CITY OF SELAH

SHORELINE MASTER PROGRAM

Adopted by the City of Selah City Council by Ordinance _____ and Ordinance _____ on December __, 2021
Approved by the Washington State Department of Ecology and effective _____2021

January 2021

July 2020 Draft

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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 CountyCity 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~~

~~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 Ahtanum Creek (SEC13-TWP12N-RGE16-EWM) downstream to its mouth at Ahtanum Creek (SEC1-TWP12N-RGE18E).~~
~~2.~~	~~COTTONWOOD CANYON CREEK:~~	~~From the south line of SEC32-TWP13N-RGE17E, downstream to mouth at Wide Hollow Creek (SEC36-TWP13N-RGE17E).~~
~~1.3.~~	~~COTTONWOOD CREEK (WENAS):~~	~~From boundary of the L.T. Murray Wildlife Recreation Area (south line, SEC35-TWP15N-RGE18E) downstream to mouth at Wenas Creek (SEC12-TWP14N-RGE18E).~~
~~2.4.~~	~~COWICHE CREEK, NORTH FORK:~~	~~Commencing at the north line of SEC36-TWP14N-RGE15E, downstream to its confluence with the South Fork of Cowiche Creek (SEC3-TWP13N-RGE17E).~~
~~5.~~	~~HATTON CREEK:~~	~~From its source at Ahtanum Creek (SEC18-TWP12N-RGE17) downstream to its confluence with Ahtanum Creek (SEC8-TWP12N-RGE18E).~~
~~6.~~	~~LITTLE RATTLESNAKE CREEK:~~	~~From the Wenatchee National Forest boundary (SEC30-TWP15N-RGE15E) downstream to mouth at Rattlesnake Creek (SEC3-TWP15N-RGE15N).~~
~~7.~~	~~WIDE HOLLOW CREEK:~~	~~From the east line of the SW1/4 of the NW1/4 (SEC28-TWP13N-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).~~

Commented [AP2]: Table 8, Item 1

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 floodway/CMZ stream shoreline environment shall also be designated floodway/CMZ. Lakes identified with a "#" are partially or completely within the floodway/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)(c), 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 CountyCity 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 Ponds	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, 35, 36, 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 *	Sec. 2/3, T13N, R23E	Conservancy
Rimrock Lake *	T13/14, R12, 13, 14E	Conservancy
Clear Lake	Sec. 1/2/11/12, T13N, R12E	Conservancy
Lake Aspen	Sec. 11/14, T13N, R18E	Urban

Appendix B YAKIMA COUNTYCITY OF SELAH
SHORELINE LAKES AND PONDS AND THEIR
ENVIRONMENTAL DESIGNATIONS

LAKES	LOCATION	DESIGNATION
Willow Lake	Sec. 11/14, T13N, R18E	Urban
Big Elton Pond	Sec. 31, T14N, R19E	Rural
Bumping Lake *	T16N, R12E	Conservancy
Unnamed Lake (CB-E-301)	Sec. 35, T12N, R19E	Conservancy#
Unnamed Lake (CB-E-300)	Sec. 21, T11N, R20E	Rural
Unnamed Lake (PS-E-311)	Sec. 17, T11N, R20E	Rural#
Mt. Adams Lake	Sec. 20, T9N, R12E	Natural
Two Lakes—Upper	Sec. 8, T10N, R11E	Natural
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
Leech Lake	Sec. 2, T13N, R11E	Conservancy
Twin Sisters lakes	Sec. 3, T14N, R12E	Natural
Pear Lake	Sec. 3, T14N, R12E	Natural
Dog Lake	Sec. 32, T14N, R12E	Conservancy
Cougar Lake	Sec. 4, T15N, R11E	Natural
Dewey Lake	Sec. 30, T16N, R11E	Natural
Swamp Lake	Sec. 33, T16N, R11E	Natural
Slaughterhouse Lake	Sec. 25, 26 T9N, R22E	Rural#
Unnamed Lake	Sec. 20, T9N, R22E	Rural#
Unnamed Lakes X4	Sec. 6/7/8/17/18, T9N, R22E	Rural#
Buchanan Lake	Sec. 20, T13N, R19E	Urban#
Unnamed Lake (Parker Pits)	Sec. 20, T12N, R19E	Rural#
Unnamed Lake (Selah Gravel Pits)	Sec. 30, 31, T14N, R19E Sec. 6, T13N, R19E	Rural#
Unnamed Lake (Grandview WWTP x3)	Sec. 2, T8N, R23E	Rural
Unnamed Lake (Graham & Morris pits)	Sec. 32, T11N, R20E	Rural
Unnamed Lake (Cowiche Reservoir)	Sec. 11, T14N, R16E	Rural

