



**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division**

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**City of Yakima Planning Commission  
PUBLIC MEETING/STUDY SESSION**

**City Hall Council Chambers**

**Wednesday April 10, 2013**

**2:00 pm - 5:00 pm**

**YPC Members:**

**Chair Ben Shoval, Co-Chair Dave Fonfara, Ron Anderson, Al Rose,  
Scott Clark, Paul Stelzer, Bill Cook**

**City Planning Staff:**

**Steve Osguthorpe, Community Development Director/Planning Manager; Bruce Benson, Supervising  
Planner; Jeff Peters and Joseph Calhoun, Associate Planners; Chris Wilson, Assistant Planner; and  
Rosalinda Ibarra, Planning Technician**

**Agenda**

**Announcement: This meeting is a study session on the City's Master Program in which the  
general public is invited to participate and comment.**

- I. Call to Order**
- II. Roll Call**
- III. General Audience Participation Not Associated with an Item on the Agenda**
- IV. (2:00 - 2:30p) Community Survey & Built Environment Overview - Presentation by  
City Manager Tony O'Rourke**
  - Discussion & Questions**
- V. Staff Distribution of Shoreline Materials**
- VI. Shoreline Master Program Review**
  - Staff/Consultant Presentation of Key Shoreline Chapters and Objective of the  
Shoreline Management Act (SMA)**
  - Task#1 - Review of Section 17.05.040 Public Access**
  - Task#2 - Review of Section 17.07.190 Redevelopment, Repair, and Maintenance**
  - Task#3 - Review of Chapter 17.11 Existing Uses, Structures, and Lots/ Non-  
Conforming Uses**
  - Task #4 - General Review & Discussion of Remaining Sections (Sec. 17.07.050,  
Sec. 17.07.090, Sec. 17.07.120, Sec. 17.07.130, Sec. 17.07.170, and Sec. 17.07.180)  
determined by Commission comments.**
- VII. Other Business**
- VIII. Adjourn to April 17, 2013**

# YAKIMA SHORELINE MASTER PROGRAM

This document provides draft regulations for the following sections of City of Yakima Shoreline Master Program (SMP) Update:

- Section 17.05.040 Public Access\*
- Section 17.07.050 Commercial Development
- Section 17.07.090 Industry
- Section 17.07.120 Recreational Development
- Section 17.07.130 Residential Development
- Section 17.07.170 Transportation
- Section 17.07.180 Utilities
- Section 17.07.190 Redevelopment, Repair, and Maintenance\*
- Chapter 17.11 Existing Uses, Structures and Lots\*

Typically, the base language is from the Yakima County Regional SMP, and then amended with strikeout/underline to be more consistent with City conditions or SMP Guidelines. In some cases, sections are “all new” and noted as such.

Particular topics of focus at the April 10, 2013 Planning Commission meeting are anticipated to include public access, maintenance, and existing uses, structures, and lots (noted with an asterisk \* above).

The draft sections should be read in conjunction with the following documents distributed to the Planning Commission at prior meetings:

- Preliminary Shoreline Environment Designations & Use and Modification Matrix Framework (distributed for 3/13 meeting – updated through discussion at 3/27 meeting)
- Excerpts From Ecology’s Shoreline Master Program Submittal Checklist (distributed for 3/27 meeting)
- SMP Update Guidance – Consistency (distributed for 3/27 meeting)

City staff has provided an initial review, but is also reviewing this document in parallel with the Planning Commission. As a result, there may be additional input at the next Planning Commission meeting on April 10, 2013.

## PORTION OF CHAPTER 17.05, PUBLIC ACCESS

### 17.05.050 Public Access

**Consultant Note:** In the Regional SMP, public access requirements are scattered (e.g. Residential, Commercial, and Recreation) with no consolidated regulations on standards and exceptions. The Consultants propose a more discrete section of regulations designed to meet SMA Goals and SMP Guidelines, the public trust doctrine, and private property rights.

A. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.

B. The City may not vacate any road, street, or alley abutting a body of water except as provided under RCW 35.79.035.

- C. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality. Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including, but not limited to, the landowner and the public.
- D. Public access does not include the right to enter upon or cross private property, except on dedicated public rights-of-way or easements or where development is specifically designed to accommodate public access.
- E. Except as provided in Subsection F below, shoreline substantial developments and shoreline conditional uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:
1. the development is proposed by a public entity or on public lands;
  2. the nature of the proposed use, activity or development will likely generate a public demand for one or more forms of physical or visual access to the shoreline;
  3. the proposed use, activity or development is not a water-oriented or other preferred shoreline use, activity or development under the Act, such as a non-water-oriented commercial or industrial use; or
  4. the proposed use, activity or development will interfere with the public use, activity and enjoyment of shoreline areas or waterbodies subject to the public trust doctrine.
- F. An applicant shall not be required to provide public access where the City determines that one or more of the following conditions apply:
1. reasonable, safe and convenient public access to the shoreline is accessible within one-quarter mile (1,320 feet) of the site, and the City's adopted parks and recreation plans do not indicate a need for a trail or access at the property;
  2. the site is within or part of an overall development which has previously provided public access through other application processes;
  3. the economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity or development;
  4. the proposed use, activity or development only involves the construction of four or fewer single-family or multifamily dwellings;
  5. the proposed use, activity or development only involves agricultural activities;
  6. the proposal consists of a new or expanded road or utility crossing through shoreline jurisdiction serving development located outside of shoreline jurisdiction;
  7. the nature of the use, activity or development or the characteristics of the site make public access requirements inappropriate due to health, safety or environmental hazards based on evidence provided in the proposed application;
  8. the proposed use, activity or development has security requirements that are not feasible to address through the application of alternative design features or other measures;

9. significant and unmitigable harm to the shoreline environment would be likely to result from an increase, expansion or extension of public access upon the site;
  10. public access is deemed detrimental to threatened and/or endangered species under the Endangered Species Act.
- G. Public Access Standards. When public access is provided, the following standards shall apply.
1. Physical public access is preferred to solely visual access. Where physical public access is not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.
  2. Physical public access shall be designed to connect to existing or future public access features on adjacent or abutting properties, or shall connect to existing public rights-of-way or access easements, consistent with design and safety standards.
  3. Public access proposals shall be designed consistent with parks and recreation standards or plans contained in applicable City, County, State, or Federal codes or approved plans.
- A.H. Shared community access may be allowed if there is no existing or planned public access along the shoreline as determined by a review of adopted parks and recreation plans. Where provided, community access is subject to all applicable development standards of this section.
- I. Off-site public access, either physical or visual, may be permitted by the City where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, or feasibility are present.
- B.J. The City may condition public access proposals to ensure compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, and/or address compatibility with adjacent properties. Public access facilities shall be made compatible with adjacent private properties through the use of techniques to define the separation between public and private space.

## **PORTION OF CHAPTER 17.07, UPLAND LAND USES**

This portion of Chapter 17.07 addresses the following uses and activities: Commercial, Industry, Recreation, Residential, Transportation, and Utilities, and Redevelopment, Repair, and Maintenance

### **17.07.050 Commercial and Service Development**

**Consultant Note:** The following provisions were re-ordered to focus on preferred uses first, then conditions of development such as public access. The language regarding preferred uses and non-water-oriented uses was modified to more closely match SMP Guidelines, which in some ways is more flexible or more directive than the original Regional SMP language. The undergrounding provision is eliminated in this section in favor of addressing topic in Section 17.07.180, Utilities.

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

~~A. Developers shall insure that utility lines including electricity and communications will be underground, except where presence of bedrock or other obstructions make undergrounding impractical. Above ground lines in existence at the time of adoption of the Master Program shall be undergrounded during normal replacement processes.~~

~~B. Water-oriented commercial and community services uses shall be designed to facilitate public access to and enjoyment of nearby shoreline areas.~~

A. Water-dependent commercial development shall be given priority over non-water-dependent commercial uses. Secondly, water-related and water-oriented uses shall be given priority over non-water-oriented commercial uses.

C.B. Application for new commercial or community services shall demonstrate either:

1. How the use qualifies as a water-oriented use and how facilities function as such, or;
2. The use is part of a mixed-use project that includes water-dependent uses, or;
3. Navigability is severely limited at the proposed site, and the use ~~That a non-water-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 consistent with Section 17.05.040 and ecological restoration, or;
4. That a non-water-oriented use is physically separated from the shoreline set back from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.

C. Mixed-use buildings, as defined in Section 17.01.090, may be allowed subject to compliance with all of the following criteria:

1. The project includes one or more water-dependent uses.
2. Water-dependent commercial uses as well as other water-oriented commercial uses have preferential locations along the shoreline.
3. The underlying zoning district permits residential uses together with commercial uses.
4. Public access is provided for substantial numbers of persons in accordance with Section 17.05.040 and ecological restoration is provided as a public benefit. The Shoreline Administrator shall interpret substantial numbers of persons consistent with the Act, SMP Guidelines, and Shorelines Hearings Board cases.
5. Residential uses meet requirements of Section 17.07.130.

D. If required by Section 17.05.040, commercial and community services uses shall be designed to facilitate public access to and enjoyment of nearby shoreline areas.

E. Non-water-oriented commercial uses shall not be allowed over water in any shoreline environment unless they are accessory to and support water-dependent uses.

### **17.07.090 Industry**

**Consultant Note:** Similar approach as Commercial section above, where preferred uses are a focus first. Refinements to language made to more closely respond to SMP guidelines for conditions under which non-water-oriented uses are allowed.

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

A. Water-dependent uses shall be given preference over non-water-dependent uses. Water-oriented industrial uses shall be given preference over non-water-oriented uses.

~~D.B.~~ Facilities and structures shall be designed and screened with vegetation to minimize degradation of shoreline aesthetic qualities.

~~E.C.~~ The location, design, and construction of industrial uses and redevelopment are required to demonstrate no net loss of ecological functions and that significant adverse impacts to other shoreline resources and values are avoided. Industries which have proven to be environmentally hazardous shall be discouraged from locating along the shorelines.

~~F.D.~~ New industrial uses and redevelopment of industrial uses shall provide for environmental cleanup and restoration in degraded or contaminated locations.

~~G.E.~~ Application for new industrial activities shall demonstrate either:

1. How the use qualifies as a water-oriented use and how facilities function as such, or;
2. That a non-water-oriented use is part of a mixed-use development that includes a water-dependantdependent use, and that it, or;
- ~~2-3.~~ Navigability is severely limited at the proposed site and the use will provide a significant public benefit towards meeting SMA objectives, such as providing public access and ecological restoration, or;
4. That a non-water-oriented use is physically separated from the shoreline setback from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.

~~H.F.~~ New or expanded industrial developments shall be required to make adequate provisions for public and private visual and physical shoreline access unless such a requirement would interfere with operations or create hazards to life or property or another exception is met consistent with Section 17.05.040.

### 17.07.120 Recreational Development

**Consultant Note:** Refinements to language made to more closely respond to SMP guidelines and to reflect City specific environment designations.

The following provisions apply to any development, construction, or use of land or water for recreational purposes within Shoreline jurisdiction, whether public or commercial.

~~I.G.~~ 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.

~~J.~~ ~~No permanent structures are allowed in the natural environment.~~

~~K.H.~~ The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.

~~L.I.~~ Recreational uses and facilities located within shoreline jurisdiction shall include features that relate to access, enjoyment and use of the water and shorelines of the state. 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.

~~M.J.~~ Different uses within a specific recreational facility must be compatible with each other.

