of material to be removed, method of removal, and measures that will be taken to protect lakes and streams from siltation and sedimentation. A surface mining plan or a reclamation plan judged by the administrative official to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.
 - (b) Mining processing activities and stockpiles shall be sited in such a manner so as to avoid damage or loss resulting from flooding.
 - (c) Mining processing activities shall utilize existing and/or new vegetation where necessary to minimize visual and noise impacts.
 - (d) New mining and associated activities shall assure that proposed subsequent use of the mined property is consistent with the provisions of the environment designation and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

16.06.23 Reclamation.

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

- (1) Development, construction, or uses shall include the timely restoration of disturbed features to a natural condition or to a stabilized condition that prevents degradation within the stream corridor.
- (2) Large-scale projects or projects extending over several months shall be phased to allow reclamation of areas where work or operations have been completed.
- (3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season, and other seasonal variables that influence restoration and recovery.
- (4) Topography shall be finished to grades, elevations, and contours consistent with natural conditions in adjacent and surrounding areas.

- (5) Where existing development and construction prevent the return of a site to its natural condition, sites may be finished to conditions comparable to surrounding properties provided suitable protective measures are used to prevent stream corridor degradation.
- (6) Cut-and-fill slopes shall be stabilized at, or at less than, the normal angle of repose for the materials involved.
- (7) The replacement or enhancement of vegetation within wetlands and required vegetative buffers shall use naturally occurring, native plant species. In other parts of the stream corridor, naturally occurring, native plant species shall be used, unless a showing of good cause acceptable to the administrative official is provided, in which case self-maintaining or low-maintenance plant species compatible with native vegetation shall be preferred over non-native and high-maintenance species.

ARTICLE V – SHORELINE USE DEVELOPMENT STANDARDS

16.06.24 Forest Practices.

The following provisions shall apply to forest practices, as defined, within shoreline jurisdiction:

- (1) All federal forest practices or nonfederal forest practices meeting the criteria below shall qualify for the exemption from development standards provided in 16.03.13(2)(a). All forest practices qualifying for this provision shall demonstrate compliance by providing a copy of the federal approval or state Forest Practices Permit. Other forest practices must conform to all applicable development standards.
 - (a) Harvest/treat at least 5 acres of forestland, or supporting such an operation;
 - (b) All harvesting within 200 feet of OHWM of Shoreline of Statewide Significance uses methods meeting RCW 90.58.150 (selective harvest), as amended;
 - (c) Activities are not associated with a conversion option harvest;
 - (d) Approved under a forest practices permit;
 - (e) Not associated with a harvest under a Class IV, General application to convert forest land to nonforestry use.
- (2) Nonfederal forest practices not meeting criteria (1)(a), (b), or (c) above are designated as a conditional use.
- (3) Nonfederal forest practices, not meeting criterion (1)(d) above (Class 1 forest practices, activities not requiring DNR review, etc.) shall be reviewed as separate uses or activities.
- (4) Nonfederal forest practices not meeting criterion (1)(e) above shall be reviewed as a new proposed use.

16.06.25 Commercial and Community Services.

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

- (1) Developers shall ensure that utility lines including electricity and communications will be underground, except where presence of bedrock or other obstructions make undergrounding impractical. Aboveground lines in existence at the time of adoption of the master program shall be undergrounded during normal replacement processes.
- (2) Water-oriented commercial and community services uses shall be designed to facilitate public access to and enjoyment of nearby shoreline areas.

- (3) Application for new commercial or community services shall demonstrate either:
- (a) How the use qualifies as a water-oriented use and how facilities function as such; or
 - (b) That a nonwater-oriented use is part of a mixed use development that includes a water dependent use, and that it will provide a significant public benefit towards meeting SMA objectives, such as providing public access and ecological restoration; or
 - (c) That a nonwater-oriented use is setback from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.
- (4) Boating facilities, marinas and extended mooring sites shall:
- (a) Comply with the health, safety and welfare standards of State and local agencies for such facilities;
 - (b) Be so located and designed as not to obstruct or cause danger to normal public navigation of water bodies;
 - (c) Be restricted to suitable locations;
 - (d) Avoid or mitigate for aesthetic impacts;
 - (e) Mitigate special impacts of live-aboard vessels;
 - (f) Mitigate impacts to existing public access and navigation;
 - (g) Provide documentation of ownership or authorization to use associated water areas;
 - (h) Demonstrate that state and local regulations will be met. Agencies responsible for such regulations shall be consulted as to the viability of the proposed design;
 - (i) Submit an operations and site plan demonstrating:
 - (i) Location and design of fuel handling and storage facilities to minimize accidental spillage and protect water quality;
 - (ii) Proper water depth and flushing action for any area considered for overnight or long-term moorage facilities;
 - (iii) Adequate facilities to properly handle wastes from holding tanks;
 - (iv) That boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, and access;
 - (v) Adequate access, parking, and rest room facilities for the public. Such facilities should be located away from the immediate water's edge.

16.06.26 Industrial Activities.

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

- (1) Facilities and structures shall be designed and screened with vegetation to minimize degradation of shoreline aesthetic qualities.
- (2) Industries which have proven to be environmentally hazardous shall be discouraged from locating along the shorelines.

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

16.06.27 Residential.

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

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

16.06.28 Recreation.

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

- (1) Recreational activities in the urban and rural environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.
- (2) No permanent structures are allowed in the natural environment.
- (3) The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.
- (4) Access to recreational areas should emphasize both areal and linear access. Linkage of shoreline parks and public access points by means of linear access should be encouraged.
- (5) Different uses within a specific recreational facility must be compatible with each other.
- (6) Commercial components of the use that are not explicitly related to the recreational operation must also conform to the commercial use standards of section 16.06.25 (Commercial and Community Services).

16.06.29 Agriculture.

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

- (1) Confinement feeding operations shall meet the following standards:
 - (a) Applicants shall submit a proposed site plan that indicates:
 - (i) Maximum number and type of livestock to be kept on the site;
 - (ii) Existing and proposed contour of the land and topographic features;
 - (iii) Groundwater profiles, streams and drainage ways;
 - (iv) Soil types;
 - (v) Existing and proposed building locations;
 - (vi) Waste disposal facilities including: Site runoff storage ponds, location of manure stockpiles, holding tanks and ponds, ultimate manure disposal sites;
 - (vii) Other use areas such as feed storage, animal movement routes and animal pens.
 - (b) A site plan judged by the administrative official to be insufficient for the protection of the shoreline environment shall cause denial of the application.
- (2) New agricultural activities and facilities shall utilize best management practices established by the USDA Natural Resources Conservation Service or other similar agency.

16.06.30 Aquaculture.

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

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

16.06.31 Piers and Docks.

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

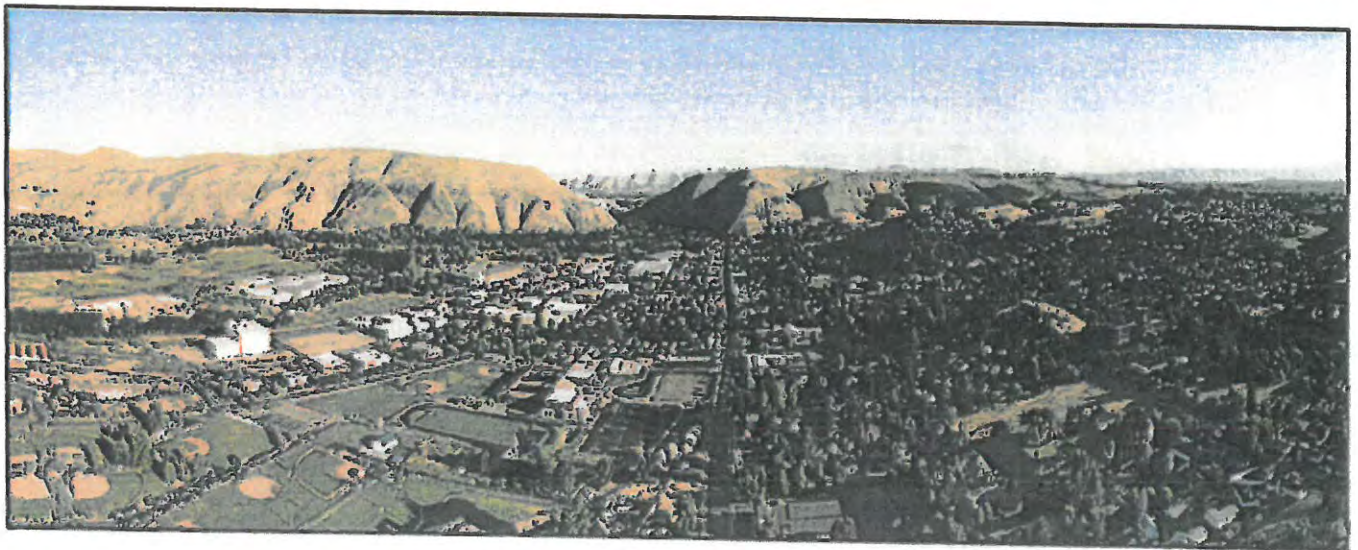
- (1) Pier and dock construction shall be the minimum size necessary to meet the needs of the use.
- (2) New pier or dock construction, excluding docks accessory to single-family residences must demonstrate that a specific need exists to support the intended water-dependent or public access use.
- (3) New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

- (4) Docks, piers, and any other over-water structures for similar purpose, are prohibited in free-flowing streams and rivers in City of Selah. Bridge and trestle piers, flow measuring gauges, and existing irrigation diversion facilities are excluded from the prohibition in this section.

Gap Analysis Report

Shoreline Master Program Selah, Washington

April 2020
Revised July 2020



Prepared on behalf of:

For: City of Selah
Planning Department
222 S. Rushmore Road
Selah, WA 98942

The Watershed Company Reference Number:

190936



EXHIBIT

2d

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1. Introduction

This document presents the results of the City of Selah (City) Shoreline Master Program policy and regulatory gap analysis. In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with shorelines of the state are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review is intended to keep SMPs current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The city regulates shoreline management along portions of the Naches and Yakima Rivers and through the Yakima County Regional Shoreline Master Program, enacted February 2010. It is anticipated Selah may expand their urban growth area sometime in the near future. The following evaluation, follow-up regulation amendments and shoreline environment mapping will be cognizant of this ongoing City's project.

As a first step in the periodic review process, The Watershed Company (Watershed) reviewed the current SMP for consistency with legislative amendments by the state made since its last adoption. Watershed staff also reviewed the current SMP for consistency with the policies in the City's Comprehensive Plan, updated under a periodic review in 2017 (Ordinance 2019). Both the current SMP and the updated Comprehensive Plan, clearly establish the goals and policies of the SMA. No gaps in consistency between the two documents were identified. Therefore, no comprehensive plan amendments are required for this SMP Periodic update.

Finally, the periodic review process represents an opportunity to remove extraneous elements and language that are not relevant to the City that are from the County's regional comprehensive SMP update. Ultimately, streamlining the document for City staff and applicants.

The purpose of this gap analysis report is to provide a summary of this review and to inform updates to the SMP. The report is organized into the following sections according to the content of the review:

- **Section 2** identifies gaps in the SMP's consistency with legislative amendments. This analysis is based on a list of amendments between 2007 to present, as summarized by the Washington State Department of Ecology (Ecology) and provided to the City as a Periodic Review Checklist.

- **Section 3** identifies gaps in consistency the City’s SMP critical areas regulations with current Ecology guidance. The city’s critical area regulations are not incorporated by reference in the current SMP.
- **Section 4** identifies gaps in consistency with the City’s Comprehensive Plan, and with implementing sections of the City’s development regulations other than the CAO.
- **Section 5** identifies other issues to consider as part of the periodic update process, including those issues identified by City staff and residents regarding document usability and redundant regional SMP policies.

This report includes several tables that identify potential revision actions. Where potential revision actions are identified, they are classified as follows:

- **“Mandatory”** indicates revisions that are required for consistency with state laws.
- **“Recommended”** indicates revisions that would improve consistency with state laws, although they are not strictly required.
- **“Optional”** indicates revisions that represent ways in which the City could elect to amend its SMP in accordance with state laws, but that are not required or recommended for consistency with state laws.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1.

Table 1. Abbreviations used in this document.

Abbreviation	Meaning
CARs	Critical Areas Regulations
CAO	Critical Area Ordinance
City	City of Selah
County	Yakima County
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
RCW	Revised Code of Washington
SMP	Shoreline Master Program
WAC	Washington Administrative Code
SMC	Selah Municipal Code
SED	Shoreline Environment Designation

2. Consistency with Legislative Amendments

Table 2 summarizes mandatory and recommended revisions to the Selah SMP based on the review of consistency with legislative amendments made since SMP adoption. In general, mandatory changes to the SMP are minor in nature. These amendments address revised rules regarding SMP applicability, including updated exemption thresholds and definitions. Ecology has also developed new guidance on regulating nonconforming uses, structures, and development that may be useful for the City to clarifying the nonconformance regulations in its SMP (Item 2017g below). Note that section numbers may be updated during the revision process. The section numbers listed in the Table below may differ from those in proposed updates to the SMP. Topics are organized chronologically by year.

Table 2. Summary of consistency with amendments to state laws and potential revisions.