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

~~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~~

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 CountyCity of Selah has little or no jurisdiction: – USFS Wilderness Area – Federal Ownership – Yakama Nation Closed Area – Yakama Nation Trust Lands – Not under Yakima County jurisdiction	Sections and portions of sections: • Sec. – Section • NW – Northwest • NE – Northeast • SW – Southwest • SE – Southeast
*Shoreline of Statewide Significance as defined per RCW 90.58.030(2)(e), 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 Lat. 46° 30' 51", Long. 120° 03' 30" (NW 1/4 of the SE of 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	C
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 Lat. 46° 30' 31" Long. 120° 55' 06" (the NE 1/4 of the NW 1/4 of Sec. 26, T 12N, 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. 23, T12N, R15E and runs downstream.	C	Yes	C
Ahtanum Creek – S. Fork –	From the east sec. line of Sec. 13, 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 89° 45' east of the NW corner thereof, thence south 37° 35' west 119.4 feet; thence south 6° 30' 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 CountyCity 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 Bakers Mill Race Canal right-of-way (in the SE 1/4 of Sec. 7, T12N, R19E).	R	Yes	U
Ahtanum Creek'	From the Bakers Mill Race Canal right-of-way downstream to the south sec. line of Sec. 8, T12N, R19E	UC	Yes	UC
Columbia River				

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Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Columbia River*'	From the Yakima/Kittitas County line (Sec. 5, T14N, R23E) downstream along the Grant-Yakima CountyCity of Selah line to the Yakima/Benton County line (Sec. 12, T13N, R23E)	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. 33, T14N, R16E) downstream to the west line of the east half of Sec. 31, T14N, R17E. (Snow Mt. Ranch)	C	No	C
Cowiche Creek—S. Fork and Mainstem	From the west line of the east half of Sec. 31, 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. 8 and 17, T13N, R18E. (Cowiche Canyon)	C	No	C
Cowiche Creek	From the west line of Secs. 8 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"	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"	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' 23", 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*"	From the U.S.G.S. Gaging Station (Lat. 46° 52' 23", 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*""	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, R13E.	N	Yes	C
Bumping River*"	From the east section line of Sec. 14, T17N, R13E 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"	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""	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"	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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Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
	Bumping River (SW 1/4 of the SW 1/4 of Sec. 36, T16N, R10E). (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. 35, T19N, R10E) downstream to the confluence with the North Fork Little Naches River (the NE 1/4 of the SE 1/4 of Sec. 36, T19N, R12E)	C	No	C
Little Naches South Fork"	From Lat. 47° 02' 57", Long. 121° 20' 35" (in the SW 1/4 of the NE 1/4 of Sec. 16, T18N, R10E) downstream to the Norse 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 Norse 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, R13E).	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 Norse Peak Wilderness boundary (SE 1/4 of the SE 1/4 of Sec. 29, T18N, R13E).	N	No	N
Crow Creek"	From the Norse Peak Wilderness boundary (SE 1/4 of the SE 1/4 of Sec. 29, T18N, R13E) downstream to the confluence with the Little Naches River (the SW 1/4 of the SW 1/4 of Sec. 30, T18N, R14E).	C	No	C
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. 36, T19N, R12E) downstream to the confluence with the Little Naches River South Fork (Lat. 47° 03' 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° 03' 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	C
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	C
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. 35, T15N, R16E.	C	Yes	C
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	C
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