~~K.~~ 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~~17.07.050 (Commercial and ~~Commercial Services Development~~).

~~L.~~ Recreational development shall demonstrate achievement of no net loss of ecological functions.

~~N.M.~~ Applicants may apply for a multiyear recreation maintenance plan for exempt and non-exempt repair and maintenance activities consistent with Section 17.07.190.

### 17.07.130 Residential Development

**Consultant Note:** Refinements to language made to more closely respond to SMP guidelines and to reflect City conditions rather than rural conditions. The undergrounding provision is eliminated in this section in favor of addressing topic in Section 17.07.180, Utilities. The limitation on subdivision design requiring new flood control facilities is based on the SMP Guidelines (WAC 173-26). In the consultants' experience the minimum language is shown below on this topic; in other communities Ecology has required that the performance standards include a hydrogeologic study.

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

~~A. 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 makes undergrounding impractical. Above ground lines in existence at the time of adoption of the Master Program shall be undergrounded during normal replacement processes.~~

A. New multiunit development, p~~Plats of or~~ 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 consistent with Section 17.05.040.~~

B. Residential development and preliminary plats shall contain plans indicating how shoreline vegetation will be preserved and erosion controlled. A vegetation protection and/or erosion control plan judged by the Shoreline Administrator to be insufficient for protection of the shoreline environment shall cause denial of an application.

~~C. Applications for new shoreline residences shall ensure that shoreline stabilization and flood control structures are not necessary to protect proposed residences.~~

~~D. New floating residences and over-water residential structures shall be prohibited in shoreline jurisdiction.~~

~~E. Private lake owners or homeowners associations may apply for a multiyear residential maintenance plan for exempt and non-exempt repair and maintenance activities consistent with Section 17.07.190.~~

~~C. 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.~~

### 17.07.170 Transportation and Parking

**Consultant Note:** Revisions in this section are intended to clarify when standards apply to new or expanded facilities versus maintenance and repair (allowed to have multiyear maintenance plans), and to allow for flexibility in the location of parking areas due to site constraints or ADA requirements. Some clarifications on performance standards were added to align with SMP Guidelines.

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

A. Transportation and parking activities consistent with exemptions in 17.13.050 are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but shall meet applicable provisions of this Master Program. Applicants may apply for a multiyear transportation maintenance plan for exempt and non-exempt repair and maintenance activities consistent with Section 17.07.190.

B. New or expanded transportation and parking facilities must be designed and located where they will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions, and will not adversely impact existing or planned water-dependent uses.

~~A.C.~~ New or expanded rRoads 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. Applications for new or expanded roads and railroads shall demonstrate through engineering studies that a shoreline location is the most feasible of the available options.

1. Construction of roadways or railroads across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
2. Roadways or railroads 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.
3. Roadways or railroads within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.

~~B.D.~~ 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.

~~C.E.~~ 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.

~~D.F.~~ Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.

~~E.G.~~ Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of ~~the ordinary high~~ water, sediment and woody debris.

- F.H. 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, and shall be designed consistent with the latest guidance from the Washington Department of Fish and Wildlife.
- ~~G. The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsection (1) and (2), and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.~~
- ~~H. 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.~~
- ~~I. At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water.~~
- ~~J. Roads must be designed and constructed using established flood resistant and design and construction methods when they may be subject to damage by flood waters.~~
- K.I. Roads and bridges within floodways must meet the requirements of section 16D.05.36.010 subsection (7) and (2) flood hazard regulations of Section 17.09.020.
- L.J. ~~Additional Shoreline Standards for Roads, Railroads and Parking~~ – the standards in this section only apply to new or expanded uses within Shoreline jurisdiction.
1. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use consistent with the use matrix and definitions in Sections 17.03.070 and 17.01.090, respectively.
  2. Parking areas shall be located upland of the areas they serve, unless:
    - a. -A location waterward is required to meet Americans with Disabilities Act requirements, or
    - b. No other feasible location upland of the area served is possible due to topographical or other physical constraints.
    - ~~a-c. In the above cases 2a and 2b, parking shall be located as far upland from the OHWM as feasible, recognizing the limited supply of shoreline areas.~~

~~—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.~~
  - 4.3. Proposals for new or expanded parking facilities shall minimize environmental and visual impacts of parking facilities through compliance with Section 17.05 General Regulations, Section 17.09 Critical Areas, and applicable City zoning standards addressing lighting and landscaping.
  5. ~~A Conditional Use Permit for roads, railroads or parking areas must demonstrate through and engineering studies that a shoreline location is the most feasible of the available options.~~

### 17.07.180 Utilities

**Consultant Note:** Revisions in this section are intended to clarify when standards apply to new or expanded facilities versus maintenance and repair (allowed to have multiyear maintenance plans). Some clarifications on performance standards were added to align with SMP Guidelines. Streamlining of standards was also an objective (e.g. removing multiple references to flood hazard standards).

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~~ shoreline jurisdiction:

A. Utilities activities consistent with exemptions in Section 17.13.050 are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but shall meet applicable provisions of this Master Program. Applicants may apply for a multiyear utilities maintenance plan for exempt and non-exempt repair and maintenance activities consistent with Section 17.07.190.

B. New or expanded non-water-oriented utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water-oriented, shall not be allowed in shoreline jurisdiction unless it can be demonstrated that:

1. -No other feasible option is available, or
2. The new location is necessary due to channel migration or levee setback, or
3. The facilities are being added or improved to meet federal or state mandates.

M.C. 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.

1. Utility transmission lines and facilities across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
2. 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.

N.D. 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.

O.E. 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.

P.F. Preference shall be given to utility systems contained within the footprint of an existing right-of-way or utility easement over new locations for utility systems. 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.

Q.G. Aboveground electrical support towers and other similar transmission structures shall be located as far upland as is practical.

R.H. 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.

S.I. Underground utility transmission lines shall be constructed so they do not alter, intercept or dewater groundwater patterns that support streams, wetlands and hyporheic flow.

T.J. All new and replacement water supply systems and wastewater systems within a special flood hazard area must meet the requirements of 17.09.020 Flood Hazard Areas ~~16D.05.28.010(b) (re: infiltration or discharge into or out of the system)~~.

U.K. Utility transmission lines within the Floodway Fringe shall meet the standards of Section 17.09.020 Flood Hazard Areas ~~16D.05.32.010 (2)~~.

V.L. Utility transmission lines within the Floodway shall meet the standards of Section 17.09.020 Flood Hazard Areas ~~16D.05.36.010(2)~~.

W.M. Additional Shoreline Standards for Utility Transmission Lines and Facilities. The requirements below shall apply to all utility transmission lines and facilities within Shoreline jurisdiction. Utility services to individual projects undergoing Shoreline review, including those where the primary use may be in a different Shoreline environment than the utility service, shall not require separate Substantial Development Permits for utility service installations, but are subject to all of the provisions in ~~16D.06.18 (Utility Transmission Lines and Facilities)~~ this section, except those listed below. Utility service to projects outside Shoreline jurisdiction ~~are is~~ subject to normal Shoreline permitting, and ~~are is~~ subject to all of the provisions in ~~16D.06.18 (Utility Transmission Lines and Facilities)~~ this section, except those listed below.

1. Where feasible, utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive.
2. 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.
3. 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.
4. Permit applications shall meet the following submittal review standards:
  - a. Applications shall submit studies (social, economic, environmental, engineering, etc.) to demonstrate that a shoreline location is the most feasible of the available options.
  - b. 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.
  - c. 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~~ Shoreline Administrator to be insufficient for the protection or restoration of the Shoreline environment shall cause denial of the application.

**17.07.190 Redevelopment, Repair, and Maintenance (All New)**

**Consultant Note:** This is not a required section, but based on discussions with stakeholders such as WSDOT, State Parks, Wastewater Treatment Plan staff, and private lake owners, the ability to apply for multi-year maintenance plans was seen as valuable to streamlining permitting and also to ensuring consistent interpretation.

This section addresses how regulations apply to redevelopment, repair, or maintenance activities; clarifies how SMP standards proportionally apply to redevelopment activities; and provides a process for multi-year management plans for maintenance and repair.

- A. SMP provisions shall not apply retroactively to existing uses and developments.
- B. Legally established uses and developments may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. Normal maintenance and repair, as specified in Section 17.13.050, do not require shoreline permits.
- C. Consistent with the Applicability provisions of Section 17.01.020, SMP standards shall apply to expansions or alterations of uses or developments and to new development or redevelopment of a property as follows:
  1. The Shoreline Administrator shall determine the extent of compliance with SMP provisions.
  2. The required provisions shall be related to and in proportion to the proposal. For example, if an upper story is added to a structure, requirements related to building heights and views may apply. If vegetation is removed beyond normal maintenance pursuant to Section 17.05.030, vegetation conservation and shoreline buffer standards may apply.
- D. In order to provide consistent interpretation of SMP exemptions, streamline permitting, determine applicable SMP standards regarding maintenance or repair activities, apply best management practices or protocols to ensure no-net-loss of shoreline ecological function, and identify the need for notification of activities, the City may approve multi-year programmatic shoreline exemptions consistent with specific exempt activities allowed in Section 17.13.050 for the following types of uses and modifications.
  1. Dredging
  2. Private development and facilities on private lakes
  3. Public Parks and Recreation
  4. Transportation facilities
  5. Utility facilities, including, but not limited to wastewater and water systems
- E. Applicants for multi-year maintenance plans shall provide the following information for consideration by the Shoreline Administrator:
  1. Description of proposed maintenance activities and best management practices;
  2. Type, methods, and frequency of maintenance or repair activities;
  3. Length of requested multi-year maintenance plan. Multi-year maintenance approval should not exceed five years, except where expressly allowed in this Master Program;

4. Specification of which activities the applicant will regularly notice the City or which do not require advanced notice;
  5. Description of aquatic habitat protection measures and any applicable permits received for that work;
  6. Description of riparian and wetland protection measures and any applicable permits received for that work;
  7. Description of stormwater management practices to reduce both water quantity and water quality impacts and any applicable permits received for that work;
  8. Description of erosion and sediment control practices that prevent off-site movement;
  9. Description of re-vegetation or restoration activities following maintenance or repair; and
  10. Description of chemical and nutrient use and containment practices such as Integrated Pest Management (IPM).
  11. Description of compliance with use-specific criteria in Sections F to J below.
- F. Dredging. Applications for dredging maintenance plans shall demonstrate compliance with regulations in Section 17.07.060.
- G. Private development and facilities on private lakes.
1. A multi-year maintenance plan for private development and facilities on private lakes shall be consistent with covenants, codes, and restrictions of a property owners association, where such an association exists.
  2. The applicable use or modification performance standards of Chapter 17.07 shall be demonstrated to be met by applications for multi-year maintenance plans.
- H. Public Parks and Recreation.
1. A multi-year maintenance plan for public parks and recreation facilities shall describe management objective or desired outcome for shoreline habitat and water quality topics stated in application criteria E.3 to E.9 above, specific performance requirements for each standard, and corrective actions that would be implemented if the performance requirement(s) is not met.
  2. Applications for parks and recreation maintenance plans shall demonstrate compliance with regulations in Section 17.07.130.
- I. Transportation facilities.
1. Appendix X contains a programmatic exemption for Transportation facilities under the responsibility of the Washington State Department of Transportation to allow for routine maintenance and repair of existing highways and associated facilities.
  2. This Appendix is considered an interpretation by the Shoreline Administrator pursuant to Section 17.13.020 and may be addended or clarified pursuant to the process of Section 17.13.020. It is not subject to SMP Amendment procedures of Section 17.13.140.
  3. The duration of the programmatic exemption shall be eight years from the effective date of this SMP (effective XXX 2014).