Row	Summary of change	Review	Action
2019			
a.	Washington State Office of Financial Management (OFM) adjusted the cost threshold for building freshwater docks	SMP Section 16.D.03.07.7 includes an outdated cost threshold.	<p>Mandatory: The City may add the following threshold dollar figure for when an SDP is triggered for freshwater docks:</p> <p><u>In fresh waters the fair market value of the dock does not exceed:</u></p> <p>a. <u>twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or</u></p> <p>b. <u>Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</u></p>
b.	The Legislature removed the requirement for a shoreline permit for	There are no DMMP sites on the shoreline. Therefore, this legislative amendment does not apply.	No action necessary

Row	Summary of change	Review	Action
c.	disposal of dredged materials at Dredged Material Management Program (DMMP) sites The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	SMP 16D.03.07.15 references fish habitat projects, including reference to RCW 77.55.181, capturing the legislative update.	No action necessary
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMP 16D.03.07.3, Exemptions for Hydrologically Related Critical Areas Wetlands and Shorelines, references the out of date dollar figure, as well as the RCW reference, which adjusts automatically for inflation:	Recommended: The City will reference the updated dollar figure, in addition to leaving the existing RCW reference for future updates.
b.	Ecology permit rules clarified the definition of "development" does not include dismantling or removing structures.	The current SMP definition for development does not include the amended rule (SMP 16D.02.135, Definitions):	Recommended: The City to add the following Ecology recommended language to the 'Development' definition: <u>"Development" does not include dismantling or removing structures if there is no other associated development or re-development.</u>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	SMP Section 16.D.03.05 does not include the updated exceptions.	Recommended: Add Ecology's suggested language to address exceptions to local review.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	SMP Chapter 16D.03, Application and Review Procedures, do not describe the filing process. The SMP was updated in 2010 prior this legislative update.	Recommended: Modify language for consistency with Ecology's recommended language. The City will consider updating SMP Chapter 16D.03 to describe that all shoreline permits adhere to the date of filing with Ecology, pursuant to WAC 173-27-130.
e.	Ecology amended forestry use regulations	City contains limited forested lands, that if cleared would	No action necessary

Update

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
f.	<p>to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.</p> <p>Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction</p>	<p>not trigger a Class IV Forest Practices Permit (lands converted to another use/not likely reforested due to conversion to urban development.</p> <p>Selah may contain Federal lands.</p>	<p>Recommended: Add new language to SMP, using Ecology’s model language:</p> <p><u>‘Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.’</u></p>
g.	<p>Ecology clarified “default” provisions for nonconforming uses and development.</p>	<p>SMP Chapter 16D.02, provides definitions for “nonconforming use” and “nonconforming structure”. City has adopted tailored provisions during last update.</p>	<p>Recommended: The city should consider updating language to include, Definitions, for “nonconforming development” and “nonconforming lots” (SMP Chapter 16D.02).</p>
h.	<p>Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.</p>	<p>This is optional and the current SMP does not address the periodic review provision.</p>	<p>No action necessary</p>
i.	<p>Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.</p>	<p>The SMP does not address the amendment process nor is it required to.</p>	<p>No action necessary</p>
j.	<p>Submittal to Ecology of proposed SMP amendments.</p>	<p>This is optional and the SMP does not currently address the amendment process amendment routing requirements pursuant to the requirements of WAC 173-26.</p>	<p>No action necessary</p>

Row	Summary of change	Review	Action
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act (ADA) .	The SMP does not address the ADA exemption in Section 16D.03.07.	Recommended: Add new exemption to SMP, using Ecology's recommended language: <i><u>'The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the American with Disabilities Act of 1990 or to otherwise provide physical access to the structure by individuals with disabilities.'</u></i>
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Yakima County Regional SMP references outdated 2004 manual for Eastern Washington. Note: The City updated their CAO in 2017 referencing the most current 2014 manual. The City desires to reference the most current CAO.	Mandatory: Update the SMP to include reference to the City's most recent CAO. Exceptions that shall not apply in shoreline jurisdiction will need to be noted in the SMP. See Section 3 below for further details.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this.	Optional: Consider amending SMP to define special procedures for WSDOT projects per WAC 173-27-125.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	The SMP is silent on floating on-water residences. – There are no floating on-water residences in the City of Selah, therefore no amendment is required.	No action necessary
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The current SMP does not address appeal procedures. This procedure is already outlined in the WAC.	No action necessary

Update

Row 2011	Summary of change	Review	Action
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	SMP 16D.03.18.3 contains outdated wetland delineation manual reference.	<p>Mandatory: Strikeout existing language and replace with Ecology example language, reducing the need for future SMP language updates:</p> <p><i>Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable supplements pursuant to the City of Selah's critical areas ordinance.</i></p>
b.	Ecology adopted rules for new commercial geoduck aquaculture .	City contains freshwater shoreline only, this rule is not applicable.	No action necessary
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	SMP prohibits floating homes and houseboats by omission as a permitted use in SMP Chapter 16D.05.32, Floodway Fringe Uses. No floating homes legally established prior to January 1, 2011.	No action necessary
d.	The Legislature authorized a new option to classify existing residential structures as conforming.	The SMP does not classify existing non-conforming residential structures as conforming.	<p>Optional: The City may consider whether to exercise the option to clearly classify existing legally established residential structures as conforming even if they do not meet dimensional standards for setbacks, buffers, height, density, etc. Appurtenant structures are included, but bulkheads and other shoreline modifications and over-water structures are excluded.</p>
2010	a. The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	<p>Regional SMP adopted in 2010 by County Board of Commissioners prior to law going into effect.</p> <p>City-wide critical areas regulations have not been adopted by reference in the SMP.</p>	<p>Recommended: Revise relevant sections in SMP, to clarify effective date of amendments shall be 14 days from Ecology's written notice of final action.</p>

Row	Summary of change	Review	Action
Yakima County Regional Shoreline Master Program, Ord. Nos. 13-2007 and 14-2007, effective February 2010			

2009

- | | | | |
|----|---|---|--|
| a. | The Legislature created new "relief" procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark. | SMP does not address such relief procedures. | Recommended:
Update relief procedure for shoreline restoration projects within a UGA by referencing (WAC 173-27-215) or use following Ecology example language:

<i>The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.</i> |
| b. | Ecology adopted a rule for certifying wetland mitigation banks . | The SMP Section 16D.07.06 authorizes certified mitigation banks. | No action necessary |
| c. | The Legislature added moratoria authority/ procedures to the SMA. | Yakima County Regional SMP does not address moratoria authority. This procedure is already outlined in the WAC. | No action necessary |

2007

- | | | | |
|----|--|--|---|
| a. | The Legislature clarified options for defining " floodway " as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA. | Floodway is defined in SMP Section 16D.02.220 and does not include legislation clarifications related to the SMP and elected use of FEMA maps to define floodways in the city. | Mandatory:
Remove and replace existing definition to:

<u>"Floodway" means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state or a political subdivision of the state.</u> |
| b. | Ecology amended rules to clarify that comprehensively updated SMPs shall | No new shoreline waterbodies identified since 2010 SMP update. However, SMP not explicit on shorelines located | Mandatory:
List Naches and Yakima Rivers in SMP introduction. Add map of shorelines of |

Update

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
c.	<p>Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.</p>	<p>SMP Section 16D.03.07.15.d lists a fish habitat enhancement exemption.</p>	<p>the state to a map with corresponding SEDs.</p> <p>Optional: Remove all shorelines listed in Regional SMP not in Selah. No action necessary</p>

3. Integration & Consistency of Critical Areas Ordinance

The City currently regulates critical areas within shoreline jurisdiction through critical areas regulations (CARs) embedded within the Yakima County Regional SMP. These shoreline critical areas regulations are based upon the Yakima County CAO which was last updated in 2007. Since the time of SMP adoption in 2010, the City prepared a city-specific CAO, SMC Chapter 11.50, last adopted in 2017 under Ord. No. 2019. While the City's CAO was prepared in accordance with Ecology Publication #14-06-030, some references to the 2004 wetland rating system remain (albeit these references likely remain unintentionally). It is recommended that the City adopt the City's CAO by reference, but with some minor adjustments. This is discussed further below.

Table 3 below summarizes issues to be resolved in order to incorporate the City's CAO into the updated SMP. The table is organized by critical areas subject area and general actions for CAO regulations implemented on the shoreline.

Update

Table 3. Summary of gaps in consistency with current critical areas regulations and associated recommended SMP revisions.

#	Issue	Relevant Location(s) ¹	Review & Action
Applicability			
1	Critical Areas	SMP Chapters 16D.06 - 16D.09	<p>Review: The Yakima County Regional SMP currently includes critical areas regulations embedded in the SMP. The City of Selah's Critical Areas Ordinance (CAO), is codified in SMC 11.50. This CAO could be incorporated by reference in to the SMP for consistency throughout the City.</p> <p>Action: <i>Recommended:</i> Delete CAR sections and cross-references in the Yakima County Regional SMP; add new cross reference to SMC 11.50, with exceptions. Note, certain CAO provisions (e.g. Reasonable Use Exceptions) are not allowed under Ecology's Guidelines.</p>
Wetlands			
2	Wetland Rating System	SMC 11.50.130.a.1-4 SMP Chapter 16D.06 - 16D.07	<p>Review: The City's current CAO correctly references Ecology's wetland rating system: "Washington State Wetlands Rating System for Eastern Washington, publication no. 14-06-030, or as updated or amended." However, the corresponding wetland categorization still references a scoring system from 2004.</p> <p>Action: <i>Mandatory:</i> Revise current wetland rating system reference the 2014 categorization system.</p> <p><i>Recommended:</i></p>

			Add buffer width/habitat score reference table per Ecology guidance.
3	Wetland Buffers	SMC 11.50.130 Current SMP: SMP Chapter 16D.07	Review: Ecology modified wetland buffer guidance again in 2018. The City currently uses a simplified wetland buffer system. The City’s existing wetland buffers are at the upper end of the Ecology guidance. However, without a clearer mechanism to allow buffer reduction, lowering the buffer values may not be supported by Best Available Science. Action: Recommended: Revise wetland buffer provisions in the City-wide CARs to be consistent with current Ecology guidance related to habitat scores and wetland buffers. Consider use of specific impact minimization measures to reduce buffers.
¹ This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.			

Adopting the City’s Critical Areas Ordinance (SMC 11.50) by Reference

The City anticipates referencing the current City-wide critical areas regulations in the updated SMP pursuant to Table 3 recommendations. However, the Shoreline Management Act (SMA) may preclude or alter the administration of certain regulations within the CAO. For example, certain activities exempted under the CAO will not qualify for exemption under the SMP and reasonable use criteria contained in critical areas regulations do not apply within shoreline jurisdiction. In addition, activities allowed without permits under the CAO may require permits under the SMP. Overall the SMA retains more prescriptive standards for ‘no net loss’ along shorelines.

Wetland Rating/Buffer Widths

SMC Chapter 11.50 refers to the “Washington State Wetlands Rating System for Eastern Washington, Publication No. 14-06-030, or as updated or amended.” Ecology updated this rating system in July of 2018 to recalibrate wetland buffers. As such, the City’s wetland buffer

Update

categorization is out of date. Updating the categorization system to be consistent with Ecology’s recommendations could offer the City greater development flexibility. A comparison between the City’s current wetland buffers and Ecology’s 2018 recommendation is included in Table 4 below.

Table 4. Current SMC 11.50.130.c.1 and Ecology’s 2018 Rating System Buffer Widths

Wetland Category	City Current CAO Wetland Buffers	2018 Rating System (ft)^{1, 2}
I	250	100-250
II	200	100-200
III	150	80-200
IV	50	50

¹Range of wetland buffers is dependent upon wetland type and habitat score

²Buffers assume impact minimization measures are not included (see discussion below)

While the City’s CAO was updated in 2017, the wetland categorization in SMC 11.50.130 continues to include the numerical system established in Ecology’s 2004 wetland rating system (now outdated). In 2014, Ecology substantially updated the wetland rating system. The substantive changes from 2004 to 2014 included 1) the use of a High, Medium, or Low ranking for each function instead of numeric scores; and 2) the opportunity section was replaced with two new sections: landscape potential and value. The shift to a High, Medium, Low ranking scheme was prompted by a statistical analysis of wetland rating data, which indicated that the rapid-assessment wetland rating tool is not scientifically accurate beyond a qualitative ranking. As a result of this change, the total point range changed from 0-100 to 9-27 (Hruby 2014), with nine possible points each for water quality, hydrologic, and habitat functions (i.e., ‘habitat scores’).

2018 Ecology Wetland Buffer Guidance

In July 2018, Ecology again updated its guidance for wetland buffers. The change in guidance is the result of Ecology’s continued evaluation of the 2014 wetland rating system as it relates to the 2004 wetland rating system. The updated guidance provides alternatives to buffer tables based solely on wetland category to provide a balance of predictability and flexibility while being easy to use and protecting wetland functions and values. The preferred alternative includes variable

buffer widths based on wetland category and habitat score, according to the updated rating system, as shown in Table 5 below. While the updated guidance does allow for continuing the practice of applying wetland buffers based solely on wetland category, this option provides the least flexibility, as buffers must be large enough for each category to protect the most sensitive wetlands from the most damaging impacts. Likewise, the updated guidance includes alternatives for variable buffer widths based on the intensity of adjacent land use.

Changes to the 2014 Ecology rating system are *recommended* although it is *not mandatory* by Ecology at this time. Table 5 below summarizes issues the new table proposed for the City's CAO Wetland Section from Ecology's 2018 Wetland Guidance document for Eastern Washington.