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

~~Stream~~	~~Reach Description~~	~~Right Bank~~	~~Floodway/CMZ~~	~~Left Bank~~
~~Rattlesnake Creek"~~	~~From Lat. 46° 43' 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. 3, 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.~~	~~C~~	~~Yes~~	~~C~~
~~**Tieton River Basin**~~				
~~Conrad Creek"~~	~~From Lat. 46° 30' 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 at Rimrock Lake, Sec. 17 T13N, R14E.~~	~~C~~	~~No~~	~~C~~
~~Tieton River N. Fork"~~	~~From Lat. 46° 30' 51", Long. 121° 03' 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. 32, T13N, 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. 32, T13N, 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, T13N, R12E).~~	~~N~~	~~No~~	~~C~~
~~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, T13N, R12E) downstream to the confluence with Clear Lake (in the SE 1/4 of the SW 1/4 of Sec. 11, T13N, R12E).~~	~~C~~	~~No~~	~~C~~
~~Tieton River N. Fork"~~	~~From the mouth of Clear Lake (in the NW 1/4 of the SE 1/4 of Sec. 12, T13N, R12E) downstream to Lat. 46° 37' 47", Long. 121° 16' 04".~~	~~C~~	~~No~~	~~C~~
~~Tieton River N. Fork*"~~	~~From Lat. 46° 37' 47", Long. 121° 16' 04" to the confluence with Rimrock Lake (in the SW 1/4 of the NE 1/4 of Sec. 12, T13N, R12E).~~	~~C~~	~~No~~	~~C~~
~~Clear Creek"~~	~~From Lat. 46° 39' 06", Long. 121° 20' 22" (in the NE 1/4 of the NW 1/4 of Sec. 4, T13N, R10E) downstream to the confluence with Clear Lake (in the NW 1/4 of the NW 1/4 of Sec. 12, T13N, R12E).~~	~~C~~	~~No~~	~~C~~
~~Indian Creek"~~	~~From Lat. 46° 41' 04", Long. 121° 18' 03" (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 Rimrock Lake (the NW 1/4 of the SE 1/4 of Sec. 6, T13N, R13E).~~	~~C~~	~~No~~	~~C~~
~~Tieton River*"~~	~~From the Rimrock 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).~~	~~C~~	~~No~~	~~C~~
~~**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 Roza 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.~~	~~C~~	~~Yes~~	~~C~~

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

~~Stream~~	~~Reach Description~~	~~Right Bank~~	~~Floodway/CMZ~~	~~Left Bank~~
~~Yakima River*~~	~~From the west line of the Roza 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*~~	~~From the south line of Sec. 18, T14N, R19E downstream to the south line of Sec. 31, T14N, R19E and Sec. 36, T14N, R18E. (City of Selah)~~	~~R~~	~~Yes~~	~~R~~
~~Yakima River*~~	~~From the south line of Sec. 31, T14N, R19E and Sec. 36, T14N, R18E downstream to the south line of Sec. 7 and 8, T13N, R19E. (City of Yakima)~~	~~UC~~	~~Yes~~	~~R~~
~~Yakima River*~~	~~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*~~	~~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*~~	~~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*~~	~~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*~~	~~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* 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. 33, T13N, R19E, except that where the main river's shoreline environment overlays the Blue Slough shoreline environment, it shall supersede the Blue Slough environment.~~	~~U~~	~~No~~	~~U~~
~~Yakima River* Blue Slough~~	~~From the south line of the NW 1/4 of the NE 1/4 of Sec. 33, T13N, R19E, downstream to where it enters Yakima River shoreline jurisdiction (in the SW 1/4 of the SE 1/4 of Sec. 33, T13N, R19E), except that where the main river's shoreline environment overlays the Blue Slough shoreline environment, it shall supersede the Blue Slough environment.~~	~~R~~	~~-~~	~~R~~
~~Yakima River*~~	~~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*~~	~~From the south line of Sec. 8, T12N, R19E downstream to the south line of Sec. 17, T12, R19E.~~	~~C~~	~~Yes~~	~~C~~
~~Yakima River*~~	~~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*~~	~~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*~~	~~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*~~	~~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*~~	~~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*~~	~~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~~