4. The programmatic exemption may be renewed as part of the regular SMP Update process consistent with the Shoreline Management Act at RCW 90.58.080.
5. Applications for transportation maintenance plans shall demonstrate compliance with regulations in Section 17.07.170.
- J. Utility facilities. Applications for utility maintenance plans shall demonstrate compliance with regulations in Section 17.07.130.
- K. City authorization of multi-year programmatic maintenance plans.
  1. The City may approve multi-year programmatic maintenance plans that solely contain exempt activities consistent with the interpretation process of Section 17.13.020, when consistent with the following criteria:
    - a. The policies and procedures of the SMA;
    - b. The provisions of WAC 173-27;
    - c. Chapter 10, Section 3 of the City of Yakima Comprehensive Plan; and
    - d. This Title 17.
  2. The City may approve multi-year programmatic maintenance plans that include a combination of exempt and non-exempt activities. The permit process shall follow the permit process consistent with non-exempt activities pursuant to Section 17.03.070, Shoreline Use and Modification Matrix. The criteria for approval shall follow the applicable criteria for the permit type in Chapter 17.13, e.g. Shoreline Substantial Development Permit or Shoreline Conditional Use Permit.
  3. The City may attach conditions to the approval of multi-year maintenance plans as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.

## 17.11 EXISTING USES, STRUCTURES AND LOTS (ALL NEW)

**Consultant Note:** This section relies on Ecology's non-conforming rules plus the allowances for treating pre-existing single family homes as legal consistent with the recent amendments to the Shoreline Management Act. The Ecology rules on non-conforming uses and structures are found at:

<http://apps.leg.wa.gov/wac/default.aspx?cite=173-27-080>.

Nonconforming uses or developments are shoreline uses or development which were lawfully constructed or established prior to the effective date of this Master Program, or approved amendments to the Master Program, but which do not conform to present regulations or standards of the Master Program. The intent of this chapter is to provide regulations regarding nonconforming uses, structures, and lots as well as to establish residences as pre-existing legal uses, conforming to the Master Program as allowed by the Act.

### 17.11.010 Nonconforming Uses

- A. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded unless expressly allowed by Sections 17.11.010.B and 17.11.040.

- B. Nonconforming single-family residential uses that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit by the Hearing Examiner.
- C. A use which is listed as a conditional use but which existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.
- D. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit by the Hearing Examiner. A conditional use permit may be approved only upon a finding that:
  - 1. No reasonable alternative conforming use is practical; and
  - 2. The proposed use will be at least as consistent with the policies and provisions of the Act and the Master Program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard. A use authorized pursuant to subsection 17.11.010.D of this section shall be considered a conforming use for purposes of this section.

- E. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be required to conform to this title.

**17.11.020 Nonconforming Structures**

- A. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
- B. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- C. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act.
- D. If a nonconforming development/structure is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

### 17.11.030 Nonconforming Lots

**Consultant Note:** Paragraph B adds some flexibility and has been developed based on interpretations and discussions with Ecology in other jurisdictions.

- A. In any district, any permitted use or structure may be erected on any existing lot or parcel. This provision shall apply even though such lot fails to meet the minimum dimensional requirements of this SMP, provided that such structure is allowed within the shoreline environment and all uses of the nonconforming lot shall comply with all other provisions of the SMP and underlying zoning requirements including setbacks, dimensional standards, and lot coverage requirements.
- B. Structures and customary accessory buildings on non-conforming lots shall be set back from the OHWM to the greatest extent feasible. Development proposed inside required buffers shall go through mitigation sequencing and shall require a mitigation plan.

### 17.11.040 Pre-existing Legal Uses – Conforming Residential Structures

Notwithstanding Sections 17.11.010 to 030, the following shall apply to preexisting legal residential structures constructed prior to the effective date of this SMP (XXXX, 2013):

- A. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following shall be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density.
- B. The City shall allow redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the SMP, including requirements for no net loss of shoreline ecological functions.
- C. For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.
- D. Nothing in this Section 17.11.040: (a) Restricts the ability of this SMP to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or City requirements to residential structures.

**2012-2014 Yakima County/City of Yakima Programmatic Exemption**

Issued to the  
Washington State Department of Transportation,  
South Central Region

This Programmatic Exemption (PE) between ~~Yakima County/City of Yakima Public Services (County/City)~~ and the Washington State Department of Transportation (WSDOT) South Central Region, in accordance with the current ~~Yakima County/City of Yakima Regional~~ Shoreline Master Program, establishes procedures for classifying and documenting WSDOT projects within ~~County-the City~~ Shoreline jurisdiction as programmatically exempt from further ~~County-City~~ review for a period of ~~five-eight (58)~~ years from the effective date ~~signed below of the Yakima SMP~~. WSDOT projects that do not fall under the purview of this PE shall undergo standard ~~County-City~~ review.

Location/Legal Description:

All WSDOT, South Central Region projects associated with state route locations within ~~Yakima County/City of Yakima~~ as outlined in WAC 173-18-430. For more information on ~~Yakima County/City of Yakima~~ shoreline jurisdiction, please refer the current ~~Yakima County/City of Yakima Regional~~ Shoreline Master Program (SMP), ~~Yakima County/City of Yakima Municipal Code (YCCYMC) Title 16D-17~~ Appendices B and C and/or the ~~Yakima County~~ GIS Land Information Portal at: (<http://yakimap.com/servlet/com.esri.esrimap.Esrimap?name=YakGISH&Cmd=Map>).

Exemption Citation

WAC 197-11-800  
(2) Other minor new construction (c)  
(3) Repair, remodeling, and maintenance activities  
WSDOT is SEPA Lead Agency on WSDOT projects. Should a SEPA Checklist be required, ~~Yakima County/City of Yakima~~ will receive a copy of the documentation.  
WAC 173-27-040 and RCW 90.58.030 (3)(c), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, regarding WAC 173-27-040(2)(b) Developments exempt from substantial development requirement  
YCC 16D.03.07(5)(17) YMC 17.13.050 Exemptions from Shoreline Substantial Development Permits Exemptions for Hydrologically Related Critical Areas, Wetlands, and Shorelines, subsections: (5) Normal maintenance or repair; and (17) Hazard/danger trees

Proposed Activity

Normal maintenance, repair, and safety upgrades of state highways and related structures or lands. Please refer to PE Appendix A for Functional Work Zones and PE Appendix B for further descriptions of exempt activities.

WSDOT Standard Protection Plans, Policies, and Best Management Practices

WSDOT adheres to standard protection plans and policies, in addition to employing Best Management Practices (BMPs), to ensure the highest level of compliance with applicable federal, state, local, and tribal laws and policies, including regulating stormwater discharge, protecting sensitive areas and species, promoting and protecting clean water, protecting human and environmental health, minimizing erosion, and addressing emergencies. WSDOT's protection plans and policies are available upon request.

Additional Permit Requirements

It is understood that this PE does not excuse WSDOT from compliance with any other federal, state, or local regulations or permits affecting these actions. This includes obtaining necessary Hydraulic Project Approvals from the Washington Department of Fish and Wildlife, compliance with Washington State Department of Ecology standards, and compliance with the ~~Yakima County~~ Critical Areas ~~Ordinance~~ regulations as included in the City of Yakima SMP.

### Notification Procedures

Prior to work within ~~County-City~~ shoreline jurisdiction, WSDOT Environmental Staff will mail the ~~County-City~~ designee a memo stating the appropriate PE Exemption Citation (found in this PE, Appendix B) and the following basic project information: brief work description, location (lat/long and a vicinity map ~~or active link to a Yakima County Yakimap.com~~), WSDOT Functional Work Zone, and estimated construction timing.

Exceptions to individual notification will include any work ~~covered under YCC 16D.03.05: Minor Activities Allowed without a Permit or Exemption~~, as listed in Appendix C.

If the ~~County-City~~ does not reply to a notification, it will be perceived as a concurrence.

### Functional Zones and Objectives

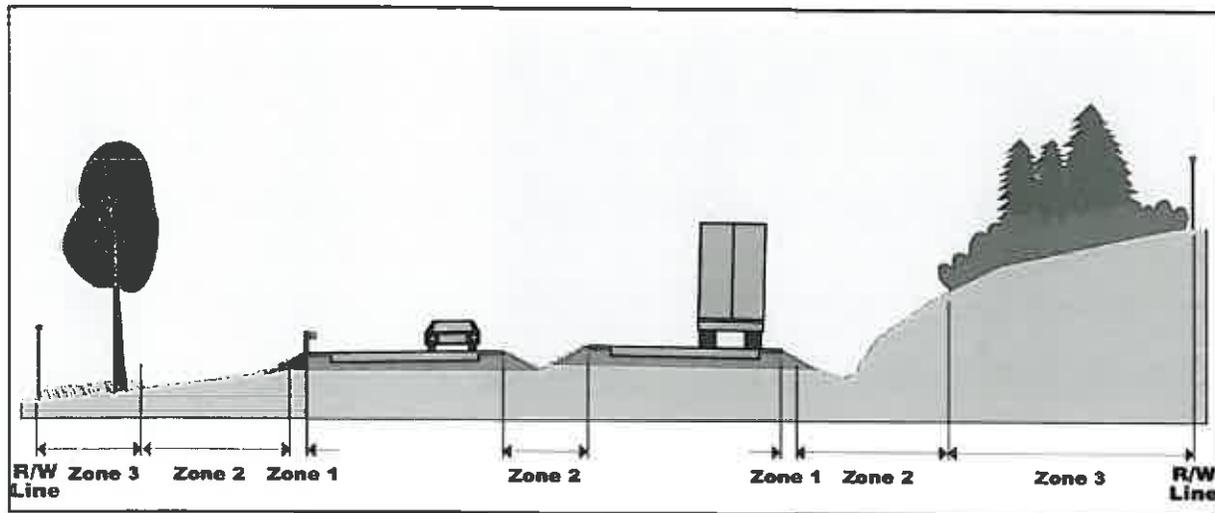


Figure 1. Functional Zones

Table 1. Functional Zone Objectives

<b>Zone 1: Vegetation Free</b>	<b>Zone 2: Operational</b>	<b>Zone 3: Transition/Buffer</b>
<i>0-2 feet from pavement or as necessary</i>	<i>Zone 1 or pavement edge to meet operational needs</i>	<i>Zone 2 to right of way line</i>
Provide surface drainage	Control weeds	Control weeds
Reduce fire potential	Prevent erosion	Prevent erosion
Provide visibility and maintenance of roadside hardware	Maintain hydraulic capacity of ditches	Promote self-sustaining plant communities
Prevent pavement breakup by invasive plants	Maintain design width for vehicle recovery	Maintain and enhance visual quality
Provide sight distance for passing, stopping, and at intersections	Provide sight distance for passing, stopping, and at intersections	Preserve wetlands and wildlife habitat
Prevent the buildup of wind-blown debris and winter sand at pavement edge	Provide vegetative cover but eliminate vegetative obstructions (trees and shrubs with trunk diameter of 4" or more)	Eliminate danger trees causing excessive shade on the road pavement (ice and frost potential) or hazard tree removal
Keep clear of obstructions and hazards	Provide wildlife habitat where compatible with roadway traffic	Blend and/or screen adjacent surroundings to meet goals and objectives of the Roadside Classification Plan
	Accommodate underground utilities	Accommodate utilities

### **Proposed Activities Occurring Frequently within WSDOT Functional Zones**

A highway **facility** is made up of several components within the right of way: the highway, the shoulder, roadside slope, ditch, and adjacent land between the ditch and the right of way line or fence, often referred to as the clear zone. In order to maintain a functioning state highway system, WSDOT highway facilities require regular maintenance and repair, as well as upgrades to safety standards in response to evolving transportation needs. Descriptions of normal maintenance and repair activities, including safety upgrades, are provided below and include the WSDOT Functional Zones in which they may occur (see PE Appendix A). These activities are not considered new development, as they maintain the function of the existing highway facilities. Without the following activities, the highway facilities would not meet federal transportation standards set forth by the Federal Highway Administration (FHWA).