Table 5. Wetland Table with Habitat Scores without mitigation measures/protected corridors

Wetland Category	Buffer width (in feet) based on habitat score		
	3-5	6-7	8-9
Category I: Based on total score	100	150	200
Category I: Forested	100	150	200
Category I: Bogs and Wetlands of High Conservation Value	250 (buffer width not based on habitat scores)		
Category I: Alkali	200 (buffer width not based on habitat scores)		
Category II: Based on total score	100	150	200
Category II: Vernal pool	200 (buffer width not based on habitat scores)		
Category II: Forested	100	150	200
Category III (all)	80	150	200
Category IV (all)	50		

Ecology does provide for even smaller wetland buffers if impact minimization measures are used. The smaller buffers are provided in Table 6 below and the list of impact minimization measures are provided in Table 7.

Table 6. Wetland Table with Habitat Scores with mitigation measures/protected corridors

Wetland Category	Buffer width (in feet) based on habitat score		
	3-5	6-7	8-9
Category I: Based on total score	75	110	150
Category I: Forested	75	110	150
Category I: Bogs and Wetlands of High Conservation Value	190 (buffer width not based on habitat scores)		
Category I: Alkali	150 (buffer width not based on habitat scores)		
Category II: Based on total score	75	110	150
Category II: Vernal pool	150 (buffer width not based on habitat scores)		
Category II: Forested	75	110	150
Category III (all)	60	110	150
Category IV (all)	40		

Table 7. Required measures to minimize impacts to wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust

Update

4. Comprehensive Plan, Development Regulation and Code Consistency

The City of Selah Comprehensive Plan does not include a Shoreline Element Chapter. However, references to the SMP and the document authority are included in the Natural Systems, Land Use and Administration Elements of the Comprehensive Plan and SMC subsection SMC 10.28, Permitted, Administrative and Conditional Uses. A review of the current SMP was conducted to ensure consistency with the Comprehensive Plan updated in 2017. No changes to the SMP were identified at this time for consistency with the comprehensive plan.

5. Other Issues to Consider

In addition to the issues discussed in the previous sections of this report, several other issues in the current SMP or SMC could be addressed as part of the periodic update process to produce more effective SMP regulations and document administration. These other issues, including items noted by City of Selah staff, are described in Table 8 below.

Table 8. Other issues that could be addressed to produce a more effective SMP.

#	Issue	Relevant Location(s) ¹	Review & Action
General Standards and Regulations			
1	Remove extraneous/irrelevant sections	Throughout SMP	<p>Review: City requests streamlined SMP document that does not include irrelevant sections or provisions that do not pertain to Selah yet are included in the Yakima County Regional SMP.</p> <p>Action Recommended:</p> <ul style="list-style-type: none"> a) Remove all references to Yakima County Comprehensive Plan Policies b) Strike out critical areas code and all references to the Yakima County Critical Areas Ordinance c) Remove all references to shoreline and areas outside of City limits d) Ensure Selah’s proposed urban growth area expansion is captured/elements of SMP stricken are not in UGA
2	SED Mapping	SMP SED Mapping (New Appendix)	<p>Review: City requests mapped SED specific just to the City and UGA in shoreline jurisdiction.</p> <p>Action Recommended: Create new SMP SED map</p>
3	Urban Growth Area Expansion	Throughout SMP	<p>Review: It is anticipated Selah may expand the urban growth area sometime in the near future. This SMP update should be cognizant of this possibility and ensure any code amendments, specifically exclusions of</p>

Update

			County-specific provisions, do not inadvertently affect future UGA expansion. <u>Action</u> No specific action at this time
Critical Areas			
4	Floodplain Regulations	CAO Sections 11.50.070, 11.50.140 & SMC Chapter 11.19 'Flood Damage Prevention'	<u>Review:</u> The floodplain and FEMA language may need to be reviewed, including updates to the cross-referenced County Flood Insurance Study (2009) and flood insurance rate maps (FIRM) as all shorelines on rivers. <u>Action</u> <u>Recommended:</u> Revise regulations as needed.
¹ This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP and SMC, all relevant locations may not be listed.			

6. References

- Ecology (Washington State Department of Ecology). November 2019. Shoreline Permitting Manual: Guidance for Local Governments. Ecology Publication No. 17-06-029. Accessed February 2020. <https://fortress.wa.gov/ecy/publications/documents/1706029.pdf>
- Ecology (Washington State Department of Ecology). September 2019. Revised Periodic Review Checklist Guidance. Shoreline Master Program Periodic Review. Accessed February 2020. [https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2019/PeriodicReview Checklist Guidance 9-19 rev.pdf](https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2019/PeriodicReviewChecklist%20Guidance%209-19%20rev.pdf)
- Ecology (Washington State Department of Ecology). July 2018. July 2018 Modifications for Habitat Score Ranges. Modified from Wetland Guidance for CAO Updates: Eastern Washington Version. Ecology Publication No. 16-06-002. Accessed April 2020.
- Hruby, T. 2014. Washington State Wetland Rating System for Western Washington: 2014 Update. Ecology Publication No. 14-06-029. Washington State Department of Ecology, Olympia, WA.

Selah (City of Selah). 2017. City of Selah 2017 Comprehensive Plan. City of Selah, WA. Accessed March 2020. <https://selahwa.gov/planning/wp-content/uploads/sites/10/2014/06/Complete-Comp-Plan-Selah-DRAFT-03102017-resize.pdf>

Selah (City of Selah). No Date. Selah Municipal Code. City of Selah, WA. Accessed March 2020. <https://selah.municipal.codes/Code>

Yakima County. 2010. Yakima County Regional Shoreline Master Program, Ordinance 14-2007 and Ordinance 13-2007. Yakima County, WA. Accessed March 2020. <https://fortress.wa.gov/ecy/ezshare/SEA/FinalSMPs/YakimaCounty/Selah/SelahYakRegSMPMay2010.pdf>

Chapter 11.50 CRITICAL AREA ORDINANCE*

Sections:

11.50.010	Purpose and intent.
11.50.020	General provisions.
11.50.030	Definitions.
11.50.040	Applicability – Regulated activities.
11.50.050	Exemptions and nonconforming uses.
11.50.060	Exceptions.
11.50.070	Reference maps and materials.
11.50.080	Application.
11.50.090	Appeals.
11.50.100	Enforcement.
11.50.110	Critical aquifer recharge areas.
11.50.120	Fish and wildlife habitat conservation areas.
11.50.130	Wetlands.
11.50.140	Frequently flooded areas.
11.50.150	Geologically hazardous areas.

* **Editor's note:** Ord. No. [1943](#), § 2, adopted April 8, 2014, set out provisions intended for use as Chapter [11.50](#). For purposes of classification and at the city's direction, these provisions have been included as Chapter [11.50](#).

11.50.010 Purpose and intent.

The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This section is intended to:

- (1) Implement the city of Selah comprehensive land use plan and the requirements of the Growth Management Act;
- (2) Protect critical areas, in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC [365-195-900](#) through



[365-195-925](#) as it exists or may hereafter be amended, and in consultation with state and federal agencies, affected Indian tribes, and other qualified professionals;

- (3) Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, landslides, or steep slopes failure;
- (4) Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
- (5) Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat;
- (6) Provide flexibility and attention to site-specific characteristics, so as to ensure reasonable use of the property;
- (7) Preserve development options within designated critical areas where such development will not adversely impact critical areas values and functions, particularly the functional properties of stream corridors and other hydrologically related critical areas. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.020 General provisions.

(a) The city of Selah contains areas that can be identified and characterized as critical or environmentally sensitive. Such areas within the city include aquifer recharge areas, fish and wildlife habitat areas, wetlands and streams, flood hazard areas, and geologic hazard areas.

(b) The city finds that these critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Alteration of certain critical areas may also pose a threat to public safety or to public and private property or the environment. The city therefore finds that identification, regulation and protection of critical areas are necessary to protect the public health, safety and general welfare. The city further finds that the functions of critical areas and the purpose of these regulations include the following:

- (1) *Wetlands.* Wetlands perform a variety of functions that include maintaining water quality; storing and conveying storm water and floodwater; recharging groundwater; providing important fish and wildlife habitat; and serving as areas for recreation, education and scientific study, and aesthetic appreciation.

Wetland buffers serve to moderate runoff volumes and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

The primary goals of wetland protection are to avoid adverse wetland impacts; to achieve no net loss of wetland function and value – acreage may also be considered in achieving the overall goal; to provide levels of protection that reflect the sensitivity of individual wetlands and the intensity of proposed land uses; and to restore and/or enhance existing wetlands, where possible.

(2) *Streams.* Streams and their associated riparian corridors provide important fish and wildlife habitat; help to maintain water quality; store and convey storm water and floodwater; recharge groundwater; and serve as areas for recreation, education and scientific study, and aesthetic appreciation. Stream buffers serve to moderate runoff volumes and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

The primary goals of stream protection are to avoid adverse impacts to streams and associated riparian corridors; to achieve no net loss of functions and values of the larger ecosystem in which the stream is located; to protect fish and wildlife resources; to protect water quality through appropriate management techniques; and, where possible, to provide for stream enhancement and rehabilitation.

(3) *Fish and Wildlife Habitat.* Fish and wildlife habitat areas provide opportunities for food, cover, nesting, breeding and movement for fish and wildlife, maintain and promote diversity of species and habitat; coordinate habitat protection with elements of the open space system; help to maintain air and water quality; help control erosion; serve as areas for recreation, education, scientific study, and aesthetic appreciation; and provide neighborhood separation and visual diversity within urban areas.

The primary goals of fish and wildlife habitat protection are to avoid adverse impacts to critical habitats for fish and wildlife; to achieve no net loss of functions and values of the larger ecosystem in which the fish and wildlife habitat is located; to implement the goals of the Endangered Species Act; to promote connectivity between habitat areas to allow for wildlife movement; to provide multi-purpose open space corridors; and, where possible, to provide for fish and wildlife enhancement and rehabilitation that reflects the sensitivity of the species.

(4) *Aquifer Recharge Areas.* Aquifer recharge areas provide a source of potable water and contribute to stream discharge/flow. Such areas contribute to the recharge of aquifers, springs and/or wells and are susceptible to contamination of water supplies through infiltration of pollutants through the soil.

The primary goals of aquifer recharge protections are to protect groundwater quality by maintaining the quality of recharge, avoiding or limiting land use activities that pose potential risk of aquifer contamination; and to minimize or avoid adverse impacts to aquifer recharge areas through the application of performance standards, and to comply with the requirements of the Federal Safe Drinking Water Act and Washington Administrative Code that require Group A public water systems to develop and implement a wellhead protection program.

(5) *Flood Hazard Areas.* Floodplains help to store and convey storm water and floodwater; recharge groundwater; provide important areas for riparian habitat; and serve as areas for recreation, education, and scientific study. Development within floodplain areas can be hazardous to those inhabiting such development, and those living upstream and downstream. Floods also cause substantial damage to public and private property which can result in significant costs to the public and individuals.

The primary goals of flood hazard protections are to limit or condition development within the one hundred-year floodplain to avoid substantial risk of damage to public and private property and that result in significant costs to the public and individuals; to avoid significant increases in peak storm water flows or loss of flood storage capacity.

(6) *Geologic Hazard Areas.* Geologic hazard areas include lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to varying degrees of risk of landslides, erosion, seismic or volcanic activity.

The primary goals of regulating geologic hazards are to avoid and minimize potential impacts to life and property by regulating and/or limiting land uses where necessary, and to conduct appropriate levels of analysis and ensure sound engineering and construction practices to address identified hazards.

(7) This chapter of the Selah Municipal Code and other sections incorporated by reference contain standards, procedures, criteria and requirements intended to identify, analyze, and mitigate potential impacts to the city's critical areas, and to enhance and restore degraded resources where possible. The general intent of these protections is to avoid impacts to critical areas. In appropriate circumstances, impacts to specified critical areas resulting from regulated

activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this chapter. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.030 Definitions.

For purposes of this chapter, the following definitions for terms, phrases, words and their derivatives used in this chapter shall apply. Where any of these definitions conflict with definitions used in other chapters of the municipal code the definitions in this chapter shall prevail for the purpose of this chapter. Where terms are not defined they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two or more definitions the more specific shall apply. Webster's Third New International, 1993 (unabridged), shall be the source for ordinary accepted meaning and for the definition of words not defined in this chapter. Specific examples are included as illustrations but are not intended to restrict a more general definition:

A

"Agriculture" and "farming" shall include cultivation of the soil, raising or harvesting any agricultural or horticultural commodity or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale.

"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment, such as salmon, steelhead, sockeye, and coho.

"Applicant" means a person, party, firm, corporation, or other legal entity that proposes, has performed an activity, or submits an application for any permit or approval required by this title and who is the owner of the subject property or the authorized agent of the owner.

"Aquifer" means, generally, any water-bearing soil or rock unit. Specifically, a body of soil or rock that contains sufficient saturated permeable material to conduct groundwater and yield significant quantities of groundwater to wells or springs.

"Aquifer recharge areas" means land areas designated by the city beneath which groundwater occurs that is a current or potential future source of drinking water for the city.

"Artificially created wetlands" means wetlands created from nonwetland sites through purposeful, legally authorized human action, such as irrigation and drainage ditches, grass-lined swales, canals, retention and detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

B

"Best available science" means as defined in the procedural criteria for adopting comprehensive plans and development regulations for best available science at WAC [365-195-900](#) et seq. or as may be amended.