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

~~Stream~~	~~Reach Description~~	~~Right Bank~~	~~Floodway/CMZ~~	~~Left Bank~~
~~Yakima River*~~	~~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*~~	~~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 29, T9N, R22E~~	~~R~~	~~Yes~~	~~R~~
~~Yakima River*~~	~~From the east line of Secs. 20 and 29, T9N, R22E downstream to the east line of Secs. 25 and 36, T9N, R22E.~~	~~R~~	~~Yes~~	~~C~~
~~Yakima River*~~	~~From the east line of Secs. 25 and 36, T9N, R22E downstream to the Yakima/Benton County line in the NE 1/4 of Sec. 12, T8N, R23E.~~	~~R~~	~~Yes~~	~~R~~
~~**American River Basin**~~				
~~American River~~	~~From Lat. 46° 51' 30", Long. 121° 26' 37" (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""~~	~~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. 34, T17N, R11E.~~	~~N~~	~~No~~	~~C~~
~~American River""~~	~~From the William O. Douglas Wilderness boundary on the right bank in the NE 1/4 of the SE 1/4 of Sec. 34, 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. 35, T17N, R11E.~~	~~C~~	~~No~~	~~C~~
~~American River""~~	~~From the William O. Douglas Wilderness boundary on the left bank in the NE 1/4 of the SE 1/4 of Sec. 35, 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""~~	~~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~~	~~C~~
~~American River""~~	~~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 Lat. 46° 56' 05", Long. 121° 20' 27".~~	~~N~~	~~No~~	~~C~~
~~American River*""~~	~~From the Lat. 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*""~~	~~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.~~	~~C~~	~~No~~	~~C~~
~~American River*""~~	~~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~~	~~C~~
~~American River*""~~	~~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 Bumping River (the NW 1/4 of the SW 1/4 of Sec. 12, T17N, R13E).~~	~~C~~	~~No~~	~~C~~
~~Rainier Fork*""~~	~~From Lat. 46° 53' 29", 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"~~	~~From Lat. 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, T17N) downstream to the confluence with the American River (in the SE 1/4 of the NW 1/4 of Sec. 25, T17N, R11E.	C	No	C
Cowlitz River Basin				
Muddy Fork"	From Lat. 46° 16' 26", Long. 121° 28' 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' 59", Long. 121° 29' 09" (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. 29, 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				
Simcoe Creek""	From Lat. 46° 26' 46", Long. 120° 51' 34" (in the NE 1/4 of the NE 1/4 of Sec. 18, T11N, R10E) downstream to the east section line of Sec. 3, T10N, R16E.	C	No	C
Simcoe 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, T9N, 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 36, T10N, R19E.	R	No	R
Toppenish Creek""	From the east section line of Sec. 25 and 36, 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
Satus River Basin				
Satus Creek"	From the County line (in the SW 1/4 of the SW 1/4 of Sec. 33, T7N, R18E) downstream to the north line of the south 1/2 of Sec. 35, T8N, R18E.	N	No	N
Satus 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"~~	~~From north line of Sec. 7, T8N, R19E downstream to the west line of Sec. 26, T9N, R19E.~~	~~N~~	~~No~~	~~N~~
~~Satus Creek"~~	~~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.~~	~~C~~	~~No~~	~~C~~
~~Satus Creek*"~~	~~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~~	~~C~~
~~Satus Creek*"~~	~~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, R22E).~~	~~R~~	~~No~~	~~R~~
~~North Fork Dry Creek"~~	~~From Lat. 46° 13' 46", Long. 120° 37' 17" (in the SW 1/4 of the SW 1/4 of Sec. 30, T9N, R10E) 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. 23, T9N, R19E).~~	~~N~~	~~No~~	~~N~~
~~North Fork Dry Creek"~~	~~From the southeast right-of-way line of U.S. Highway 97 (in the SE 1/4 of the NW 1/4 of Sec. 23, 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~~	~~C~~
~~Logy Creek"~~	~~From Lat. 46° 08' 09", Long. 120° 38' 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, T8N, R19E).~~	~~N~~	~~No~~	~~N~~
~~**Klickitat River Basin**~~				
~~Butte Meadows Creek"~~	~~From Lat. 46° 27' 41", Long. 121° 12' 34" (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~~	~~C~~
~~Diamond Fork"~~	~~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.~~	~~C~~	~~No~~	~~C~~
~~Diamond Fork""~~	~~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"~~	~~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~~
~~Piscoe Creek"~~	~~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"~~	~~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"~~	~~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"~~	~~From the mouth at 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"~~	~~From Lat. 46° 18' 36", Long. 121° 23' 58" (in the SW 1/4 of the NE 1/4 of Sec. 35, 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"~~	~~From Lat. 46° 17' 17", Long. 121° 22' 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"~~	~~From Lat. 46° 16' 00", 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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Stream	Reach Description	Right Bank	Floodway/CMZ	Left Bank
Crawford Creek"	From Lat. 46° 16' 38", Long. 121° 21' 07" (in the NW 1/4 of the SW 1/4 of Sec. 8, T9N, R10E) downstream to the confluence with the Little Muddy Creek (in the NW 1/4 of the SW 1/4 of Sec. 8, T9N, R10E).	N	No	N
West Fork Klickitat River"	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*"	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"	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, R112E).	N	No	N
Swamp Creek"	From Lat. 46° 12' 58", Long. 121° 20' 20" (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
Rusk Creek/ Avalanche Valley"	From Lat. 46° 11' 33", Long. 121° 23' 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"	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. 3, T7N, R12E).	N	No	N
Hellroaring Creek"	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""	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""	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).	C	No	C
Dry Creek"	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)	C	No	C
Trout Creek"	From Lat. 46° 07' 59", Long. 121° 11' 26" (in the SW 1/4 of the SW 1/4 of Sec. 33, T8N, R10E) downstream to the north sec. line of Sec. 29, T7N, R13E.	N	No	N
Trout Creek"	From the north sec. 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).	C	No	C
Tepee Creek"	From Lat. 46° 08' 55", Long. 121° 03' 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"	From Lat. 46° 07' 59", Long. 120° 59' 40" (in the SW 1/4 of the SE 1/4 of Sec. 36, T8N, R10E), downstream to the confluence with White Creek (in the SE 1/4 of the NW 1/4 of Sec. 30, T7N, R14E).	N	No	N
White Creek"	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"	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 CountyCity of Selah.)	N	No	N
Summit Creek"	From the County line in the SW 1/4 of the SW 1/4 of Sec. 36, T7N, R14E downstream to the County line (in the SE 1/4 of the SE 1/4 of Sec. 35, 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"~~	~~From Lat. 46° 27' 15", Long. 121° 23' 29" (in the SW 1/4 of the NW 1/4 of Sec. 12, T11N, R10E) downstream to the confluence with the Diamond Fork (Lat. 46° 22' 27", Long. 121° 11' 35").~~	~~N~~	~~No~~	~~N~~
~~Klickitat River*"~~	~~From the confluence with the Diamond Fork (Lat. 46° 22' 27", Long. 121° 11' 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*"~~	~~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, R13E).~~	~~C~~	~~No~~	~~C~~