- 1. Bank protection and scour repair** **Zones 1 & 2**  
Highways adjacent to water courses, drainage ways, and embankments throughout the state are protected in a variety of ways against damage due to high water. Structures and in-kind repairs such as barbs, rip-rap, pile revetments, retaining walls and cribs, rock and wire mesh (gabions), and vegetation must be inspected during storms or periods of high water, as well as at least once each spring or after major high water periods, and repairs made where required. In-kind repairs merit a notification as described in this PE, including a justification to the amount of material being used (i.e. how WSDOT justifies an “in-kind” replacement) In-kind scour repair activities may involve the use of jacking platforms or footing work to fill voids and replace structures or banks to as-built, or natural conditions. Inspections shall occur as per normal maintenance operations without notification as described in YCC 16D.03.05.
- 2. Bridge repair** **Zone 1**  
Normal maintenance and repair of bridge components above the ordinary high water mark (OHWM) including repairing structural components (i.e., trusses, abutment, deck, piers, etc.). Other bridge repair and maintenance are discussed in the PE, Appendix C (2).
- 3. Culvert replacement** **Zones 1, 2, & 3**  
From time to time culvert maintenance and repair is no longer adequate and a culvert needs to be replaced to minimize the possibility of damage to the roadbed by water saturating the fill material. Scour areas are repaired during these actions and necessary armoring typically occurs to protect outfall areas. Culvert maintenance is addressed in the PE, Appendix C (3)(b).
- 4. Intelligent transportation systems** **Zones 1, 2, & 3**  
Intelligent Transportation Systems (ITS) improve transportation safety and mobility and enhance productivity through the use of advanced communication technologies and their integration into the transportation infrastructure. These systems encompass a broad range of communications-based information and electronics technologies. Due to the dynamic nature of ITS, these systems quickly become outdated and will need repair, upgrade, and/or replacement. Installation of new signs, signals, and other electronic communication devices is required to keep the public safe and informed as traffic volumes increase and specifications change. Normal maintenance and repair of ITS components may include installation of new poles, installation, repair, and maintenance of cable vaults and junction boxes, tree removal for communication ‘line of sight’ (allowing communication between devices), repair or replacement of existing poles and footings, repair or replacement of cameras and communication or electrical equipment, removing, replacing, or relocating highway signs within the highway right of way,

installation of or repair to Highway Advisory Radio equipment (flashing light signs) and Variable Message Signs (VMS), and trenching associated with connecting electrical signs and equipment with the nearest communication devices and power source. Any new or maintenance work that disturbs the ground shall require notification to the County/City as per the notification section of this PE. All other work may be considered part of Appendix C of this PE and requires no notification. For example, a new sign requires notification, whereas replacement or repair of equipment on an existing pole does not.

## **5. Traffic barrier installation**

**Zones 1 & 2**

Traffic barriers are used to reduce the severity of accidents that occur when errant vehicles leave the traveled way. However, traffic barriers are obstacles that vehicles will encounter and are only used when justified by accident history or other minimum design and safety criteria (e.g., slope ratio, fixed objects, or water). When paired with increasing traffic volumes and vehicle accident rates, design standards may change to require traffic barriers such as guardrail or cable barrier to be installed in new locations. These structures are not new development, but rather normal maintenance and repair, including safety upgrades of state highway facilities as required by the FHWA. Any roadway prism expansion or use of fill that expands the roadway footprint will require notification to the County/City, as per the Notification requirement of this PE, and may need to go through the permitting process. Replacement-in-kind or repair to these traffic barriers is addressed in the PE, Appendix C.

### **a. Cable barrier**

Cable barrier, sometimes referred to as guard cable or high-tension cable barrier, is a type of roadside or median barrier consisting of steel wire cables (typically three or four) mounted on weak posts. As is the case with any roadside barrier, its primary purpose is to prevent a vehicle from leaving the traveled way and striking a fixed object or terrain feature that is less forgiving than itself. Also similar to most roadside barriers, cable barriers function by capturing and/or redirecting the errant vehicle.

### **b. Guardrail**

Guardrail prevents vehicles from veering off the roadway or into oncoming traffic, crashing against solid objects or falling into a ravine. A secondary objective is keeping the vehicle upright while deflected along the guardrail.

### **c. Shield re-directional landforms**

Landforms, such as berms, may be used to delineate and redirect errant vehicles. The current practice is to surround landforms with guardrail or cable to prevent vehicle roll-over.

## **6. Shoulders and slopes**

**Zones 1 & 2**

### **a. Shoulder repair**

Shoulder damage can be caused by erosion from adjacent waterways, heavy precipitation, or water overflowing the roadway. Repairing this damage must occur regularly to maintain a functional roadway prism. Removing buildup of sand, dirt, and vegetation at the edge of paved shoulder allows for proper drainage. Grading/reshaping shoulders by pulling aggregate from the shoulder back towards the roadway (and away from slopes and potential water) is done using a motor grader or other equipment. This may include the addition of more aggregate to fill in areas where there is not adequate material to reshape the shoulder. Shoulder repair activities on slopes above shoreline waterbodies will follow notification procedures as outlined in this Exemption. Those shoulder repair activities above ditches will not require notification, as stated within the PE, Appendix C (8)(a) (Figure 2 below).

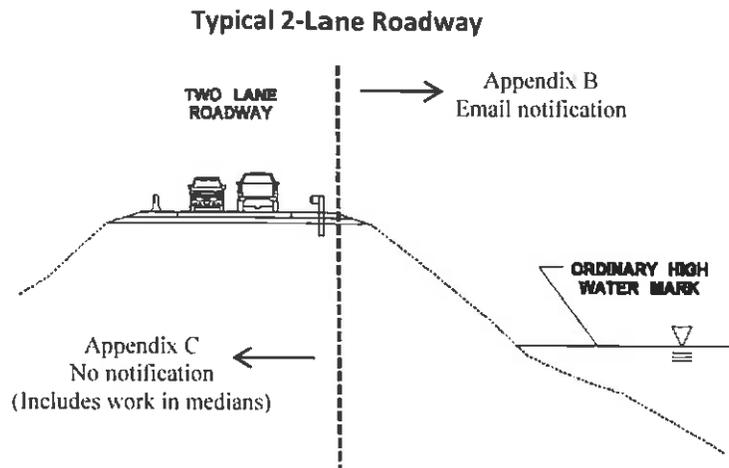


Figure 2. Notification requirement for shoulder repair work by roadway prism location.

**b. Slope flattening**

Non-standard roadbeds and ditches should be modified to produce a relatively flat, shallow slope to enhance motorist safety. Slope flattening activities on slopes above shoreline waterbodies will follow notification procedures as outlined in this PE. Those slope flattening activities above ditches will not require notification, as stated in the PE, Appendix C (8)(b) (see Figures 2 and 3 for clarification of work areas).

**c. Slope repair/slide and rock fall debris cleanup**

Removing material from slides or eroded slopes which have blocked ditches or covered or undermined part or all of the road shoulder or travel lane is important for proper roadway function. This includes repairing slopes that have been damaged from erosion or embankment failure. Slope repair may include stabilization activities such as wire mesh netting, bolting, installation of catchment fencing or gabion basket walls, and typical rock removal procedures such as scaling or controlled blasting activities intended to remove loose rock. These repair and clean-up activities on slopes above shoreline waterbodies will follow notification procedures as outlined in this Exemption. Those activities above ditches will not require notification, as stated within Appendix C (8)(c) (see Figure 3 below).

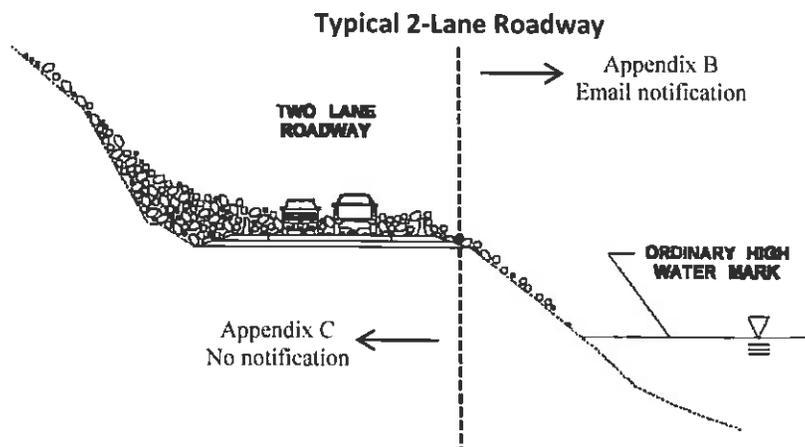


Figure 3. Notification requirement for slope repair/slide and rock fall debris clean-up work.

**7. Weigh in motion**

**Roadway surface and Zone 1**

A weigh in motion (WIM) is a scale facility capable of weighing a vehicle without the vehicle stopping, through the use of Commercial Vehicle Information Systems and Networks (CVISN), which allow the driver to be notified without stopping. These WIM facilities are typically located where there is already adequate room within the roadway prism. Only facilities located within an existing roadway are covered under this exemption. WIM facilities require pavement/shoulder excavation, installation of electronic scale and communication devices, pavement overlay (concrete and/or asphalt), and pavement markings. Both WIM and CVISN require periodic maintenance.

**8. Hazard/danger tree removal**

**Zones 1, 2, & 3**

The Regional Road Maintenance Program routinely identifies and eliminates hazard/danger trees that endanger state highways (YCC 16D.03.07(17)). As with all WSDOT activities, proper approvals will be obtained prior to work, unless there is an emergency situation.

### Minor Activities Allowed without a Permit or Exemption

*The following typical WSDOT activities meet the definitions and thresholds identified in YCC 16D.03.05: Minor Activities Allowed without a Permit or Exemption, and will be considered exempt from further individual review under this PE.*

#### 1. Auxiliary facilities Zones 2, & 3

##### a. Historical markers

WSDOT maintains road approaches, parking areas, litter barrels, and advance advisory signing associated with historical markers and their related structures.

##### b. Park and ride lots

Maintenance of park and ride lots is critical for customer and vehicular safety, accessibility, utilization, and the protection of infrastructure. These activities are similar to safety rest areas and viewpoints in the following descriptions.

##### c. Safety rest areas

Safety rest areas are located adjacent to the highway and within highway right of way. Regular maintenance of rest area property includes scheduled maintenance of septic tanks, drain fields, pumps, filters, and back-flow prevention devices, in addition to the water supply (springs or wells). Rest area maintenance and repair also includes maintenance of structures/buildings, pavement surfacing and markings, and vegetation management.

##### d. Stockpiles

WSDOT maintains stockpiles of sand and salt, ready for winter use. Stockpile sites are to be cleared of all vegetation (including trees and brush), rocks, or other debris. Stock piles cannot be located in the floodplain.