"Buffer," "buffer area," or "critical area" means a naturally vegetated, undisturbed, enhanced or vegetated zone surrounding a critical area that protects the critical area from adverse impacts to its integrity and value, and is an integral part of the resource's ecosystem.

C

"City" means the city of Selah.

"Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter from the site, which exposes the earth's surface of the site, or any actions which disturb the existing ground surface.

"Comprehensive plan" means the city of Selah urban growth area comprehensive plan as it now exists or hereafter amended.

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

"Critical areas" or "environmentally sensitive areas" means areas that possess important natural functions and embody a variety of important natural and community values. Such areas include aquifer recharge areas, fish and wildlife habitat conservation areas, wetlands and streams, flood hazard and geologic hazard areas. If not conducted properly, development or alteration of such areas may cause significant impacts to the valuable functions and values of these areas and/or may generate risks to the public health and general welfare, and/or to public or private property.

"Critical area report" means a report prepared by a qualified professional to determine the presence, type, class, size, function and/or value of an area subject to these regulations. Also see "Stream reconnaissance report," "Wetland impact assessment report" and "Wildlife report."

"Critical erosion hazard areas" means lands or areas underlain by soils identified by the U.S. Department of Agriculture Soil Conservation Service (SCS) (now known as the Natural Resources Conservation Service) as having "severe" or "very severe" erosion hazard.

"Critical geologic hazard areas" means lands or areas subject to high or severe risk of geologic hazard, including critical erosion hazard areas, critical landslide hazard areas, and critical seismic hazard areas.

"Critical habitat" or "critical fish and wildlife habitat" means habitat areas associated with threatened, endangered, or sensitive species of plant or wildlife (pursuant to WAC [232-12-297\(2.4\)](#), [\(2.5\)](#) and [\(2.6\)](#) as it exists or may hereafter be amended) and which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term.

"Critical landslide hazard areas" means lands or areas where there is a high or very high risk of landslide due to a combination of slope, soil permeability, and water.

"Critical seismic hazard areas" means lands or areas where there is a high risk of seismic events and damage.

D

"Delineation manual," "wetland delineation manual," or "wetland delineation methodology" means the manual and methodology used to identify wetlands in the field, in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the city meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this chapter. Use of this manual is required by RCW [36.70A.175](#) as it exists or may hereafter be amended.

"Department" means the city of Selah department of planning or successor agency, unless the context indicates a different city department.

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of equipment or materials, or any other activity which results in the removal of vegetation or in the alteration of natural site characteristics.

E

"Earth/earth material" means naturally occurring rock, soil, stone, sediment, or combination thereof.

"Enhancement" means the improvement of an existing viable wetland, stream or habitat area or the buffers established for such areas, through such measures as increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, increasing structural diversity or removing plant or animal species that are not indigenous to the area. Enhancement also includes actions performed to improve the quality of an existing wetland, stream, or habitat area. See also "Restoration."

"Erosion" means a process whereby wind, rain, water, and other natural agents mobilize and transport soil particles.

"Erosion hazard areas" means lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion. Erosion hazard areas are classified as "low" (areas sloping less than fifteen percent) or "high" (areas sloping more than fifteen percent) on the following: Soil Conservation Service (SCS), now known as the Natural Resources Conservation Service (NRCS). Soil groups may be identified through site-specific analysis.

"Excavation" means the removal or displacement of earth material by human or mechanical means.

"Existing and ongoing agricultural activities" means those activities conducted on lands defined in RCW [84.34.020\(2\)](#), as it exists or may hereafter be amended, and those activities involved in the production of crops and livestock. Such activities must have been in existence as of July 1, 1990 (the effective date of the Growth Management Act). The definition includes, but is not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities or crops, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use from a previous nonagricultural use are not considered part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

"Exotic" means any species of plant or animal, not native to or not usually found as domestic pets in the United States, which is foreign and not indigenous to the Yakima County regional area.

F

"Fill/fill material" means a deposit of earth material placed by human or mechanical means.

"Filling" means the act of transporting and placing (by any manner or mechanism) fill material from, to, or on any surface water body or wetland, soil surface, sediment surface or other fill material.

"Fish and wildlife habitat conservation areas" means WAC [365-190-030\(6\)\(a\)](#): "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative density or species richness. Counties and cities may also designate locally important habitats and species.

G

"Geologic hazard area" means lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to varying degrees of risk of landslides, erosion, seismic or volcanic activity.

"Grading" means any excavation, filling, clearing, leveling or contouring of the ground surface by human or mechanical means.

H

"Habitat management" means management of land and its associated resources/features to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not imply maintaining all habitat or individuals of all species in all cases.

"Hazardous materials" means and includes all dangerous and extremely hazardous waste, including petroleum contaminated soils, either singularly or in combination, that is a physical or health hazard whether the materials are in usable or waste condition; and any material that may degrade groundwater quality when improperly stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged. Hazardous materials shall also include, without exception:

- (1) All materials defined as or designated by rule as a dangerous waste or extremely hazardous waste under Chapter [70.105](#) RCW and Chapter [173-303](#) WAC or as it may be amended;

(2) Any substance defined as or designated by rule as a hazardous substance under Chapter [70.105](#) RCW and Chapter [173-303](#) WAC or as it may be amended; and

(3) Petroleum or petroleum products, including any waste oils or sludges.

"Hydrologically isolated" means wetlands which: (1) have no surface water or ground water connection to a lake, river, or stream during any part of the year; (2) are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream; and (3) have no contiguous hydric soil between the wetland and any lake, river, or stream. May also be a pond excavated from uplands with no surface water connection to a stream, lake, or other wetland.

I

"In-kind wetland mitigation" means replacement of wetlands with wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

"Injection well" means a well that is used for the subsurface emplacement of fluids. (From WAC [173-218-030](#) or as may be amended.)

"Intentionally created streams" means streams created through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. This definition does not include stream modifications performed pursuant to city authorization, such as changes or redirection of stream channels.

L

"Landslide" means episodic downslope movement of a mass of soil or rock.

"Landslide hazard areas" means areas that, due to a combination of slope inclination, relative soil permeability, and hydrologic conditions, are susceptible to varying degrees of risk of land sliding. Landslide hazards areas are classified as Class I through IV based on the degree of risk as follows:

- (1) *Class I/Low Hazard.* Areas with slopes of fifteen percent or less.
- (2) *Class II/Moderate Hazard.* Areas with slopes greater than fifteen percent up to forty percent and that are underlain by soils that consist largely of sand or gravel.
- (3) *Class III/High Hazard.* Areas with slopes greater than fifteen percent up to forty percent and that are underlain by soils consisting largely of silt and clay.

- (4) *Class IV/Very High Hazard.* Areas with slopes steeper than fifteen percent with identifiable zones of emergent water (i.e., springs or groundwater seepage), areas of identifiable landslide deposits regardless of slope and all areas sloping more steeply than forty percent.

The slopes previously referenced include only those where the surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

M

"Mitigation" means activities which include:

- (1) Avoiding the impact altogether by not taking a certain action or parts of actions.
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (5) Compensating for the impact over time by replacing or providing substitute resources or environments.

While monitoring without additional actions is not considered mitigation for the purposes of these regulations, it shall be part of a comprehensive mitigation program.

"Mitigation sequencing" means considering or performing mitigation actions, as defined in the definition of "mitigation," in a preferred sequence from (1) through (5). Avoidance is preferred and must be considered prior to pursuing other forms of mitigation.

N

"Native" means any species of plant or animal which is or was indigenous to the Yakima County regional area.

"Natural heritage wetlands" means wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality, relatively undisturbed wetlands, or wetlands that support state-listed threatened or endangered species.

O

"Off-site mitigation" means performance of mitigation actions, pursuant to standards established in this chapter, on a site or in an area other than the site proposed for conduct of a regulated activity.

"Out-of-kind mitigation" means replacement of wetlands or habitat with substitute wetlands or habitat whose characteristics do not closely approximate those adversely affected, destroyed, or degraded by a regulated activity.

P

"Permanent erosion control" means continuous on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants after development, construction, or restoration.

"Planning official" means the planning official of the city of Selah department of planning or successor agency.

Q

"Qualified consultant/professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC [365-195-905](#). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

(1) A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

(2) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.

(3) A qualified professional for a geological hazard must be a professional engineer or geologist licensed in the state of Washington.

(4) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

R

"Reasonable use" means a legal concept articulated by federal and state courts in regulatory taking issues. See "Reasonable use alternatives" for guidelines in determination.

"Reasonable use alternatives" means an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly or indirectly, through requirement of mitigation measures. (See WAC [197-11-440\(5\)](#) and [197-11-660](#) or as may be amended.).

"Regulated activities" means activities that have a potential to impact a critical area that is subject to the provisions of the chapter. Regulated activities generally include, but are not limited to, any filling, dredging, dumping or stockpiling, release of contaminants to soil or water, draining, excavation, flooding, clearing or grading, construction or reconstruction, driving pilings, obstructing, clearing, or harvesting.

"Restoration" means actions taken to reestablish wetland, stream or habitat functional values, and the characteristics that have been destroyed or degraded by past alterations (i.e., filling or grading). See also "Enhancement."

S

"Secondary habitat" means areas that offer less diversity of animal and plant species than critical areas but are important for performing the essential functions of habitat.

"Seismic hazard areas" means areas that, due to a combination of soil and groundwater conditions, are subject to the risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium), have a shallow groundwater table, and are typically located on the floors of river valleys.

"Site" means the location containing a regulated critical area and on which a regulated activity is proposed. The location may be a parcel or portion thereof, or any combination of contiguous parcels where a proposed activity may impact a critical area.

"Slope" means an inclined earth surface, the incline of which is expressed as the ratio of horizontal distance to vertical distance. The slope referenced above includes only those where the surface drops ten feet or more vertically within the horizontal distance of twenty-five feet.

"Spring" means a source of water where an aquifer comes in contact with the ground surface.

"Stream reconnaissance report" means a type of critical area report prepared by an applicant's qualified consultant to describe a stream and to characterize its conditions, wildlife, habitat values and water quality. The report also includes an analysis of potential of proposed activity impacts.

"Streams" means those areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not intended to include artificially created irrigation ditches, canals, storm or surface water devices, or other entirely artificial watercourses unless they are used by fish or created for the purpose of stream mitigation.

"Structural diversity, vegetative" means the relative degree of diversity or complexity of vegetation in a fish and wildlife habitat area as indicated by the stratification or layering of different plant communities (i.e., ground cover, shrub layer and free canopy), the variety of plant species and the spacing or pattern of vegetation.

"Substrata" means the soil, sediment, decomposing organic matter or combination of these located on the bottom surface of the wetland, lake, stream, or river.

T

"Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration.

"Tertiary habitat" means habitat that supports some wildlife but does not satisfy the definition of secondary or critical habitat.

U

"Utility" includes natural gas, electric, telephone and telecommunications, cable communications, water, sewer or storm drainage, and their respective facilities, lines, pipes, mains, equipment and appurtenances.

V

"Variance" means permission to depart from the requirements of the specific regulations of this chapter for a particular piece of property.

"Volcanic hazard areas" means areas identified by the U.S. Geological Survey (maps dated 1998 or as hereafter revised) as subject to a risk of large lahars with a recurrence interval of five hundred to one thousand years.

W

"Wellhead protection area" means the portion of a well's, well field's or spring's zone of contribution defined as such using the criteria established by the city.

"Wells" includes any excavation that is drilled, cored, washed, driven, dug, jetted or otherwise constructed when the intended use of an excavation is for the location, diversion, artificial recharge, or withdrawal of groundwater.

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial watercourses intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands. (RCW [36.70A.030\(21\)](#).)

"Wetland impact assessment report" means a report prepared by a qualified consultant that identifies, characterizes and analyzes potential impacts to wetland consistent with applicable provisions of these regulations. A wetland impact assessment may be combined with and include a formal wetland delineation.

"Wildlife report" means a report prepared by a qualified consultant that evaluates plant communities and wildlife functions and values on a site, consistent with the format and requirements established by this chapter. This report also includes an analysis of impacts. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.040 Applicability – Regulated activities.

- (a) All persons proposing development in a critical area or its buffers must first submit an application pursuant to this chapter, except as exempted pursuant to SMC [11.50.050](#). These critical area protections shall apply as an overlay to zoning and other land use regulations established by the city.
- (1) Any new development, construction or use within the city that lies within a critical area as defined herein shall comply with the provisions of this chapter. No action shall be taken by any person that results in the alteration or modification of any critical area except as consistent with the requirements, objectives and intent of this chapter.
 - (2) Where two or more types of critical areas overlap, requirements for the development shall be consistent with the standards for each critical area.
 - (3) These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter may be included in the SEPA review and threshold determination.
 - (4) The city shall provide the Yakama Nation with notice and a reasonable opportunity to comment on development applications which propose development in a critical area or its buffer area, with the exception of projects that are exempt under Section [11.50.050](#).
- (b) To avoid duplication, the following permits and approvals shall be subject to and coordinated with the requirements of this chapter: land clearing; grading; subdivision or short subdivision; building permit, planned development (when permitted by city code); shoreline substantial development; variance, Class 1, 2 or 3 use; and any other permits that may lead to the development or alteration of land.
- (c) Administrative actions, such as rezones, annexations, and the adoption of plans and programs, shall be subject to the requirements of this chapter. However, the city administrator, in the exercise of his or her discretion, may permit any studies or evaluations required by this chapter to use methodologies and provide a level of detail appropriate to the administrative action proposed. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.050 Exemptions and nonconforming uses.