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.01.06~~7~~ Applicability of Permit System to Federal Agencies.
16D.01.07~~8~~ Administrative Authority.
16D.01.08~~9~~ Severability.
16D.01.09 Effective Date.

16D.01.01 Title and Authority.

(1) ~~Yakima~~ The City of Selah Shoreline Master Program ~~Countyh Code (YCC) Title 16D~~ 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 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 ~~YCC Title 16D~~t~~T~~he 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) ~~YCC 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 countycity'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 SMP~~, 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

—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.

(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 [AP8]: Pending info from CAO update

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 official~~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 administrated ~~processed~~ in accordance with SMC ~~YCC~~ Section 21.01.030 and 21.03.020. ~~16B.03.070~~.

(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 Breakwater.~~
~~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 Dock.~~
~~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 Fill.~~

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

~~16D.02.205 Flood.~~

(1) Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of ~~YCC Title 13~~ SMC 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 ~~Yakima County~~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 ~~county~~ city Subdivision Ordinance (SMC Chapter 11.50 'Platting and Subdivision Requirements~~YCC Title 14~~), 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. ~~(Ref. IBC G 201.2)~~"Development" does not include dismantling or removing structures if there is no other associated development or re-development.

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 ~~.T~~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 (HRCA).~~

"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~~City of Selah Code ~~Titles 13 and 19~~ separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" shall include "mobile home" for regulatory purposes under this 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 SMC Chapter 10.56 ~~in accordance with YCC Title 19 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.02.30~~12 ~~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 ~~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 setbacks, buffer or yards; area; bulk; height or density standards due to subsequent changes to the master program. ~~of this title, but which 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 L~~l~~ot.

"Nonconforming lot" means ~~A~~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.

16D.02.304~~4~~ ~~———~~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.**~~

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

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.

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.~~1~~06.02~~3~~ (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 ~~a 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)~~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.

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 II – 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 III~~V~~ – 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 IV~~I~~ – 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 ExemptionExceptions to Local Review) and 16D.03.09 (Exemptions). Exemptions, as provided for in sections 16D.03.079 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 (SMC Chapter 11.50)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 Countythe 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 section~~s~~ 16D.03.09~~7~~ (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(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.

16D.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.

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.03.097 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;

Commented [LW34]: Table 2, 2017a

(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 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~~e~~) The fair market value of new docks constructed in fresh waters does not exceed eleven thousand two hundred ($11,200) dollar~~s~~

(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.