##### e. Viewpoints

Viewpoints generally consist of a parking area with litter barrels. Parking areas, fences, and guardrail must be kept in good repair, and undesirable brush and other debris must be removed.

##### f. Weigh Stations

WSDOT weigh stations that are outside of the roadway prism require periodic maintenance and repairs including, but not limited to paving, pavement marking, vegetation management, and communication equipment upgrades.

#### 2. Bridge superstructure, deck repair/rehabilitation, and maintenance Zone 1

Normal maintenance and repair of bridge components above the ordinary high water mark (OHWM) includes: cleaning and painting, cleaning and repairing bridge drains by removing debris, silt, or other blockages from bridge drain covers or inlets, repairing or replacing failed expansion joints on bridge decks or pavement seats at bridge ends, and repair and maintenance of non-structural portions of the bridge (e.g., traffic gates, bridge house, navigation lights, etc.). All work of this nature shall comply with WSDOT's current National Pollutant Discharge Elimination System (NPDES) Bridge Washing Permit.

#### 3. Drainage Zones 1, 2, & 3

##### a. Catch basin maintenance and repair

A catch basin (i.e., storm drain inlet, curb inlet, etc.) is a component of the storm drain system that typically includes a grate or curb inlet (where stormwater enters the catch basin), paired with a sump to capture sediment, debris, and associated pollutants. Catch basins act as pretreatment by capturing

large sediments, while a sump removes liquids and smaller sediments. The performance of these systems depends on routine maintenance to remove accumulated debris and maintain capacity. This can be accomplished through mechanical removal of sediment and debris from the catch basin using equipment such as a vacuum truck, as well as repairing or replacing catch basins and manholes to insure proper drainage flow.

**b. Culvert inspection, cleaning, and repairs**

Routine culvert cleaning is necessary to keep them functioning properly and to avoid damage and undue wear. Cleaning can be accomplished using mechanical equipment such as a vacuum, flusher, or backhoe. Areas around culvert ends need to be inspected and any scoured areas repaired as necessary with rip rap or other protection. Culverts need to be inspected at least twice a year and repaired or replaced if badly worn or broken to minimize the possibility of damage to the roadbed by water saturating the fill material. Culvert replacement is addressed in the PE, Appendix B (2).

**c. Detention/retention basin maintenance**

A detention basin temporarily stores water after a storm, but eventually empties at a controlled rate to a downstream waterbody. A retention basin is a type of BMP used to manage stormwater runoff to prevent flooding and downstream erosion, and improve water quality in an adjacent waterbody. These ponds are typically surrounded by vegetation, and storm water is typically channeled to a retention basin through a system of street storm drains, and a network of drain channels or underground pipes. The basins are designed to allow relatively large flows of water to enter, but outlet structures are only designed to function during very large storm events. To function correctly the controlled outfall or outlet pipe must be free of debris and accumulated settled materials must be removed on a schedule based on experience at each site. If oil separators are combined with these facilities, timely removal and proper disposal of oils is essential. Other maintenance of these structures includes structural repair, vegetation management, and culvert repair (see (2)(b) above).

**d. Ditch maintenance**

Roadside ditches are necessary conveyance structures to move stormwater through or away from the highway right of way. Sedimentation, vegetation, litter, and other debris accumulate over time, reducing the efficacy of stormwater conveyance, and often creating a potential threat to the adjacent roadway. Regular inspection, maintenance, and repair of roadside ditches (including gutters) is required to maintain a safely operating highway system. Vegetation will generally only be removed when flow is blocked and by using BMPs that minimize erosion and sediment escape to waterbodies.

**e. Under drains**

Under drains are often constructed in the sub-grade to intercept subsurface water from springs and seepage water from the surface or percolating from below. Control of this water is essential to ensure the stability of the sub-grade upon which the highway is constructed. Normal maintenance and repair of these drains include regular inspection (on the same schedule as culverts) and maintaining open, clean outlets. Choked under drains can be cleaned by high pressure flushing with water or flexible sewer rods. In cases where roots effectively block the drainage, the use of herbicides may be indicated. Whatever method of cleaning is used, erosion and sediment control will require consideration and appropriate BMPs may need to be installed.

**4. Landscape maintenance**

**Zones 2 & 3**

Maintenance of the roadside from the edge of the pavement to the right of way line includes all vegetation control activities, formal landscaped areas, and litter pick up. WSDOT must maintain design width for vehicle recovery, provide appropriate sight distance at interchanges and at intersections, maintain hydraulic capacity of ditches, accommodate underground utilities, control weeds, prevent

erosion, maintain and enhance visual quality, install and repair fences, and control vegetation by burning within the right of way.

**5. Right of way fences**

**Zone 3**

WSDOT right of way fences will be maintained.

**6. Roadway surface**

**Between Zones 1 & 2**

**a. Dowel bar retrofit**

Reestablishing the load transfer efficiencies of the existing concrete joints and transverse cracks by cutting slots, inserting epoxy-coated dowel bars, and filling cut slots with high-early strength non-shrink concrete.

**b. Pavement maintenance and repair**

Maintaining and repairing roadway pavement may be accomplished through the following methods:

**Crack and joint sealing**

Repairing traveled lane or shoulder pavement surfaces by installing fill material into pavement cracks. Work includes cleaning and routing cracks in preparation for sealing.

**Pavement milling/full depth patching**

Excavating failed pavement and underlying base material, replacing sub grade material, and patching with new pavement (asphalt and concrete). This work includes disposal of removed pavement and sub grade material.

**Overlays**

Covering the defective area with an overlay of a suitable material to renew the surface, sealing the defective area, and stabilizing the affected pavement.

**Hot mix asphalt (HMA)**

Hot mix asphalt is a bituminous concrete made principally from asphalt binder and aggregate. It is distinguished from other bituminous products by its constituent materials, mixture design methods and elevated mixing temperature (thus the term "hot mix").

**Aggregate (chip) seal**

A single spray application, usually consisting of liquid or emulsified asphalt, immediately followed by a single layer of aggregate. This type of seal reduces the infiltration of air and water into the mat, and may be used to improve skid resistance of slippery pavements.

**c. Pavement markings**

**Recessed raised pavement markers**

Recessed raised pavement markers (RRPMs) are installed either as positioning guides along with center line and fog line markings or they are installed as a complete substitute for long line markings. Recessed RPM applications consist of the installation of an RPM in a groove that has been cut into the pavement, and are utilized in areas where snow removal operations use steel blades.

**Striping**

Pavement markings are divided into two categories: long line and transverse. Long line markings are markings applied parallel to the roadway, such as center line or edge line. Typically long line markings are renewed with a spray application of new material applied from a striping truck. Transverse markings are lines or symbols within the travel lane such as crosswalk, stop line, or traffic arrows. Typically transverse and symbol markings are renewed by hand, by spray, or extruded application of new material.

**d. Guide post installation and replacement**

Guide posts are delineation devices with retroreflective properties installed on roadway shoulders, and used to aid in nighttime driving. Guide posts are placed from 2-8 feet outside the outer shoulder edge.

**e. Rumble strip installation and repair**

Rumble strips are grooves or rows of raised pavement markers placed perpendicular to the direction of travel to alert inattentive drivers that they are leaving the traffic lane. This safety feature has greatly reduced traffic accidents. There are three kinds of rumble strips: roadway, shoulder, and centerline rumble strips. Rumble strips can be rolled-in (during paving), or milled in (after, or separate from paving).

**f. Signs**

WSDOT uses signing throughout the highway system as the primary mechanism to provide regulatory, warning, and guidance information to users, thereby promoting highway safety and efficiency. Sign maintenance (including upgrades as needs arise) is crucial to support safe, legal, and orderly travel on public roadways and transportation facilities.

**g. Snow and ice removal**

Removal of snow and ice from the roadway is extremely important to traveler safety and freight mobility within the state. State highways must be plowed, sanded, or deiced, and cleared as quickly as possible during inclement weather. Prior to the snow season, maintenance crews must prepare roadways for effective plowing which includes cleaning ditches, smoothing shoulders, cleaning sand and other debris from under guardrail, removing weeds, grass, and brush that may cause snow drifting, clearing right of way fences of debris, and erecting snow stakes if necessary, to indicate hazards or the edge of the roadway which may eventually be covered in snow.

**7. Traffic Barriers**

**Zones 1 & 2**

Traffic barriers, described in the PE, Appendix B, are obstacles that often struck by vehicles and require prompt repair or in-kind replacement to retain proper function. These activities occur routinely through the Regional Road Maintenance Program.

**a. Cable barrier repair or in-kind replacement or extension**

For description, see Appendix B (5)(a).

**b. Guardrail repair or in-kind replacement or extension**

For description, see Appendix B (5)(b).

**c. Shield re-directional landforms – repair or in-kind replacement or extension**

For description, see Appendix B (5)(c).

**8. Shoulders and side slopes**

**Zones 1 & 2**

Those shoulder repair activities located above ditches will not require notification.

**a. Shoulder repair**

For description, see Appendix B (6)(a).

**b. Slope flattening**

For description, see Appendix B (6)(b).

**c. Slope repair/slide and rock fall debris cleanup**

For description, see Appendix B (6)(c).

# City of Yakima SMP Update

Planning Commission Meeting – Discussion Guide  
April 10, 2013



# Meeting Goal

Review & Obtain Planning Commission Direction on:

- Section 17.05.040 Public Access
- Section 17.07.190 Redevelopment, Repair, and Maintenance
- Chapter 17.11 Existing Uses, Structures, and Lots/ Non-Conforming Uses
- General Review & Discussion of Remaining Sections
  - Section 17.07.050 Commercial Development
  - Section 17.07.090 Industry
  - Section 17.07.120 Recreational Development
  - Section 17.07.130 Residential Development
  - Section 17.07.170 Transportation
  - Section 17.07.180 Utilities

# SMA Principles

- Key principles of SMA
  - encourage appropriate development
    - such as docks, marinas, recreation facilities, and industries that are dependent on, related to, or enable enjoyment of shorelines
  - provide environmental protection and restoration for shorelines
  - promote public access



# Public Access

- Waters of the state are a public resource for all citizens for the purposes of navigation, conducting commerce, fishing, recreation and similar uses.
- Trespassing on private property is not allowed.
- Propose one consolidated set of standards and exceptions:
  - Focus is to have public access on public properties.
  - Development addresses its own impacts – projects with demand for shoreline access provide it.
  - 10 exceptions – including access already exists, safety, security, economic cost disproportionate, etc.
  - Standards reference consistency with the City’s adopted parks and recreation plans and regulations.

# Redevelopment, Repair, and Maintenance

- Most of City permitting on shorelines consists of exemptions.
- Propose a set of voluntary standards that allows:
  - Multi-year programmatic shoreline exemptions, or
  - Mix of substantial development permits/exemptions
- Applies to:
  - Dredging
  - Private development and facilities on private lakes
  - Public Parks and Recreation
  - Transportation facilities
  - Utility facilities, including, but not limited to wastewater and water systems
- Based on discussions with stakeholders such as WSDOT, State Parks, Wastewater Treatment Plant staff, and private lake owners
- Preauthorize 8-year exemption for WSDOT based on County programmatic permit

# Existing Uses, Structures &

## Lots

- SMP applies to new uses or alterations of existing uses – not retroactive.
- A non-conforming use is a use or development that:
  - Was lawfully constructed or established but does not conform to present SMP.
  - May be improved subject to rules, but cannot be made more nonconforming.
- The Draft SMP applies nonconforming standards from Ecology rules – WAC 173-27.
- Per new SMA legislation, preexisting legal residential structures are considered conforming.
  - SMP allows redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the SMP, including requirements for no net loss of shoreline ecological functions.