The activities listed below are exempt from the provisions of the chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. Exemption from this chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of an exempted activity shall be restored and rehabilitated at the property owner's expense.

- (1) Emergency construction or repair necessary to protect life or property from immediate damage by the elements. An emergency is an unanticipated event or occurrence which possess an imminent threat to public health and safety, to private or public property, or to the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be evaluated and brought into reasonable compliance with this chapter with due consideration given to the nature, type and extent of emergency responses and actions and after-the-fact permits may be required and other actions required to mitigate impacts;
- (2) Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems that do not require construction permits, provided the activity does not materially alter, encroach upon, or increase impacts to critical areas or associated buffers;
- (3) Existing and ongoing agricultural activities normal or necessary to conduct general farming;
- (4) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, critical area impacts should be minimized and disturbed areas shall be immediately restored;
- (5) Passive recreational, scientific or educational activities, including, but not limited to: bicycling, bird watching, boating, canoeing, hiking, hunting, and fishing provided the activity does not alter the critical area or its buffer by changing existing topography, water conditions or water sources;
- (6) The operation and maintenance of canals, waterways, drains, reservoirs, or other manmade facilities that now exist or are hereafter created or developed as a part of an irrigation system. Portions of historic waterways that were altered in order to facilitate irrigation delivery are subject to the mitigation requirements of this chapter if they are filled or if new irrigations lines or ditches are placed within wetlands or their required buffers;
- (7) Maintenance of aboveground utility transmission lines and poles;

(8) Any streamside management project associated with a single-family residence or agricultural activity designed to achieve, through the use of native or natural vegetation and/or bioengineering alternatives, the functional properties of the critical area and carried out in conformance with a conservation plan or design developed through North Yakima County Conservation District, or by a qualified professional certified to develop such plans or designs according to best management practices. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.060 Exceptions.

(a) *Exception – Public Agency and Utility.* If the application of this title would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

(b) *Exception – Reasonable Use Alternatives.* The city may modify the requirements of this section in specific cases when necessary to allow reasonable use of an applicant's property.

(1) *Reasonable Use Review Criteria.* To qualify for such relief the applicant must demonstrate all of the following:

(A) That no other reasonable use can be made of the property that will have a lesser impact on the critical area;

(B) That there are no feasible and reasonable on-site alternatives to the proposed activities, including changes in site layout, reductions in density, and similar factors that would allow a reasonable economic use with fewer impacts;

(C) That the proposed use does not pose a material threat to the public health, safety or welfare;

(D) Any alteration shall be the minimum required to allow reasonable use of the property;

(E) The inability of the proponent to derive reasonable use of the property shall not be the result of applicant's actions after the effective date of the ordinance codified in this section; and

(F) The proposal is consistent with other applicable regulations and standards.

(2) *Exception Request and Review Process.* A request for a reasonable use exception shall be submitted to the city planning department and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter [43.21C](#) RCW or as it may be amended) (if reasonably necessary to evaluate the application). The planning official shall prepare a recommendation based on review of the submitted information, a site inspection, and the requested proposal's compliance with the reasonable use exception criteria in subsection [\(b\)\(1\)](#) of this section.

(3) *Reasonable Use Exception.* Reasonable use exceptions shall be processed according to the provisions of a Class 2 review process in SMC 10.06.020 or as may be amended and may be approved, approved with conditions, or denied based on the proposal's ability or lack of ability to comply with all of the reasonable use exception review criteria in subsection [\(b\)\(1\)](#) of this section. Any alteration of a critical area(s) approved under this section may be subject to appropriate conditions and will require mitigation under an approved mitigation plan.

(4) *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.070 Reference maps and materials.

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Critical areas data mapping shall be for illustrative, not regulatory, purposes. Since boundaries are generalized, the application of this section and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's maps and the site-specific conditions, site-specific conditions shall take precedence. Reference maps and inventories shall include, but are not limited to, the following:

- (1) Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands.
- (2) Fish and wildlife habitat area maps, based on Washington Department of Fish and Wildlife priority habitats and species data.

- (3) Soils maps, based upon Yakima County Soils Survey, May, 1985. United States Department of Agriculture, Natural Resources Conservation Service (NRCS).
- (4) Steep slope maps, Yakima County GIS.
- (5) United States Geological Survey (USGS) 7.5 minute Series Topographic Quadrangle Maps.
- (6) Aerial photos, Yakima County GIS.
- (7) City of Selah Urban Growth Area Comprehensive Plan, January 2005, or as amended.
- (8) Yakima County Regional Shorelines Master Program, September 2008, or as amended.
- (9) City of Selah critical area maps: aquifer recharge areas, potential wetlands floodplains, and geologically hazardous areas, prepared October 2015 and contained in the Selah comprehensive plan, natural systems element.
- (10) The manual and methodology used to identify wetlands in the field, in accordance with the approved federal wetland delineation manual and applicable regional supplements.
- (11) Washington State Wetlands Rating System for Eastern Washington – Revised (Publication No. 04-06-15), March 2007, or as amended.
- (12) "The Flood Insurance Study for Yakima County, Washington and Incorporated Areas" dated November 18, 2009, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto; and
- (13) Approved special reports previously completed for a subject property. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.080 Application.

(a) *Review Process.* Any new development, construction or use shall require that applicants disclose activities within two hundred fifty feet of a known or suspected critical area. The provisions of this section shall be applied to any such proposal. The review process shall proceed as follows:

- (1) *Application Meeting/Site Visit.* Upon receiving a land use or development proposal, the planning official may schedule an application meeting and/or site visit with the proponent for purposes of a preliminary determination whether the proposal is likely to result in impacts to the

functions and values of critical areas or pose health and safety hazards. At this meeting, the planning official may discuss the requirements of this chapter and other applicable regulations; provide critical area maps and other available reference materials; outline the review and permitting process; and work with the proponent to identify any potential concerns with regards to critical areas.

(2) *Application and SEPA Checklist.* For all nonexempt proposals, the proponent shall submit all relevant land use/development applications, together with a completed SEPA checklist.

(3) *Determination of Need for Critical Areas Report.* Based upon the preapplication meeting, if conducted, application materials, and the SEPA checklist, the planning official shall determine if there is cause to require a critical area report. In addition, the planning official may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity. See subsection (c) of this section.

(4) *Documentation and Notification.* The planning official shall document the preapplication meeting if conducted, and/or site visit, application and SEPA threshold determination, and any other steps or findings regarding the determination of whether a critical areas report will be required. The applicant shall receive notice of the determination and any findings that support it.

(b) *Application Review and Conditions.* Any new development, construction or use shall require that applicants disclose activities within two hundred fifty feet of a known or suspected critical area. The provisions of this section shall be applied to any such proposal. The review process shall proceed as follows:

(1) A permit shall only be granted if the permit, as conditioned, is consistent with the purpose and intent of this chapter. Additionally, permits shall only be granted if:

(A) A proposed action:

(i) Avoids significant adverse impacts to critical areas;

(ii) Takes affirmative and appropriate measures to minimize significant adverse impacts to critical areas; or

(iii) Mitigates (compensates for) unavoidable adverse impacts to critical areas; and

(iv) Assures no net loss of wetland function or value; and

- (v) The proposal is consistent with all other applicable local, state, and federal regulations and standards.
- (2) The proposal is compatible in design, scale, and use with other development or potential development in the area.
- (3) The proposed actions implement, to the maximum extent possible, the best available construction, design, and development techniques that will result in the least adverse impact to the critical area.
- (4) Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the criteria in subsection (b)(1)(A)(i) through (b)(1)(A)(v) of this section. The planning official shall document the preapplication meeting if conducted, and/or site visit, findings of an exemption, SEPA, or any other required application materials to review the application.
- (5) The city may condition the proposed activity as necessary to mitigate impacts or address adverse impacts to critical areas and to conform to the standards required of this chapter. Through the review process the city of Selah shall have the authority to attach such conditions to any permit or authorization issued in order to mitigate impacts to critical area(s) and to carry out the provisions of this chapter. Such conditions may include, but are not limited to, the following:
- (A) Specification of allowable lot sizes;
 - (B) Provisions for additional buffers relative to the intensity of a use or activity;
 - (C) Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc., of structure(s);
 - (D) Dedication of necessary easements for utilities, conservation, open space, etc.;
 - (E) Imposition of easements agreements, sureties, deed restrictions, covenants, etc., on the future use and/or division of land that run with the land and are filed and recorded in the office of the Yakima County auditor;
 - (F) Limitations on the removal of existing vegetation;

- (G) Additional measures to address issues such as erosion control, storm water management, filling, grading, etc.;
 - (H) Development of a mitigation plan to create, enhance, or restore damaged or degraded critical area(s) on and/or off site; and
 - (I) Any monitoring and/or maintenance plans necessary to implement the provisions of the chapter.
- (6) Except as provided for by this chapter, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences shall be denied.
- (7) *Favorable Determination.* If the administrator determines that the proposed activity meets the criteria in this section and complies with the applicable provisions of this chapter, the administrator shall prepare a written notice of determination and identify any required conditions of approval. The notice of determination and conditions of approval shall be included in the project file and be considered in the next phase of the city's review of the proposed activity in accordance with any other applicable codes or regulations.
- (A) Any conditions of approval included in a notice of determination shall be attached to the underlying permit or approval. Any subsequent changes to the conditions of approval shall void the previous determination pending review of the proposal and conditions of approval by the planning official.
 - (B) A favorable determination should not be construed as an endorsement or approval of any underlying permit or approval.
- (8) *Unfavorable Determination.* If the administrator determines that the proposed activity does not adequately mitigate its impacts on the critical area and/or does not comply with the criteria in subsection (b)(4) of this section and the provisions of this chapter, the administrator shall prepare a written notice of the determination that includes findings of noncompliance.
- (A) No proposed activity or permit shall be approved or issued if it is determined that the proposed activity does not adequately mitigate its impacts on the critical areas and/or does not comply with the provisions of this chapter.
 - (B) Following notice of determination that the proposed activity does not meet the review criteria and/or does not comply with the applicable provisions of this chapter, the applicant may request consideration of a revised critical areas report. If the revision is found to be

substantial and relevant to the critical area review, the administrator may reopen the critical area review and make a new determination based on the revised report.

(9) *Completion of the Critical Area Review.* The city's determination regarding critical areas pursuant to this chapter shall be final concurrent with the final decision to approve, approve with conditions, or deny the development proposal or other activity involved.

(c) *Critical Areas Report.* If the planning official determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the planning official.

(1) The requirement for a critical areas report may be waived by the planning official if there is substantial evidence that:

- (A) There will be no alteration of the critical area(s) and/or the required buffer(s);
- (B) The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the city's comprehensive land use plan; and
- (C) The minimum standards of this section will be met.

(2) No critical area report is required for proposals that are exempt from the provisions of this chapter.

(3) Critical area reports shall be completed by a qualified professional in the area to which the report pertains, approved by the planning official, who is knowledgeable about the specific critical area(s) in question.

(4) At a minimum, a required critical areas report shall contain the following information:

- (A) Applicant's name and contact information, permits being sought, and description of the proposal;
- (B) A copy of the site plan for the development proposal, drawn to scale and showing:
 - (i) Identified critical areas, buffers, and the development proposal with dimensions;
 - (ii) Limits of any areas to be cleared; and

- (iii) A description of the proposed storm water management plan for the development and consideration of impacts to drainage alterations;
 - (C) The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - (D) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area. Delineation of wetlands shall be accomplished using the Washington State Wetlands Identification and Delineation Manual (Publication No. 96-94), March 1997 (as amended or revised);
 - (E) An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;
 - (F) An analysis of site development alternatives;
 - (G) A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
 - (H) A mitigation plan, as necessary, developed in accordance with the mitigation requirements of this section and site assessment and evaluation, including, but not limited to:
 - (i) The identification of impacts of the proposed use or development within or adjacent to a critical area or buffer on the critical area; and
 - (ii) The impacts of proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 - (I) A discussion of the performance standards applicable to the critical area and proposed activity;
 - (J) Financial guarantees to secure compliance; and
 - (K) Any additional information required for specific critical areas as listed in subsequent sections of this chapter.
- (5) The planning official may request any other information reasonably deemed necessary to evaluate impacts to critical areas.

(d) *Mitigation Requirements.* The applicant shall seek to avoid material impacts that degrade the functions and values of critical areas. If alteration is not reasonably avoidable, material adverse impacts to critical areas and buffers resulting from the development or use proposed shall be mitigated in accordance with an approved critical areas report and SEPA documents. Mitigation shall be on site, when possible, and sufficient and reasonably maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

(1) *Mitigation Sequencing.* Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration of a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

- (A) Avoiding the impact by not taking a certain action or parts of an action;
- (B) Minimizing or reducing impacts by reducing the scope of the proposed use or development; by using accepted technology, engineering or design; or by taking affirmative steps, such as project design, relocation, or timing to avoid or reduce impacts;
- (C) Rectifying the impacts to wetlands, critical aquifer recharge area(s), frequently flooded area(s), and habitat conservation area(s) by repairing, rehabilitating, or restoring the affected environment to historical conditions or the conditions existing at the time of initiation of the project;
- (D) Minimizing or eliminating the risk or impact by restoring, stabilizing or protecting the critical area through engineered or other methods;
- (E) Reducing or eliminating the risk or impact over time by preservation and maintenance operations for the duration of the proposed use or development;
- (F) Compensating for the impact to critical areas, wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (G) Monitoring the risk or other required mitigation and taking remedial action when necessary.