(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.

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 III~~V~~ – 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.03.17~~SMC 11.50.080~~., and include the permit information required either in YCC Title 16B (Project Permit Administration) or in chapter 16D.05.44 (Flood Hazard Protection Administration), as appropriate.~~

~~(3) To be accepted as complete, a critical area development authorization application must include all maps, drawings and other information or data specified by this title or requested on the basis of the pre-application conference (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 10.06.040 (Application Review Procedures) YCC 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;

(fe) Decisions; and

(gf) Decision Aappeals.

(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 Cehapters 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;

(34) 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 preventions requirements of Chapter~~s~~ 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 commissionersCity Council establishes the schedule of fees and charges listed in Yakima CountyCity of Selah Code, Title 20 (Yakima CountyCity of Selah Fee Schedule), for development authorizations, variances, appeals and other matters pertaining to this title.

ARTICLE V – CRITICAL AREAS REPORTS

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

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 Type IIClass 2 review in accordance with YCC Title 16B SMC section 10.06 (ApplicationsProject 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.106.059 (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 CountyCity 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 Type II review in accordance with SMC section 10.06 YCC Title 16B (Project Permit AdministrationApplications).

(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.

(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 YCC Title 16B (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.03.14 (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 1review, as provided under YCC Title 16B (Project Permit Administration). 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 section 16D.03.14 (Authorization Decisions—Basis for Action).

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 IIClass 2 review under SMC Section 10.06 YCC Title 16B (Project Permit AdministrationApplications).

(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 IIClass 2 review, as provided under SMC Section 10.06 YCC Title 16B (Project Permit AdministrationApplications).

(iii) Within shoreline jurisdiction, and only within the urban and rural shoreline environments, a nonconforming use as listed in section 16D.1006.095 (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 IIClass 2 review, as provided under SMC Section 10.06YCC 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.05.72, 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~~

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

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

~~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.~~

~~**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 I~~V~~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 – 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~~I~~ – 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 ~~Yakima County~~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 ~~Yakima County~~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.~~

Commented [AP53]: Table 8, Item 1

Extraneous; Appendices B &C removed.

(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.

Commented [AP54]: Table 2, 2009a

16D.06.03 Shoreline Environments.

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

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 ~~Yakima County~~City of Selah." This map is for informational and illustrative purposes only and is not regulatory in nature.

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

(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.

(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 ApproachShoreline 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 IVII – 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.
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16D.06.17 Roads, Railroads and Parking.
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16D.06.23 Reclamation.

ARTICLE 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.
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(1) The Naches River and the Yakima River.~~Those Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~

Commented [AP53]: Table 8, Item 1

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(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.

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(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.

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16D.06.03 Shoreline Environments.

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(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.

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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 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 placed to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed.~~

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

Sections:

ARTICLE I – INTRODUCTION

16D.06.01 Purpose and Intent.
16D.06.02 Protection ApproachShoreline Jurisdiction.
16D.06.03 Shoreline Environments.

16D.06.07 Wetland Rating System.
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ARTICLE IVII – WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

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ARTICLE I – INTRODUCTION

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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 CountyCity 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;

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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.~~Those Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~

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(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.

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16D.06.03 Shoreline Environments.

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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 ~~Yakima County~~City of Selah." This map is for informational and illustrative purposes only and is not regulatory in nature.

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(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.

(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 1019and 21 and the Yakima CountyCity of Selah Shoreline Management Master Program Regulations (WAC 173-19-470);

(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 CountyCity 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 CountyCity 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 CountyCity 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~~

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16D.06.02 ~~Protection Approach~~Shoreline Jurisdiction.
16D.06.03 Shoreline Environments.

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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.

(2) A structure, nonconforming only because the structure is not in conformance with the applicable elevation

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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.

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16D.06.03 Shoreline Environments.

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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 ~~Yakima County~~City of Selah." This map is for informational and illustrative purposes only and is not regulatory in nature.

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ChapterSection 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;

~~(d) Location, volume and type of any proposed fill;~~

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16D.06.03 Shoreline Environments.

~~16D.06.07 Wetland Rating System.~~
16D.06.09 Shoreline Land Use Table.
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ARTICLE V~~I~~ – SHORELINE USE DEVELOPMENT STANDARDS

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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 ~~Yakima County~~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 ~~Yakima County~~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.~~Those Shoreline lakes, ponds and stream lengths identified in Appendices B and C of this title.~~

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(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.