# Remaining Sections

- Questions, clarifications, modifications?
- Section 17.07.050 Commercial Development
- Section 17.07.090 Industry
- Section 17.07.120 Recreational Development
- Section 17.07.130 Residential Development
- Section 17.07.170 Transportation
- Section 17.07.180 Utilities

**Yakima Shoreline Master Program Revised Chapters  
and Sections as of March 27, 2013:**

1. Preliminary Shoreline Environmental Designations & Use and Modification Matrix Framework; and
2. Revised Yakima Shoreline Master Program 17.13 Administration and Enforcement.

# YAKIMA SHORELINE MASTER PROGRAM

## Preliminary Shoreline Environment Designations & Use and Modification Matrix Framework

### 17.03.070 Shoreline Use and Modification Matrix

Shoreline Use or Modification	High Intensity	Essential Public Facilities	Shoreline Residential	Urban Conservancy	Floodway / Channel Migration Zone (CMZ)	Aquatic - Lakes
Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited    N/A = Not Applicable						
<b>Agriculture</b>						
Agricultural Activities (RCW 90.58.065)	S	X	S	S	S	N/A
Agricultural Market, Agricultural Stand (Zoning)	S	X	X	S	X	N/A
Winery and Brewery (Zoning)	S	X	X	S	X	N/A
Agriculture-Industrial						
Agricultural Chemical Sales/Storage (Zoning) <a href="#">Error! Bookmark not defined.</a>	S	X	X	X	X	N/A
Agricultural Related Industries & Storage (Zoning)	S	X	X	C	X	N/A
Concentrated Feeding Operation (Zoning, Regional SMP)	X	X	X	X	X	N/A
<b>Aquaculture</b>						
Rearling (Regional SMP)						
Commercial	X	X	X	X	X	X
Non-commercial	S	S	X	C	C	S
Processing (Regional SMP)	X	X	X	X	X	X
Packing & Storage (Regional SMP)	See Industry/Manufacturing/Storage					
<b>Boating and Private Moorage Facilities</b>						
Boat Launches (Regional SMP)						
Private	S	X	C	X	X	See upland designation
Public/Community/Commercial	S	S	S	S	S	S
Pier/Dock						
Pier/Dock, Single-Family Residence Facility to Access Watercraft (Regional SMP)	N/A	X	S	X	X	S
Pier/Dock for Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use; or Public Access (Regional SMP)	S	X	S	X	X	S
<b>Commercial and Service Uses</b>						
Retail, Trade, and Service						
Water-Oriented (SMP Guidelines)	S	X	X	S	X	C

Shoreline Use or Modification	High Intensity	Essential Public Facilities	Shoreline Residential	Urban Conservancy	Floodway / Channel Migration Zone (CMZ)	Aquatic - Lakes
Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited    N/A = Not Applicable						
<b>Non-Water-Oriented</b>						
Non-Water-Oriented, General (Regional SMP)	S/C <sup>1</sup>	X	X	C	X	X
Non-Water-Oriented, General + Public Benefit <sup>1</sup>	S	X	X	C	X	X
Non-Water Oriented Uses, Separated from Shoreline (Regional SMP)	S	X	X	S	X	X
Mixed-use <sup>4</sup> project that includes a Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use (Regional SMP)	S	X	X	S	X	C
Outdoor manufacturing, processing and storage	S	X	X	X	X	X
<b>Community Services and Institutional Uses (Zoning Code)</b>						
Water-Oriented (SMP Guidelines)	S	S	X	S	X	C
<b>Non-Water-Oriented</b>						
Non-Water-Oriented, General (Regional SMP)	C	C	X	C	X	X
Non-Water-Oriented Uses, Separated from Shoreline (Regional SMP)	S	S	X	S	X	N/A
Mixed-use <sup>4</sup> project that includes a Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use (Regional SMP)	S	S	X	S	X	C
Health and Social Service Facility (Zoning Code)	S	S	X	X	X	X
Mixed-Use Building <sup>3</sup> (Zoning)	S	X	X	X	X	X
<b>Dredging and Dredge Material Disposal</b>						
Dredging for Water-Dependent Use and Public Access (Regional SMP)	N/A	C	N/A	N/A	C	C
Dredging for existing Navigation Uses (Regional SMP)	N/A	X	N/A	N/A	X	C
Dredging for Habitat Restoration (Regional SMP)	N/A	S	N/A	N/A	S	S
Dredging, Other (Regional SMP)	N/A	X	N/A	N/A	X	X
Disposal of Dredged Material, <u>General</u>	S	S	X	X/C <sup>2</sup>	X/G <sup>4</sup>	X
Disposal of Dredged Material, <u>General + Part of Restoration Plan</u>	S	S	X	C	C	X
Dredging Maintenance Plan	N/A	S	N/A	N/A	S	S
<b>FIII</b>						
Waterward of the OHWM, <u>General</u>	N/A	C	N/A	N/A	S/C <sup>2</sup>	S/C <sup>2</sup>
Waterward of the OHWM, <u>General + Part of Restoration Plan</u>	N/A	S	N/A	N/A	S	S
Upland of the OHWM, <u>General</u> (Regional SMP)	S	S	S	S	S/C <sup>2</sup>	N/A
Upland of the OHWM, <u>Part of Restoration Plan</u>	S	S	S	S	S	N/A
<b>Flood Hazard Reduction Measures</b>						
Modification of Existing Flood Hazard Facilities (including relocation farther landward)	S	S	S	S	S	N/A
New Facilities	C	C	C	C	C	N/A

Shoreline Use or Modification	High Intensity	Essential Public Facilities	Shoreline Residential	Urban Conservancy	Floodway / Channel Migration Zone (CMZ)	Aquatic - Lakes
Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited    N/A = Not Applicable						
<b>Forest Practices</b>						
Forest Practices	N/A	N/A	N/A	N/A	N/A	N/A
<b>Industry / Manufacturing / Storage</b>						
Water-Oriented (SMP Guidelines)	S	X	X	C	X	C
Non-Water-Oriented						
General (Regional SMP)	S/C <sup>3-2</sup>	X	X	X	X	X
General + Part of Restoration Plan, Provides Other Public Benefit <sup>1</sup> , or Located in Degraded Area <sup>2</sup>	S	X	X	X	X	X
Outdoor manufacturing, processing and storage	S	X	X	X	X	X
Separated from Shoreline (Regional SMP)	S	X	X	C	X	N/A
Mixed-use <sup>16</sup> project that includes a Water-Dependent Commercial, Industrial, Aquaculture, or Recreational Use (Regional SMP)	S	X	X	C	X	C
<b>In-Water Structures</b>						
To protect public facilities	C	C	C	C	C	C
To protect or restore ecological functions	S	S	S	S	S	S
To monitor flows, water quality, or other habitat characteristics	S	S	S	S	S	S
Other	C	C	C	X	X	C
<b>Mining</b>						
Surface Mining (Regional SMP)	C	X	X	X	X	X
Underground Mining (Regional SMP)	X	X	X	X	X	X
Mining for Habitat Restoration (Regional SMP)	S	S	S	S	S	S
<b>Recreational Development</b>						
Water-Oriented (SMP Guidelines)						
High-Intensity, General (Regional SMP)	S	S	S	S/C <sup>2</sup>	S/C <sup>2</sup>	S/C <sup>2</sup>
High Intensity, General + Part of Restoration Plan or Located in Degraded Area <sup>2</sup>	S	S	S	S	S	S
Moderate-Intensity, General (Regional SMP)	S	S	S	S	S/C <sup>2</sup>	S/C <sup>2</sup>
Moderate-Intensity, General + Part of Restoration Plan or Located in Degraded Area <sup>2</sup>	S	S	S	S	S	S
Low-Intensity (Regional SMP)	S	S	S	S	S	S
Recreation Maintenance Plan	S	S	S	S	S	S
Non-Water-Oriented (SMP Guidelines)						
General	C	X	X	C	X	X
Sites separated from shoreline	S	X	S	S	C	N/A
Indoor (Regional SMP)	See Commercial and Service Uses					
<b>Residential Development</b>						

Shoreline Use or Modification	High Intensity	Essential Public Facilities	Shoreline Residential	Urban Conservancy	Floodway / Channel Migration Zone (CMZ)	Aquatic - Lakes
Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited      N/A = Not Applicable						
Single-Family Dwelling (Zoning Code)	S	X	S	S	X	N/A
Accessory Dwelling Unit (Zoning Code)	S	X	S	S	X	N/A
Duplex (Zoning Code)	S	X	<del>X</del> C	C	X	N/A
Multifamily Dwelling (Zoning Code)	S	X	X	X	X	N/A
Manufactured Home Park or Subdivision <sup>53</sup> (Regional SMP)	<del>X</del> S	X	X	X	X	N/A
Houseboats and Over-Water Residential Uses (Regional SMP)	N/A	X	N/A	N/A	X	X
Residential Maintenance Plan	S	N/A	S	N/A	N/A	S
<b>Shoreline Habitat and Natural Systems Enhancement Projects</b>						
Shoreline Habitat and Natural Systems Enhancement Projects	S	S	S	S	S	S
<b>Shoreline Stabilization</b>						
Hard Stabilization	C	C	C	C	C	C
Soft Stabilization	S	S	S	C	C	S
Repair and Replacement	S	S	S	S	S	S
<b>Signs</b>						
On-premise for Authorized Use (Regional SMP)	S	S	S	S	S	S
Off-premise (Regional SMP)	S	S	X	X	X	X
Informational (directional, landmark, trail marker, etc.) (Regional SMP)	S	S	S	S	S	S
<b>Transportation and Parking</b>						
<u>New</u> Access Roads Serving Permitted Uses (Regional SMP)	S	S	S	S	S/C <sup>3</sup>	N/A
<u>Expanded</u> Access Roads Serving Permitted Uses	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N/A</u>
<u>New</u> Highways, Freeways, Arterials & Collectors (Regional SMP)	S	S	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>
<u>Expanded</u> Highways, Freeways, Arterials & Collectors	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>New</u> Bridges	S	S	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>
<u>Expanded</u> Bridges	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Transportation Maintenance Plan	S	S	S	S	S	N/A
Transportation Maintenance Facilities (Regional SMP)	C	S	X	C	X	X
<u>New</u> Railways (Regional SMP)	S	S	S/C <sup>2</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>
<u>Expanded</u> Railways	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Parking for Authorized Use (Regional SMP)	Reviewed as part of authorized use.					
Park and Ride lots and Similar Stand Alone Parking (Regional SMP) <b>Bring back the Park and Ride lots for later discussion!</b>	C	S	X	X	X	X
<b>Utilities</b>						
Utility Services Accessory to Individual Shoreline Projects (Regional SMP)	Reviewed as part of authorized use.					
Utility Services to Projects outside Shoreline Jurisdiction (Regional)	S	S	S	S	C	C

Shoreline Use or Modification	High Intensity	Essential Public Facilities	Shoreline Residential	Urban Conservancy	Floodway / Channel Migration Zone (CMZ)	Aquatic - Lakes
Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited    N/A = Not Applicable						
SMP)						
New Power Generating Facilities (Zoning Code)	S/C <sup>3</sup>	S/C <sup>3</sup>	X	C	X	C
Expanded Power Generating Facilities	<u>S</u>	<u>S</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>
Utility Transmission Lines (Regional SMP)	S	S	C	C	C	C
New Utility Services, General (Zoning Code)	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>	S/C <sup>3</sup>	C	C
Expanded Utility Services, General	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>C</u>	<u>C</u>
Utility Maintenance Plan	S	S	S	S	S	S
Wastewater Treatment Facility	C	S	X	<u>S</u> <u>C</u>	S/C <sup>2</sup>	X
Wastewater Treatment Facility+ Part of Restoration Plan or Located in Degraded Area <sup>2</sup>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>X</u>

<sup>1</sup> ~~A Shoreline Substantial Development Permit is allowable when a non water-oriented use provides a public benefit, such as public access for substantial numbers of persons or shoreline ecological restoration. Otherwise, a Shoreline Conditional Use Permit is required.~~

<sup>2</sup> ~~A Shoreline Substantial Development Permit is allowable if it's a shoreline restoration plan or if it occurs on a Degraded Area = improved rights of way, levees, previously legally degraded land, or existing impervious area. Activities not within these exceptions would require a Shoreline Conditional Use Permit.~~

<sup>3</sup> ~~A Shoreline Substantial Development Permit is allowable for activities that expand existing facilities. New facilities require a Shoreline Conditional Use Permit.~~

<sup>4</sup> ~~A Shoreline Conditional Use Permit is allowable for activities that are part of a shoreline restoration plan. Otherwise, the use is prohibited.~~

<sup>5-8</sup> ~~Construction of a manufactured home on an existing lot is permitted as a "Single-family Dwelling."~~

<sup>4</sup> In this context, "mixed-use" means a shoreline development that includes and supports a water-dependent use.