(2) *Mitigation Plan.* When mitigation is required, the applicants shall submit for approval a mitigation plan as part of the critical area report. The mitigation plan shall include:

- (A) A written report identifying mitigation objectives, including:
 - (i) A description of the anticipated impacts to the critical area and the proposed mitigating actions and/or compensation measures, including the site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities;
 - (ii) A review of the best available science for the proposed mitigation and identification of authors (including curriculum vitae); and
 - (iii) An analysis of mitigation benefits derived from the compensation project.
- (B) Measurable criteria for evaluation of the mitigation plan and compliance with the requirements of this chapter.
- (C) Written specifications and descriptions of proposed mitigation, including, but not limited to:
 - (i) The proposed construction sequence, timing, and duration;
 - (ii) Grading and excavation details;
 - (iii) Erosion and sediment control features;
 - (iv) A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - (v) Measures to protect and maintain plants until established.
- (D) A program for monitoring mitigation measures and/or compensation project, and for assessing the completed project over time. The program may include a schedule for site monitoring and compliance with performance standards. A monitoring report may be required to document milestones, successes, problems, and contingency actions for either mitigation measures or compensation project. The mitigation measures or compensation project shall be monitored for a reasonable period necessary to establish that performance standards have been satisfied.

(E) Identify potential or alternative courses of action, and any corrective measures to be considered if monitoring or evaluation indicates the project has failed to meet performance standards.

(e) *Agency Review.* In cases where the planning official does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical area report or mitigation plan, said reports or plans shall be submitted to qualified agencies or consultants for review and recommendations prior to acceptance by the city.

(f) *Surety/Bonding.* If a development proposal is subject to mitigation, maintenance or monitoring plans, the city of Selah, in a form acceptable to the city council and the city attorney, may require security, bond or other assurance device reasonable or necessary to insure performance and compliance. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.090 Appeals.

Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to, and as part of, the appeal procedure for the permit or approval involved. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.100 Enforcement.

Violation or failure to comply with the provisions of this chapter or any permit issued hereunder shall be subject to enforcement actions by the city of Selah, including but not limited to (a) revocation of any issued permit(s); (b) remedies authorized in the Selah Municipal Code, development regulations and shorelines master program or any other land use regulation of the city of Selah; and (c) remedies and penalties provided by any other applicable law. The city attorney, when authorized by the mayor and council, shall seek penalties, remedies, injunctions and other legal sanctions necessary for the enforcement of this chapter. In addition to costs allowed by these regulations, the prevailing party in an enforcement action may, at the court's discretion, also be allowed interest and reasonable attorney fee. The city attorney shall seek such costs, interest, and the reasonable attorney fees on behalf of the city of Selah when the city is the prevailing party. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.110 Critical aquifer recharge areas.**(a) Mapping.**

(1) The CARAs are depicted in the most recently updated CARA map developed by Yakima County through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology "Critical Aquifer Recharge Area Guidance Document" (Publication 05-10-028, or as revised). This map depicts the general location of the critical aquifer recharge areas. All applications for development within the city 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 groundwater;
- (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. The city of Selah maintains a map of wellhead protection area locations. 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 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.

(b) *Designation.* The city of Selah adopts those aquifer recharge areas within the city identified by Yakima County, both present and in the future. CARAs are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced

recharge, as defined by WAC [365-190-030\(3\)](#). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. The following areas have been identified based on local conditions:

(1) *Wellhead Protection Areas.* Wellhead protection areas shall be defined by the boundaries of the 10-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) *Special Protection Areas.* Special protection areas are those defined by WAC [173-200-090](#).

(c) *Performance Standards.* In addition to the general provisions of this chapter and the requirements of the underlying land use zoning, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

(1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect the recharging of the aquifer.

(2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.

(3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency and the Yakima County Health District.

(4) On-site storm water facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development.

(5) All development occurring within aquifer recharge areas shall be required to connect to city sewer and water systems, and on-site sewage disposal shall be prohibited except as may be approved by city council and permitted by the Yakima County Health District.

(6) Landfills, junkyards/salvage yards, mining, wood treatment facilities, or any other activity that could impair the recharge of a critical aquifer recharge area is not permitted within areas of high or moderate recharge potential unless in accordance with applicable zoning regulations, and, provided the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.

- (7) All storage tanks, whether above or underground, shall be required to be constructed so as to be protected against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, groundwaters, or surface waters, and to utilize appropriate containment methods.
 - (8) Any agricultural activities conducted within aquifer recharge areas shall incorporate best management practices concerning waste disposal, fertilizer/pesticide/herbicide use, and stream corridor management. If necessary, applicants shall seek technical assistance from the North Yakima County Conservation District or the Washington State University Cooperative Extension Office.
 - (9) Application of pesticides, herbicides and fertilizer within aquifer recharge areas shall comply with timing and rates specified on product packaging.
 - (10) Vehicle repair and servicing activities must be conducted over impermeable pads and within covered structures 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. No dry wells shall be allowed in CARAs 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.
- (d) *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.
- (1) Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW [90.46.010\(15\)](#) and [90.46.080](#). The State Department of Ecology may establish additional discharge limits in accordance with RCW [90.46.080\(2\)](#).
 - (2) Direct injection must be in accordance with the standards developed by authority of RCW [90.46.042](#). (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.120 Fish and wildlife habitat conservation areas.

- (a) *Classification.* Fish and wildlife conservation areas include:

- (1) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
- (2) Habitats of local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;
- (3) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
- (4) Waters of the state, including lakes, rivers, ponds, streams, inland waters;
- (5) Underground waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington; and
- (6) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

"Fish and wildlife conservation areas" does not include such artificial features or constructs as irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(b) *Mapping.* The following maps and data are hereby adopted and are available from the city and/or the listed governmental agency:

- (1) Washington Department of Fish and Wildlife priority habitat and species maps;
- (2) Washington State Department of Natural Resources official water type reference maps, as amended;
- (3) Anadromous and resident salmonid distribution maps published by the Department of Fish and Wildlife salmonid stock inventory; and
- (4) City of Selah waterways and wetlands and flood hazard maps – city of Selah comprehensive plan natural systems element.

The above maps are to be used as a guide for the city, project applicants, and/or property owners and should be continuously updated as new critical areas are identified. The above maps are a reference and do not provide a final critical area designation.

(c) *Standards.* In addition to the general provisions of this section and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to fish and wildlife habitat conservation areas:

- (1) Critical area reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a potential critical species or habitat;
- (2) The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site;
- (3) All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified upon a site;
- (4) *Establishment of Buffers.* When needed to protect the functions and values of habitat conservation areas, the planning official shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of natural vegetation, or areas identified for restoration. Buffer widths shall reflect the sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the Washington State Department of Fish and Wildlife;
- (5) As determined through the site-specific study, mitigation measures shall be implemented that maintain the baseline populations and reproduction rates for the particular species; and
- (6) As determined through the site-specific study, appropriate habitat conservation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described in this chapter. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.130 Wetlands.

(a) *Classification.* The city of Selah adopts wetland determinations as set forth in RCW [36.70A.030\(20\)](#) or as may be amended and classification shall be in accordance with the Washington State Wetlands Rating System for Eastern Washington, Publication No. 14-06-030, or as updated or amended:

(1) *Category I.* Category I wetlands are those that score over seventy points on the rating system. They are those that:

- (A) Represent a unique or rare wetland type; or
- (B) Are more sensitive to disturbance than most other wetlands; or
- (C) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
- (D) Provide those that provide a very high level of functions.

The City of Selah does not wish to risk any degradation to these wetlands. Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. The following types of wetlands are Category I wetlands are:

- (A) (i) Aalkali wetlands;
- (B) (ii) Wwetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
- (C) (iii) Bbogs and calcareous fens;
- (D) (iv) Mmature and old-growth forested wetlands over one-quarter acre with slow growing trees;
- (E) (v) fForests with stands of aspen; and
- (F) (vi) Wwetlands that perform many functions very well (scores between twenty-two and twenty-seven). These wetlands are those that (i) represent a unique or rare wetland type; or (ii) are more sensitive to disturbance than most wetlands; or (iii) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (iv) provide a high level of function.

(2) *Category II.* Category II wetlands are those wetlands that are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection that score between fifty-one and sixty-nine points on the rating system. They generally are The following wetlands are Category II::

- (A) Forested wetlands in the floodplains of rivers;

- (B) Mature and old-growth forested wetlands over one-quarter acre with fast growing trees;
- (C) Vernal pools; and
- (D) Wetlands that perform functions well. These wetlands score between nineteen and twenty-one points on the wetlands rating system.

These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. ~~These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.~~

(3) *Category III.* Category III wetlands are wetlands with a moderate level of functions (scores between sixteen and eighteen points) and can be adequately replaced with a well-planned mitigation project. Wetlands scoring between sixteen and eighteen points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

(4) *Category IV.* Category IV wetlands have the lowest levels of functions (scores less than sixteen points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases, improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and also need to be protected.

(b) *Designation.* To date there has been no wetlands fields inventory done specifically for the city of Selah vicinity. To remedy this, the city should pursue an accurate accounting of all wetlands in the city's urban growth area based on the manual and methodology used to identify wetlands in the field, in accordance with the approved federal wetland delineation manual and applicable regional supplements. However, until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps shall be used as a base designation. The NWI maps, along with other supportive documentation, shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the classification criteria shall be part of the standard process for identifying and designating wetlands.

(c) *Performance Standards.* In addition to the general provisions of this section and the requirements of the underlying zoning district, the following minimum standards shall apply to the development activities within and adjacent to wetland areas:

(1) The following buffer zones are required adjacent to and outside of all regulated wetlands according to the following schedule. The following buffer widths are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetlands Rating System for Eastern Washington, Publication No. 14-06-030, or as updated or amended. The adjacent land use intensity is assumed to be high. There is an exception for Category III and IV wetlands between one thousand and four thousand square feet provided the wetland meets the criteria of (c)(1)(A) of this section:

(A) For wetlands that score 5 points or more for habitat function, the buffers in Table 130.1 can be used if both of the following criteria are met:

(i) A relatively undisturbed, vegetated corridor of at least 100 feet wide is protected between the wetland and any other Priority Habitats on the subject property as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW website at: <http://wdfw.wa.gov/hab/phshabs.htm>

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table 130.1 may be used with the required measures in Table 130.2 alone.

(ii) The measures in Table 130.2 are implemented, where applicable, to minimize the impacts of adjacent land uses.

(B) For wetlands that score 3-4 habitat points, only the measures in Table 130.2 are required for the use of Table 130.1.

(C) If an applicant chooses not to apply the mitigation measures in Table 130.2 or is unable to provide a protected corridor where available, then Table 130.3 must be used.

(D) The buffer widths in Table 130.1 and 130.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table 130.1. Wetland Buffer Requirements if Table 130.2 is Implemented and Corridor Provided

Wetland Category	Buffer Width (in feet) based on Habitat Score		
	3-5	6-7	8-9
Category I: Based on Total Score and Forested	100	150	200
Category I: Bogs and Wetlands of High Conservation Value	250 (buffer width not based on habitat scores)		
Category I: Alkali	200 (buffer width note based on habitat scores)		
Category II: Based on Total Score and Forested	100	150	200
Category II: Vernal Pool	200 (buffer width note based on habitat scores)		
Category III (all)	80	150	200
Category IV (all)	50		

Table 130.2. Required Measures to Minimize Impacts to Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> Direct lights away from wetland
Noise	<ul style="list-style-type: none"> Locate activity that generates noise away from wetland If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
	buffer
Toxic Runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater Runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)
Changes in Water Regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and Human Disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense native vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust

Table 130.3. Wetland Buffer Requirements if Table 130.2 is NOT Implemented or Corridor NOT Provided

	Buffer Width (in feet) based on Habitat Score		
Wetland Category	3-5	6-7	8-9
Category I: Based on Total Score and Forested	75	110	150
Category I: Bogs and Wetlands of High	190 (buffer width not based on habitat scores)		

<u>Wetland Category</u>	<u>Buffer Width (in feet) based on Habitat Score</u>		
	<u>3-5</u>	<u>6-7</u>	<u>8-9</u>
<u>Conservation Value</u>			
<u>Category I:</u> <u>Alkali</u>	150 <i>(buffer width note based on habitat scores)</i>		
<u>Category II:</u> <u>Based on Total Score and</u> <u>Forested</u>	<u>75</u>	<u>110</u>	<u>150</u>
<u>Category II:</u> <u>Vernal Pool</u>	150 <i>(buffer width note based on habitat scores)</i>		
<u>Category III (all)</u>	<u>60</u>	<u>110</u>	<u>150</u>
<u>Category IV (all)</u>	<u>40</u>		

- ~~Category I – Two hundred fifty feet;~~
- ~~Category II – Two hundred feet;~~
- ~~Category III – One hundred fifty feet;~~
- ~~Category IV – Fifty feet.~~

~~The standard buffer widths shall be applied unless the planning official determines through a scientifically supportable method that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may not be reduced by more than twenty-five percent or to no less than thirty-five feet, whichever is greater.~~

~~The planning official may also consider buffer averaging.~~

~~(E) Buffer Averaging to allow reasonable use of the parcel may be permitted when all of the following are met:~~

- ~~(iA) There are no feasible alternatives to the site design that could be accomplished without buffer averaging; and~~

(iiB) The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional; and

(iiiC) The total buffer area after averaging is equal to the area required without averaging; and

(ivD) The buffer at its narrowest point is never less than either seventy-five percent of the required buffer width or seventy-five feet for Category I and II, or fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater.