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(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.

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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 nor 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.

~~Chapter~~Section ~~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~~

~~(5) The granting of such a variance will not result in:~~

~~(a) Increased flood heights;~~

~~(8) Additional threats to public safety;~~

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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 ~~--~~

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16D.06.15 Water-Enjoyment and Nonwater-Oriented Uses.
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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.
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ARTICLE V~~I~~ – SHORELINE USE DEVELOPMENT STANDARDS

16D.06.24 Forest Practices.
16D.06.25 Commercial and Community Services.
16D.06.26 Industrial Activities.
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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 ~~Yakima County~~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 ~~Yakima County~~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.~~

Commented [AP53]: Table 8, Item 1

Extraneous; Appendices B &C removed.

(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.

Commented [AP54]: Table 2, 2009a

16D.06.03 Shoreline Environments.

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

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 ~~Yakima County~~City of Selah." This map is for informational and illustrative purposes only and is not regulatory in nature.

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

(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.

(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 II~~I~~ – GENERAL DEVELOPMENT STANDARDS

16D.06.09 Shoreline Land Use Table.

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

Table 16D.~~1~~06.09~~5~~ 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.03.09~~7~~, Exemptions).

Definitions for some uses are provided in chapter 16D.02. The provisions in Table 16D.~~10.05~~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 16D.~~10~~06.09~~5~~

Activity	Environments					
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.03.09~~7~~, 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.	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
GENERAL						
Activities listed in 16D.06.10, Prohibited uses	X	X	X	X	X	X
AGRICULTURE ~~Also see section 16D.03.07 for common exemptions.~~						
Agriculture, including accessory agricultural structures, but excluding grazing	S	S	C	X	C	S
Grazing, also see ~~special grazing provisions in 16D.01.05(c), Applicability, and~~ 16D.03.13(2)(b), Development Authorization, for development standards	S	S	S	S	S	S

Activity	Environments					
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.03.0~~2~~7, 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.	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
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 ~~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.~~						
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 ~~Also see section 16D.03.07 for common exemptions~~						
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					
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.03.0~~2~~7, 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.	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
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					
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.03.0~~2~~7, 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.**	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
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					
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.03.0~~2~~7, 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.	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
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					
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.03.0~~2~~7, 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.**	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
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	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 ~~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 barbs, etc.) demonstrating necessity per 16D.06.19(11)(e) for	C	C	C	C	C	C

Activity	Environments					
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.03.0~~2~~7, 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.	**Urban**	**Rural**	**Conservancy**	**Natural**	**Floodway/ CMZ**	**Urban Conservancy**
– 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

~~(Res. 54-2010 § 2 (Att. B § 35), 2010; Ord. 14-2007 § 1 (Exh. A) (part), 2007).~~

16D.06.10 Prohibited Uses.

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

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

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

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

(4) The draining or filling of a wetland, lake or pond, except as provided for in Section 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);~~

(10~~2~~) Within shoreline jurisdiction, those uses not allowed in particular shoreline environments as provided in section 16D.~~1~~06.0~~5~~9 (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 (Att. B § 26), 2010; Ord. 14-2007 § 1 (Exh. 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 CountyCity 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 this titleSMC 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).

Commented [AP60]: Table 8, Item 1

(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 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~~V~~ – 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 f~~F~~or~~ 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).

Commented [AP62]: Table 8, Item 1

Redundant with item (9) above.

(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.

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.05.36.010(6)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.~~s 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 ~~Yakima 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.03.13(2)(b).~~

Commented [AP63]: Table 8, Item 1

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 ~~Yakima County~~City 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 § 34), 2010; Ord. 14-2007 § 1 (Exh. A) (part), 2007).~~

~~Chapter 16D.08~~

~~GEOLOGICALLY HAZARDOUS AREAS~~

Commented [AP65]: Table 8, Item 1

Geologically Hazardous Area standards are provided in SMC 11.50.

~~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.~~

~~(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)~~

Commented [AP66]: Table 8, Item 1

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 90.58.290.~~

~~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~~

Commented [AP67]: Table 8, Item 1

Relevant text re-located to Chapter 16D.06 (Shoreline Management)

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Commented [AP69]: Table 8, Item 1

~~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:~~