<sup>5</sup> "Mixed-use building" means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

## 17.13 ADMINISTRATION AND ENFORCEMENT

Consultant note: This Chapter is all new and is not drawn from the Regional SMP.

### 17.13.010 Roles and Responsibilities

The City shall administer the Shoreline Master Program (SMP), collectively Title 17 and the associated goals and policies contained in Comprehensive Plan Chapter 10, Section 3, according to the following roles and responsibilities:

- A. Shoreline Administrator. The Shoreline Administrator in the City of Yakima is the Community Development Director. The Shoreline Administrator shall have overall administrative responsibility of the SMP. The Shoreline Administrator or his/her designee is hereby vested with the authority to:
  1. Administrate this SMP.
  2. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
  3. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP.
  4. Authorize, approve or deny Shoreline Substantial Development Permits.
  5. Authorize, approve or deny Shoreline Conditional Use Permits except for those involving non-conforming uses, which shall be the responsibility of the Hearing Examiner.
  6. Make written recommendations to the Hearing Examiner, Planning Commission, or City Council as appropriate.
  7. Advise interested persons and prospective applicants as to the administrative procedures and related components of this SMP.
  8. Collect fees for all necessary permits as provided in City ordinances or resolutions. The determination of which fees are required shall be made by the City.
  9. Make administrative decisions and interpretations of the policies and regulations of this SMP and the Act in accordance with the Yakima Municipal Code.
- B. SEPA Official. The responsible SEPA official or his/her designee is authorized to conduct environmental review of all use and development activities subject to this SMP, pursuant to WAC 197-11 and RCW 43.21C. The responsible SEPA official is designated in accordance with the City's SEPA implementation ordinance.
- C. Hearing Examiner. The Hearing Examiner shall have the authority to:
  1. Decide on appeals from administrative decisions issued by the Shoreline Administrator of this SMP.
  2. Grant or deny variances from this SMP.
  - ~~2-3.~~ Grant or deny conditional use permits associated with non-conforming uses.
  - ~~3-4.~~ The Hearing Examiner may, at the request of the Shoreline Administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions on applications for shoreline substantial development permits and conditional use permits.

- D. Planning Commission. The Planning Commission is vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the City's planning and regulatory program, and make recommendations for amendments thereof to the City Council.
- E. City Council. The City Council is vested with authority to:
  - 1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.
  - 2. Adopt all amendments to this SMP, after consideration of the recommendation of the planning commission, where established. Amendments shall become effective upon approval by Ecology.

### **17.13.020 Interpretation**

- A. The City shall make administrative decisions and interpretations of the policies and regulations of this SMP and the Act in accordance with the Yakima Municipal Code.
- B. The City shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and 173-26 WAC.
- C. The application of this SMP is intended to be consistent with constitutional and other legal limitations on the regulation of private property. The Shoreline Administrator shall give adequate consideration to mitigation measures and other possible methods to prevent undue or unreasonable hardships upon property owners.

### **17.13.030 Statutory Noticing Requirements**

Applicants shall follow the noticing requirements of the City. At a minimum, the City shall provide notice in accordance with WAC 173-27-110, and may provide for additional noticing requirements. Per WAC 173-27-120 the City shall comply with special procedures (public notice timelines, appeal periods, etc.) for limited utility extensions and bulkheads.

The following subsections provide a summary of noticing days. The City shall consult the most current version of WAC 173-27-110 and 120 to confirm the days. In case of conflict state statutes or rules shall control:

- A. Issuance of notice of application. Notice of application shall be provided within fourteen days after the determination of completeness of the application.
- B. Statement of public comment period. The notice of application shall state the public comment period which shall be not less than thirty days following the date of notice of application, unless otherwise specified for limited utility extensions or single family bulkheads below.
- C. Notice of application prior to hearing. If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.
- D. Limited utility extension or single-family bulkhead. An application for a Substantial Development Permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

1. The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the City's decision on the application no later than two days following its issuance;
2. The City shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and
3. If there is an appeal of the decision to grant or deny the permit to the Hearing Examiner, the appeal shall be finally determined by the Hearing Examiner within thirty days.

Consultant note: In WAC 173-27-120, reference is made to an appeal going to a "local legislative authority". We are investigating this language as it would typically refer to a city council, but most agencies have their hearing examiners address appeals.

#### **17.13.040 Application Requirements**

- A. A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the information listed in WAC 173-27-180. In addition, the applicant, including those applying for exemption status, shall provide the following materials:
  1. An assessment of the existing ecological functions and/or processes provided by topographic, physical and vegetation characteristics of the site and any impacts to those functions and/or processes, to accompany development proposals, provided that proposals for single-family residences, as long as they meet the exemption criteria, shall be exempt from this requirement if proposal is located outside required buffers. When the project results in adverse impacts to ecological function and/or processes, a mitigation plan must be provided that describes how proposed mitigation compensates for the lost function or process.
  2. Site plan or division of land depicting to scale the location of buildable areas, existing and proposed impervious surfaces (building(s), accessory structures, driveways), and allowed landscaping and yards (including proposed water access trails, view corridors, wildfire defensible space, if applicable), general location of utilities, well and septic system, if applicable and location of storage and staging of materials and equipment during construction. Plans shall show area calculations of each feature.
  3. The location of any mapped channel migration zone floodplain, and/or floodway boundary and critical Areas, if known, and respective setback/buffer areas on and within 250 feet of the vicinity of the project site and all applicable buffers.
  4. Where a view analysis is required per WAC 173-27-180 it shall address the following:
    - a. The analysis shall include vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed with structures complying with the applicable regulations of the City and the maximum height limitation allowed under the SMP.
    - b. The view corridor analysis shall include residential buildings or public properties located outside of the shoreline jurisdiction if it can be clearly demonstrated that the subject property has significant water views.

- ~~e. The analysis shall include vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed with structures complying with the applicable regulations of the City and the maximum height limitation allowed under the SMP.~~
- ~~d. The view corridor analysis shall include residential buildings or public properties located outside of the shoreline jurisdiction if it can be clearly demonstrated that the subject property has significant water views.~~

- B. The Shoreline Administrator may vary or waive these additional application requirements according to administrative application requirements on a case by case basis, but all applications for a substantial development, conditional use, or variance permit shall contain the information found in WAC 173-26-180.
- C. The Shoreline Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other City requirements, and the provisions of this Title.

#### **17.13.050 Exemptions from Shoreline Substantial Development Permits**

- A. The City shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515.
- B. Letters of exemption shall be issued when a letter of exemption is required by the provisions of WAC 173-27-050. Otherwise the exemption status shall be documented in the project application file.

#### **17.13.060 Shoreline Substantial Development Permits**

- A. A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 17.13.050.
- B. A substantial development permit shall be granted only when the development proposed is consistent with:
  - 1. The policies and procedures of the SMA;
  - 2. The provisions of WAC 173-27;
  - 3. Chapter 10, Section 3 of the City of Yakima Comprehensive Plan; and
  - 4. This Title 17.
- C. The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.

### **17.13.070 Shoreline Conditional Use Permits**

- A. This section provides procedures and criteria guiding the review of shoreline conditional use permits, which require careful review to ensure the use can be properly installed and operated in a manner that meets the goals of the Act and this Program in accordance with any needed performance standards. After a Shoreline Conditional Use application has been approved by the City, the City shall submit the permit to Ecology for Ecology's approval, approval with conditions or denial. Ecology shall review the file, in accordance with WAC 173-27-200.
- B. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the City ~~Hearing Examiner~~ and by the Department of Ecology.
- C. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.
- D. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.
- E. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
  - 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
  - 2. That the proposed use will not interfere with the normal public use of public shorelines;
  - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
  - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - 5. That the public interest suffers no substantial detrimental effect.
- F. In the granting of all conditional use permits, 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 and shall not produce substantial adverse effects to the shoreline environment.
- G. In authorizing a conditional use, special conditions may be attached to the permit by the City or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this SMP.
- H. Nothing shall interfere with the City's ability to require compliance with all other applicable plans and laws.

### **17.13.080 Shoreline Variance Permits**

- A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Shoreline Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Shoreline Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited.

- B. After a Shoreline Variance application has been approved by the City, the City shall submit the permit to Ecology for Ecology's approval, approval with conditions or denial. Ecology shall review the file in accordance with WAC 173-27-200.
1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
  2. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
    - a. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property;
    - b. That the hardship described in criterion "a" of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;
    - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;
    - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
    - e. That the variance requested is the minimum necessary to afford relief; and
    - f. That the public interest will suffer no substantial detrimental effect.
  3. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
    - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
    - b. That the proposal is consistent with the criteria established under Regulation B.2 above; and
    - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
- C. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

**17.13.090 Duration of Permits**

Time duration requirements for Shoreline Substantial Development, Shoreline Variance, and Shoreline Conditional Use Permits shall be consistent with the following provisions.