(2) Greater buffer widths or revegetation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.

(A) Impacts allowed under this provision to these wetlands will be fully mitigated as required in the mitigation section.

~~(B) All Category I and Category II wetlands between one thousand and four thousand square feet should be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.~~

~~(C) Wetlands larger than four thousand square feet will be evaluated using standard procedures for wetland review.~~

(D) Mitigation consistent with the mitigation ratios set forth in Table A-19. Wetlands as CAO updates; Guidance for Small Cities (Eastern Washington Version), Ecology Publication No. 10-06-001, or as may be updated or amended, may be required.

(3) Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, revegetation with native plant materials will be required.

(4) Wetland alteration proposals shall be approved only if no alternative is available. When no alternative exists, wetland replacement shall be used to mitigate impacts and shall be based on the functions and values of the particular wetland being impacted. Simplified ratios for wetlands replacement projects shall be as follows:

	Type of Mitigation*
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Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage Site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on Functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

* Mitigation types defined in Section [11.50.030](#), Definitions – “Compensatory Mitigation.”

Wetland enhancement ratios shall not be less than one and one-half to one for replacement.

(5) The following activities are allowed to occur in wetlands and wetland buffer zones subject to conditioning with appropriate best management practices to minimize impacts on the functions and values of wetlands:

(A) Outdoor passive recreational activities;

(B) Existing and ongoing agricultural activities (provided no additional area is added beyond demonstrated historic levels within the past five years). Agricultural activities in this section do not include the processing of agricultural products or other industrial aspects of agriculture.

(6) Maintenance of existing facilities, structures, ditches, roads and utility systems. All projects shall comply with the applicable federal, state and local regulations regarding the species.

(7) As determined through the site-specific study, mitigation measures shall be implemented that maintain the functions and values found in the particular wetland.

(8) As determined through the site-specific study, appropriate mitigation, management and monitoring plan(s) may be developed and implemented, with any necessary security to ensure compliance with such plan(s) being provided as described in Section [11.50.080\(c\)\(4\)\(j\)](#).

(9) A use or structure established prior to April 22, 2014, which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such

activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.140 Frequently flooded areas.

(a) *Classification.* The following classification system will be used to determine the level of protection necessary for frequently flooded areas:

(1) *Class I.* The floodway of any river or stream as designated by the Federal Emergency Management Agency (FEMA); and draws, alluvials and flood channels that are not mapped by FEMA but are areas of local concern that have a historical reoccurrence of flood events characterized by significant damage due to flood flows.

(2) *Class II.* All areas mapped by FEMA as a one hundred-year floodplain; and those areas of local concern that experience reoccurrence of flooding that are characterized by damage due primarily to inundation.

(b) *Designation.* The city designates the areas of special flood hazard (including special flood risk zones) in addition to the general provisions of this section and the requirements of the underlying zoning district, the following minimum standards shall apply to the development activities within and adjacent to wetland areas.

(c) *Standards.* In addition to the general provisions of these regulations and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to frequently flooded areas:

(1) All development within frequently flooded areas shall be reviewed under and subject to the requirements of the city of Selah's flood damage prevention regulations (Chapter [11.19](#)).

(2) All development within frequently flooded areas shall be consistent with the goals, objectives, findings, and recommendations of the city's comprehensive land use plan and flood damage prevention plan. The flood damage prevention plan, along with the city's comprehensive land use plan, provides a policy basis for management of flood hazard areas.

(3) Where practical, development activities shall be coordinated with structural activities recommended in the flood damage prevention plan.

- (4) Where frequently flooded areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.
- (5) In all cases where mitigation measures are proposed, said measures shall be consistent with the city's flood damage prevention plan.
- (6) Filling and grading in frequently flooded areas shall occur only upon a determination by a qualified professional that the filling or grading will not increase flood hazards to others.
- (7) Subdivision in frequently flooded areas will be subject to the following:
 - (A) All lots created shall have adequate building space outside flood hazard areas, including the floodway, one hundred-year floodplain, and channel migration zones;
 - (B) Plat maps shall indicate the floodway and/or the one hundred-year floodplain;
 - (C) Subdivisions shall be designed to minimize or eliminate the potential for flood damage; and
 - (D) Subdivisions shall provide for storm water drainage, in accordance with city standards, so as to reduce exposure to flood hazards.
- (8) *Bank Stabilization Projects.* Where consistent with other regulations and with the flood damage prevention plan, protection of structures, public roadways or sole access routes in existence before April 22, 2014, shall be allowed. Such projects shall be designed to minimize adverse impacts to property, public improvements, and ecological functions. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

11.50.150 Geologically hazardous areas.

(a) *Classification.* Known geologically hazardous areas within the city of Selah consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of this section.

- (1) The following general classification system will be used to determine the level of protection necessary for geologically hazardous areas, based upon the risk to development:

(A) Known or suspected risk;

(B) No risk;

(C) Risk unknown.

(2) The following criteria shall be used in determining the status of an area as a particular type of geologically hazardous area:

(A) Erosion hazard areas are those that contain all three of the following characteristics:

(i) A slope of fifteen percent or greater;

(ii) Soils identified by the Natural Resources Conservation Service (NRCS) as having a high potential for erosion hazard. The approximate location and extent of erosion hazard areas are shown on a Yakima County map titled "Erosion Hazard Areas of Yakima County" and, for areas in Selah, were identified by using the "Soil Survey of Yakima County Area, Washington"; and

(iii) Areas that are exposed to the erosion effects of wind or water.

(B) Landslide hazard areas are those that may contain any of the following circumstances:

(i) All areas that have historically been prone to land sliding;

(ii) All areas containing soil types identified by the Natural Resources Conservation Service (NRCS) as unstable and prone to landslide hazard;

(iii) All areas that show evidence of or are at risk from snow avalanches; or

(iv) All areas that are potentially unstable as a result of rapid stream incision or stream bank erosion.

(b) *Designations.*

(1) *Geologically Hazardous Areas.* Each type of geologically hazardous area is designated based on different factors. The designation process for each type is as follows:

(2) *Erosion Hazard Areas.* NRCS soil erosion-hazard ratings are interpretations of the potential for erosion, applied to broadly generalized map units. The NRCS maps will be used to identify areas of erosion potential. The soil information needs to be combined with site-specific

information (rills, inter-rills, and wind erosion) to determine if an erosion hazard is present on the site.

(3) *Landslide Hazard Areas.* Lands that meet the classification criteria are hereby designated as landslide hazard areas and should be mapped as resources become available.

(4) *Mine Hazard Areas.* Lands that meet the classification criteria are hereby designated as mine hazard areas and will be mapped as resources become available.

(5) *Seismic Hazard Areas.* There are no known active faults in the city of Selah. The majority of the city is located within Seismic Zone C in accordance with the International Building Code (2009 Edition, or as amended).

(6) *Volcanic Hazard Areas.* There are no volcanic hazard areas in the city of Selah. There are, however, several active volcanoes that could have impacts on the city, particularly the fallout of ash. There is no way to prevent the impacts of fallen ash, but there are ways to respond to the ash that could lessen its impacts.

(c) *Standards.* In addition to the general provisions of these regulations and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to geologic hazard areas:

(1) All projects shall be evaluated through a geotechnical report to determine whether the project is proposed to be located in a geologically hazardous area, and if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project; except that if the project site is only in an erosion hazard area and not a potential geologically hazardous area of another type, the protection measures will be accomplished by implementing the regulatory standards for erosion and drainage control required under this title (Building Codes). Any future storm water program erosion control measures that may be formally adopted by the city council shall supersede Title 11 erosion control requirements. Standards to meet Title 11 requirements can be met by the application of the best management practices (BMPs) in the Stormwater Management Manual for Eastern Washington (WDOE Publication No. 04-10-076) or equivalent manual adopted by the city of Selah, or any other approved manual deemed appropriate by the building official, including but not limited to applicable Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) BMPs and the Washington 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) All projects shall comply with the applicable federal, state and local regulations, including the most recently adopted International Building Code;
- (3) Any appropriate buffers determined by the site-specific study shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s);
- (4) The existing native vegetation within the buffer area(s) shall be maintained, except that normal, nondestructive pruning and trimming of vegetation for maintenance purposes is allowed;
- (5) As determined through the site-specific study, appropriate drainage, grading, excavation and erosion control measures shall be implemented in the geologically hazardous area(s);
- (6) As determined through the site-specific study, mitigation measures shall be implemented that maintain the integrity of the geologically hazardous area(s);
- (7) As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s) being provided in SMC [11.50.080\(c\)\(4\)\(J\)](#) (critical areas report); and

A use or structure established prior to April 22, 2014, which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity, unless otherwise approved. (Ord. 2032 § 1 (Exh. A), 2017; Ord. 2019 § 2, 2017; Ord. 1943 § 2, 2014.)

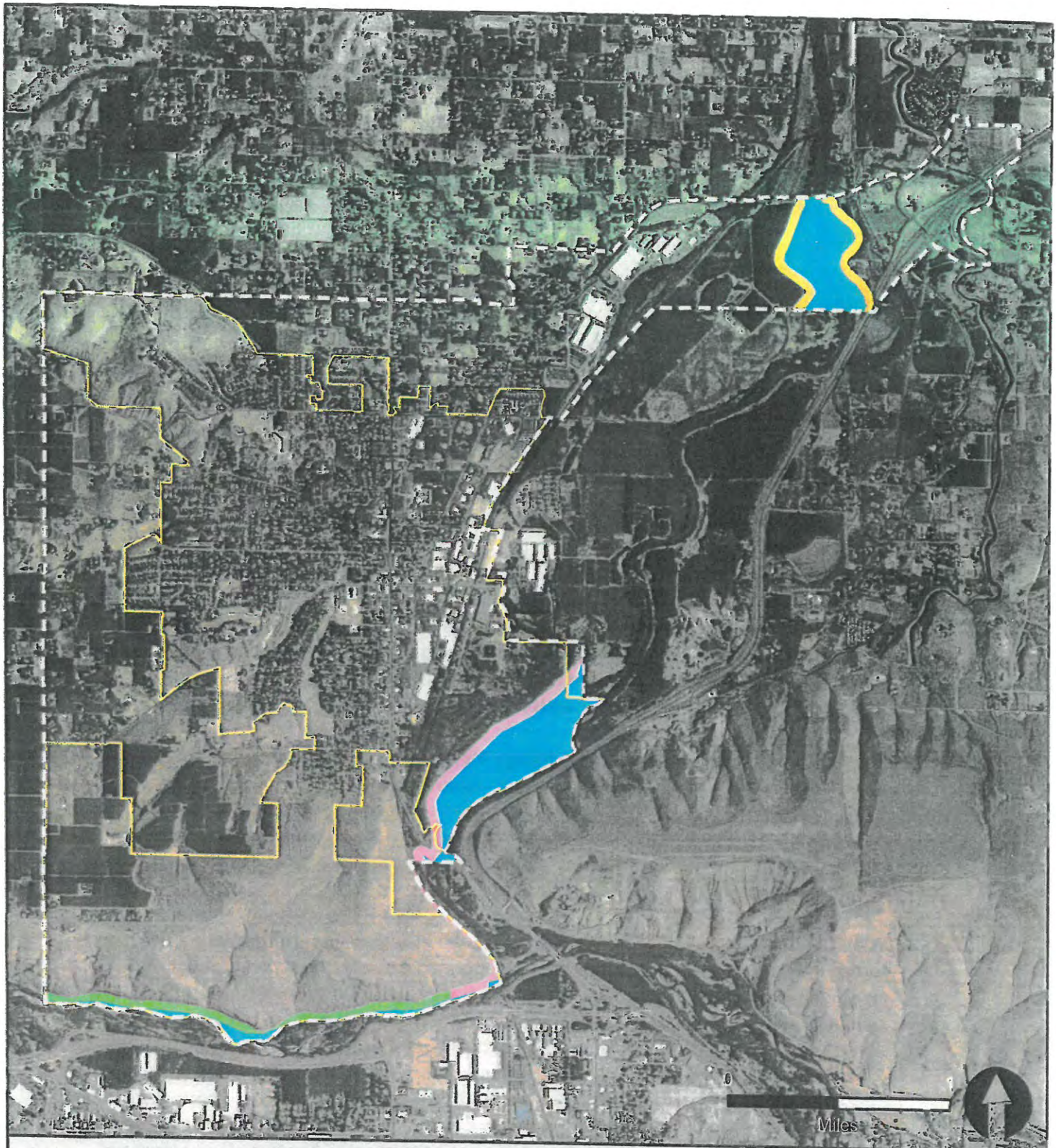
The Selah Municipal Code is current through Ordinance 2098, passed February 11, 2020.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

[City Website: selahwa.gov](http://selahwa.gov)

City Telephone: (509) 698-7334

[Code Publishing Company](#)



City of Selah - Shoreline Environment Designations

Legend

- Conservancy
- Rural
- Urban Conservancy
- Floodway/Channel Migration Zone
- Selah UGA (white-dash)
- Selah City Limits



EXHIBIT

enblos

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State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 1701 South 24th Ave., Yakima WA 98902, (509) 575-2740, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

December 30, 2020

Jeff Peters
Dept. of Community Development
City of Selah
222 South Rushmore Rd.
Selah, WA 98942

Subject: Comments on 2020 Shorelines Master Plan Update Draft

Dear Mr. Peters:

Thank you for accepting these comments on this periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4). I reviewed the Critical Areas Ordinance (update 2017) and Land use Element and Transportation Element of the Comprehensive Plan (2017), and the Draft update for the SMP. I concur with the proposed revisions.

I do suggest that Selah incorporate language into the SMP or appendices, which references the newest Best Available Science in riparian management. WDFW's Riparian Ecosystems, Volume 2: Management Recommendations was published on December 17, 2020, and encompasses the most up-to-date recommendations for delineating the riparian zone and determining buffer widths ("riparian management zones") which accommodate for functions, processes, and pollutant removal.

Selah's Shorelines are in a unique and important physiographic setting where a structurally-controlled Yakima River transitions to an unconfined gravelly floodplain. Low-energy riverine environments are critically important in providing refuge, rearing, and food for diverse fish and wildlife species at varying times in their life histories. Such floodplain functions of storing, sorting, and processing entrained nutrients, debris, and sediments are irreplaceable ones in providing conditions for salmon recovery and improving water quality. Maintaining and improving connection of the river with the floodplain at all flow stages- as both ground and surface waters- is necessary to sustain the functions. The WDFW supports considerations by the City of Selah to protect and reclaim historic floodplain and floodway from unnatural alterations and encroachments.



Selah SMP Update
12/30/20
Page 2

Thank you for your consideration of our comments. Please call me at (509) 457-9310 or by email at eric.bartrand@dfw.wa.gov if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Eric Bartrand". The signature is written in a cursive style with a large, looping initial "E".

Eric Bartrand
Area Habitat Biologist

Cc: Elizabeth Torrey, WDFW



CITY OF SELAH

Planning Department • 222 South Rushmore RD. • Selah, WA 98942 • Ph: (509) 698-7365 • www.selahwa.gov

CITY OF SELAH NOTICE OF ENVIRONMENTAL REVIEW, PUBLIC COMMENT AND PLANNING COMMISSION PUBLIC HEARING

NOTICE OF APPLICATION

Project Location: Citywide.
Project Applicant: City of Selah, Community Development & Planning
File Numbers: SEPA-2020-006
Date of Application: September 22, 2020
Date of Determination of Completeness: September 23, 2020

PROJECT DESCRIPTION

Amendment to the City of Selah's Shoreline Master Program and Critical Area Ordinance to provide for periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO). (See State Environmental Policy Act Checklist (SEPA) SEPA-2020-006, and City of Selah Draft SMP and CAO Amendment documents for further description and explanation online at: [https://selahwa.gov/planning/shoreline-master-program-update/.](https://selahwa.gov/planning/shoreline-master-program-update/))

ENVIRONMENTAL REVIEW

This is to notify all the public and private agencies with jurisdiction and environmental expertise that the City of Selah Community Development and Planning Department has been established as the lead agency, pursuant to the Washington State Environmental Policy Act (SEPA) for the above stated project. The City of Selah is presently inclined towards the issuance of a Determination of Non- Significance (DNS) on this project. WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposed project.**
Comment due date: February 7, 2021.

REQUEST FOR WRITTEN COMMENTS

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. There is a 30-day comment period for this review. All written comments received by **February 7, 2021**, will be considered prior to issuing the final threshold determination on this application.

NOTICE OF DECISION

A copy of the SEPA threshold determination will be mailed to the parties, agencies, and those who provided public comment after the end of the 30-day public comment period.

Open Record Public Hearing Notice is hereby given that a joint local/state public hearing is set for **February 16, 2021 at 5:30 p.m.** in the City of Selah City Council Chambers (Selah City Hall), before the City of Selah Planning Commission regarding consideration of the above described amendments. All interested persons may appear and provide testimony on the application. At the conclusion of the public hearing the Planning Commission will consider the matter and issue a recommendation to the City Council for approval, approval with conditions, or denial of the proposed amendments.

COVID-19 Hearing Notification: Interested parties, please be advised in accordance with the multiple proclamations by the Governor of the State of Washington, (in particular proclamation 20-28) guidance from the State Attorney General on the requirements of the Open Public Meetings Act, directives by the State Health Department and Yakima Health District regarding COVID-19, the above scheduled public hearing may be held by electronic and telephonic means via Zoom. Procedures for attendance of this

EXHIBIT

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closed record public hearing will be provided on the City of Selah Planning Commission's website along with the Planning Commission meeting agenda ten days prior to the scheduled meeting (<https://selahwa.gov/planning/planning-commission/>).

The draft SMP and CAO Amendments and SEPA Checklist are available during regular business hours at the Planning Department at 222 South Rushmore Road, Selah, Washington 98942 or on the City of Selah's website at <https://selahwa.gov/planning/shoreline-master-program-update/>. The staff report will be available approximately one week before the hearing. Contact the Planning Department with project and/or procedural questions.

Dated this 4th day of January 2021.

/s/

Jeff Peters, Community Development Supervisor



CITY OF SELAH

Planning Department

222 South Rushmore Road
Selah, Washington 98942

Phone 509 698-7365

Fax 509 698-7372

CITY OF SELAH PLANNING COMMISSION AND WASHINGTON STATE DEPARTMENT OF ECOLOGY

Shoreline Master Program Periodic Review Public Comment Period and Public Hearing

The City of Selah and Washington Department of Ecology are accepting comments on its periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO). The city adopted its current SMP in 2007. The focus of this periodic review is on consistency with changes to state law made since its adoption in 2007. The review will also address consistency with the city's development regulations.

Proposed amendments to the SMP, project documents, meeting announcements, and other resources are posted to the city's SMP update website at <https://selahwa.gov/planning/shoreline-master-program-update/>. The official file is available for review at the City of Selah Community Development Department (222 S. Rushmore Road, Selah WA 98942), from 8 a.m. to 5 p.m., Monday through Friday.

A joint local/state public hearing is set for **February 16, 2021 at 5:30 p.m.** in the City of Selah City Council Chambers (Selah City Hall). Any person may submit written comments to the Planning Commission prior to the public hearing, or may appear at the hearing to give public testimony. Public comment will be accepted from **January 8th thru February 7th, 2021 at 5:00 p.m.** Written comments can be provided to Jeff Peters, Community Development Supervisor, at 222 S. Rushmore Rd, Selah, WA 98942, or emailed to jeff.peters@selahwa.gov, or delivered to the Community Development Department at the above address. Comments sent to the City will be forwarded to the Department of Ecology.

COVID-19 Hearing Notification: Interested parties, please be advised in accordance with the multiple proclamations by the Governor of the State of Washington, (in particular proclamation 20-28) guidance from the State Attorney General on the requirements of the Open Public Meetings Act, directives by the State Health Department and Yakima Health District regarding COVID-19, the above scheduled public hearing may be held by electronic and telephonic means via Zoom. Procedures for attendance of this closed record public hearing will be provided on the City of Selah Planning Commission's website along with the Planning Commission meeting agenda ten days prior to the scheduled meeting (<https://selahwa.gov/planning/planning-commission/>).

The draft staff report is available to the public and is posted on the SMP update website.

EXHIBIT

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**CITY OF SELAH PLANNING COMMISSION AND
WASHINGTON STATE DEPARTMENT OF ECOLOGY**

**Shoreline Master Program Periodic Review Public
Comment Period and Public Hearing**

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The draft staff report is available to the public and is posted on the SMP update website.

(968012) January 8, 2021

Courtesy of Yakima Herald-Republic



CITY OF SELAH

Planning Department • 222 South Rushmore RD. • Selah, WA 98942 • Ph: (509) 698-7365 • www.selahwa.gov

Determination of Nonsignificance

Description of Proposal: Amendment to the City of Selah's Shoreline Master Program and Critical Area Ordinance to provide for periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO). (See State Environmental Policy Act Checklist (SEPA) SEPA-2020-006, and City of Selah Draft SMP and CAO Amendment documents for further description and explanation online at: <https://selahwa.gov/planning/shoreline-master-program-update/>.)

Proponent: City of Selah
115 W. Naches Avenue
Selah, WA. 98942

Location of Proposal including street address, if any: City Limits

Lead Agency: City of Selah

City File Number: SEPA-2020-006

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is being issued using the process in WAC 197-11-340. There is no further comment period.

Responsible Official: Donald C. Wayman

Position / Title: City Administrator/SEPA Responsible Official

Signature:

Date of Issuance: February 8, 2021

Appeals: You may appeal this determination to the Selah City Council by filing a written appeal with the required \$300.00 filing fee at the Selah Planning Department, 222 S. Rushmore Road no later than 5:00 p.m. on February 15, 2021. You should be prepared to make specific factual objections. Contact the Planning Department at 698-7365 to read or ask about the procedures for SEPA appeals.





**CITY OF SELAH
AFFIDAVIT OF MAILING**

**STATE OF WASHINGTON
COUNTY OF YAKIMA**

I, Brandy Tucker, being first duly sworn on oath dispose and says:

I am an employee of the City of Selah, 222 South Rushmore Road, Selah, Washington; that I did on the 8 day of February, 2021 caused to be mailed, 30 envelopes, containing a true and correct copy of the Determination of Nonsignificance. Said envelopes mailed from Selah, WA. with the correct first class postage and addressed to the persons having made written or verbal comment regarding these files.

A listing of the persons to whom notice has been mailed is contained in file SEPA-2020-006.

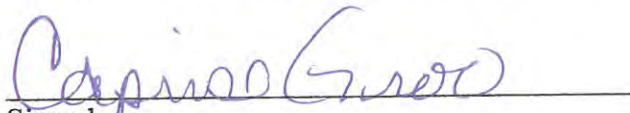

Signed

**STATE OF WASHINGTON
COUNTY OF YAKIMA**

On this day personally appeared before me Brandy Tucker to me known to be the individual referenced herein and who caused to be mailed

Determination of Nonsignificance - SEPA-2020-006

Given under my hand and official seal this 8th day of February 2021.


Signed

Notary Public in and for the State of Washington, residing at Yakima, WA. My term expires June 1, 2021.



WA STATE DEPT. OF COMMERCE
1011 Plum St SE
Olympia, WA 98501

US FISH & WILDLIFE
911 NE 11TH AVE.
PORTLAND, OR 97232-4181

US FOREST SERVICE
10237 U.S. Highway 12
NACHES WA 98937

YAKIMA COUNTY HEALTH DIST.
1210 ANTANUM RIDGE DR
UNION GAP, WA 98903

YAKIMA COUNTY PUBLIC WORKS
128 N. 2ND ST.
YAKIMA, WA 98901

YAKIMA REGIONAL CLEAN AIR
186 Iron Horse Court, Suite 10
YAKIMA, WA 98901

PACIFIC POWER
500 N KEYS RD
YAKIMA, WA 98901

FAIRPOINT COMMUNICATIONS
305 N RUBY STREET
ELLENSBURG, WA 98926

U.S. WEST
8 SO. 2ND AVE.
YAKIMA, WA 98902

SELAH SCHOOL DIST.
316 W. NACHES AVE.
SELAH, WA 98942

Department of Agriculture
Kelly McLain
PO Box 42560
Olympia, WA 98504-2560

Department of Archaeology and
Historic Preservation
1063 S. Capitol Way, Suite 106
Olympia, WA 98504-8343

STATE D.O.T.
DISTRICT #5
2809 RUDKIN RD
UNION GAP, WA 98903-1648

NATURAL RESOURCES
CONSERVATION SERVICE
1606 PERRY, SUITE - F
YAKIMA, WA 98902

WA. ST. DEPT. OF FISH & WILDLI
YAKIMA REGION
1701 S. 24TH AVE.
YAKIMA, WA 98902

TAYLOR DITCH CO., INC.
C/O ZIRKLE FRUIT
P O BOX 1315
SELAH, WA 98942

WA STATE DEPT OF HEALTH
EASTERN REGIONAL OFFICE
16201 EAST INDIANA AVE., STE 1500
SPOKANE, WA 99216

YAKIMA COUNTY AGRI-EXT.
2403 S 18TH STREET
UNION GAP, WA 98903

YAKIMA COUNTY FIRE MARSHALL
128 N. 2ND ST
YAKIMA, WA 98901

YAKIMA COUNTY ASSESSOR
128 N. 2ND ST.
YAKIMA, WA 98901

Y.V.C.O.G.
311 N 4TH ST, SUITE 202
YAKIMA, WA 98901

DEPT. NATURAL RESOURCES
713 E. BOWER RD.
ELLENSBURG, WA 98926

DEPT. OF NATURAL RESOURCES
SEPA CENTER
P.O. BOX 47015
OLYMPIA, WA 98504-7015

Lynn Deitrick
128 N 2nd St., 4th Floor
Yakima, WA 98901

US BUREAU OF RECLAMATION
1917 MARSH RD
YAKIMA, WA 98901-2058

FIRING CENTER
970 Firing Center Rd.
Yakima, WA 98901

WA STATE DEPT OF HEALTH
EASTERN REGIONAL OFFICE
16201 EAST INDIANA AVE., STE 1
SPOKANE, WA 99216

BUREAU OF INDIAN AFFAIRS
YAKAMA AGENCY
P.O. BOX 632
TOPPENISH, WA 98948

YAKIMA COUNTY ROADS
128 N. SECOND STREET 4TH FLOOR
YAKIMA, WA 98901

DEPARTMENT OF ECOLOGY
SEPA Unit
PO Box 47703
OLYMPIA, WA 98504-7703