- A. General provisions. The time requirements of this section shall apply to all Shoreline Substantial Development Permits and to any development authorized pursuant to a Shoreline Conditional Use Permit or Shoreline Variance authorized by this Chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP and this Chapter, the City may adopt different time limits from those set forth in Subsections B and C of this section as a part of an action on a Shoreline Substantial Development Permit.
- B. Commencement. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. Commencement means taking the action on the shoreline project for which the permit was granted shall begin. For example, beginning actual construction or entering into binding agreements or contractual obligations to undertake a program of actual construction. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed with a complete extension application submittal before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance and to Ecology.
- C. Termination. Authorization to conduct development activities shall terminate five years after the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance, and to Ecology.
- D. Effective date. The effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in subsections B and C of this section do not include the time during which a use or activity was not actually pursued due to pending administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. The applicant shall be responsible for informing the City of the pendency of other permit applications filed with agencies other than the City and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given by the applicant to the City prior to the date of the last action by the City to grant permits and approvals necessary to authorize the development to proceed, including administrative and legal actions of the City, and actions under other City development regulations, the date of the last action by the City shall be the effective date.
- E. Revisions. Revisions to permits may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

- F. Notification to Ecology. The City shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

#### **17.13.100 Initiation of Development**

- A. Amortization to begin construction. Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance, issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) from the date of receipt of the decision, except as provided in RCW 90.58.140 (5)(a) and (b). The date of receipt for a Substantial Development Permit means that date the applicant receives written notice from Ecology that it has received the decision. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, date of receipt means the date a City or applicant receives the written decision of Ecology.
- B. Forms. Permits for Substantial Development, Shoreline Conditional use, or Shoreline Variance may be in any form prescribed and used by the City including a combined permit application form. Such forms will be supplied by the City.
- C. Data sheet. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.
- D. Construction Prior to Expiration of Appeal Deadline. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

#### **17.13.110 Review Process**

- A. After the City's approval of a conditional use or variance permit, the City shall submit the permit to the department for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the City and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by the City pursuant to WAC 173-27-110.
- B. Ecology shall review the complete file submitted by the City on conditional use and variance permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.
- C. The City shall provide appropriate notification of the Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

#### **17.13.120 Appeals**

- A. Administrative review decisions by the Administrator, based on a provision of this SMP, may be the subject of an appeal to the Hearing Examiner by any aggrieved person. Such appeals shall be an open record hearing before the Hearing Examiner.
- B. Appeals of exemptions are allowed only for exemptions where a letter is required pursuant to Section 17.13.050, of this SMP

- C. Appeals must be submitted within fourteen (14) calendar days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:
1. The decision or interpretation being appealed, including the file number reference and the specific objections in the decision document;
  2. The name and address of the appellant and his/her interest(s) in the application or proposed development;
  3. The specific reasons why the appellant believes the decision or interpretation to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision or interpretation is erroneous;
  4. The specific relief sought by the appellant; and
  5. The appeal fee established by the City.
- D. Per WAC 173-27-120 the City shall comply with special procedures for limited utility extensions and bulkheads. If there is an appeal of the decision to grant or deny the permit to the Hearing Examiner, the appeal shall be finally determined by the Hearing Examiner within thirty days.
- E. Appeals to the Shoreline Hearings Board of a final decision on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within thirty (30) days of receipt of the final decision by the City or by Ecology as provided for in RCW 90.58.140(6).

### **17.13.130 Amendments to Permits**

- A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this SMP, and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.
- B. When an applicant seeks to revise a permit, the City shall request from the applicant detailed plans and text describing the proposed changes. Proposed changes must be within the scope and intent of the original permit, otherwise a new permit may be required.
- C. If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this SMP and the Act, the City may approve a revision.
- D. "Within the scope and intent of the original permit" means all of the following:
1. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;
  2. Ground area coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;
  3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a Shoreline Variance granted as the original permit or a part thereof;

4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
  5. The use authorized pursuant to the original permit is not changed; and
  6. No adverse environmental impact will be caused by the project revision.
- E. The revision approval, including the revised site plans and text clearly indicating the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the City shall notify parties of record of their action.
- F. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the City shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the City and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the City. The City shall notify parties of record of Ecology's final decision.
- G. The revised permit is effective immediately upon final decision by the City or, when appropriate per Subsection F, upon final action by Ecology. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.
1. Filing. Appeals of a revised permit shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the City's action by Ecology or, when appropriate under Shoreline Variances or Conditional Uses, the date Ecology's final decision is transmitted to the City and the applicant.
  2. Basis of appeals. Appeals shall be based only upon contentions of noncompliance with the provisions of Subsections A and B. Appeals shall be based on the revised portion of the permit.
  3. Risk. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.
  4. Scope of decision. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

#### **17.13.140 SMP Amendments**

- A. This Shoreline Master Program carries out the policies of the Shoreline Management Act for the City. It shall be reviewed and amended as appropriate in accordance with the review periods required in the Act and in order to:
1. To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
  2. To assure consistency of the master program with the City's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.
- B. This SMP and all amendments thereto shall become effective immediately upon final approval and adoption by Ecology.
- C. The SMP may be amended annually or more frequently as needed pursuant to the Growth Management Act, RCW 36.70A.130(2)(a)(iii).

- D. Initiation. Future amendments to this Shoreline Management Plan may be initiated either by any person, resident, property owner, business owner, governmental or non-governmental agency, Shoreline Administrator, Planning Commission, or City Council as appropriate.
- E. Application. Applications for shoreline master program amendments shall specify the changes requested and any and all reasons therefore. Applications shall be made on forms specified by the City. Such applications shall contain information specified in the City's procedures for Comprehensive Plan and development regulation amendments pursuant to RCW 36.70A, the Growth Management Act, and information necessary to meet minimum public review procedures in Subsection F.
- F. Public Review Process – Minimum Requirements. The City shall accomplish the amendments in accordance with the procedures of the Shoreline Management Act, Growth Management Act, and implementing rules including, but not limited to, RCW 90.58.080, WAC 173-26-100, RCW 36.70A.106 and 130, and Part Six, Chapter 365-196 WAC.
- G. Roles and Responsibilities. Proposals for amendment of the Shoreline Management Plan shall be heard by the Planning Commission. After conducting a hearing and evaluating testimony regarding the application, including a recommendation from the Shoreline Administrator, the Planning Commission shall submit its recommendation to the City Council, who shall approve or deny the proposed amendment.
- H. Finding. Prior to approval, the City shall make a finding that the amendment would accomplish #1 or #2, and must accomplish #3:
  - 1. The proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines;
  - 2. The proposed amendment would make this Program more equitable in its application to persons or property due to changed conditions in an area;
  - 3. This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the effective date of this SMP [insert date].
- I. After approval or disapproval of a Program amendment by the Department of Ecology as provided in RCW 90.58.090, Ecology shall publish a notice that the Program amendment has been approved or disapproved by Ecology pursuant to the notice publication requirements of RCW 36.70A.290.

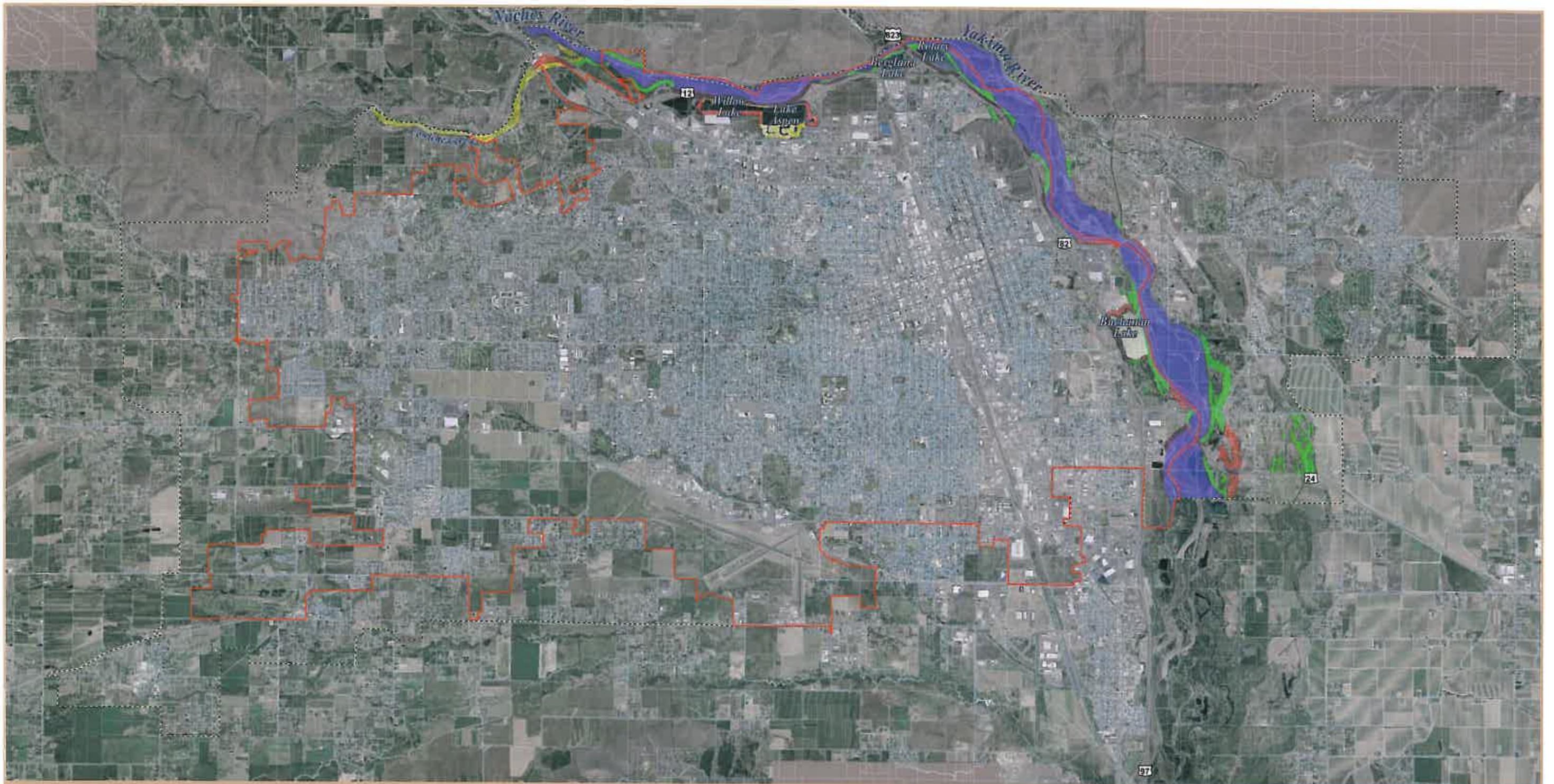
#### **17.13.150 Enforcement**

The City shall apply 173-27 WAC Part II, Shoreline Management Act Enforcement, to enforce the provisions of this SMP whenever a person has violated any provision of the act or any master program or other regulation promulgated under the Act.

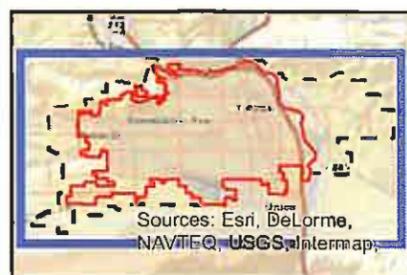
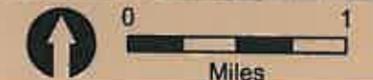
#### **17.13.160 Monitoring**

- A. The City will track all shoreline permits and exemption activities to evaluate whether the SMP is achieving no net loss of shoreline ecological functions. Activities to be tracked using the City's permit system include development, conservation, restoration and mitigation, such as:
  - 1. New shoreline development
  - 2. Shoreline Variances and the nature of the variance

3. Compliance issues
  4. Net changes in impervious surface areas, including associated stormwater management
  5. Net changes in fill or armoring
  6. Net change in linear feet of flood hazard structures
  7. Net changes in vegetation (area, character)
- B. Using the information collected Subsection A, a no net loss report shall be prepared every eight years as part of the City's Shoreline Master Program evaluation or Comprehensive Plan Amendment process. Should the no net loss report show degradation of the baseline condition documented in the City's Shoreline Analysis Report changes to the SMP and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year update to prevent further degradation and address the loss in ecological functions.



## City of Yakima Shoreline Master Program - Overview



All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or verify information shown on this map.

### Proposed Environment Designation

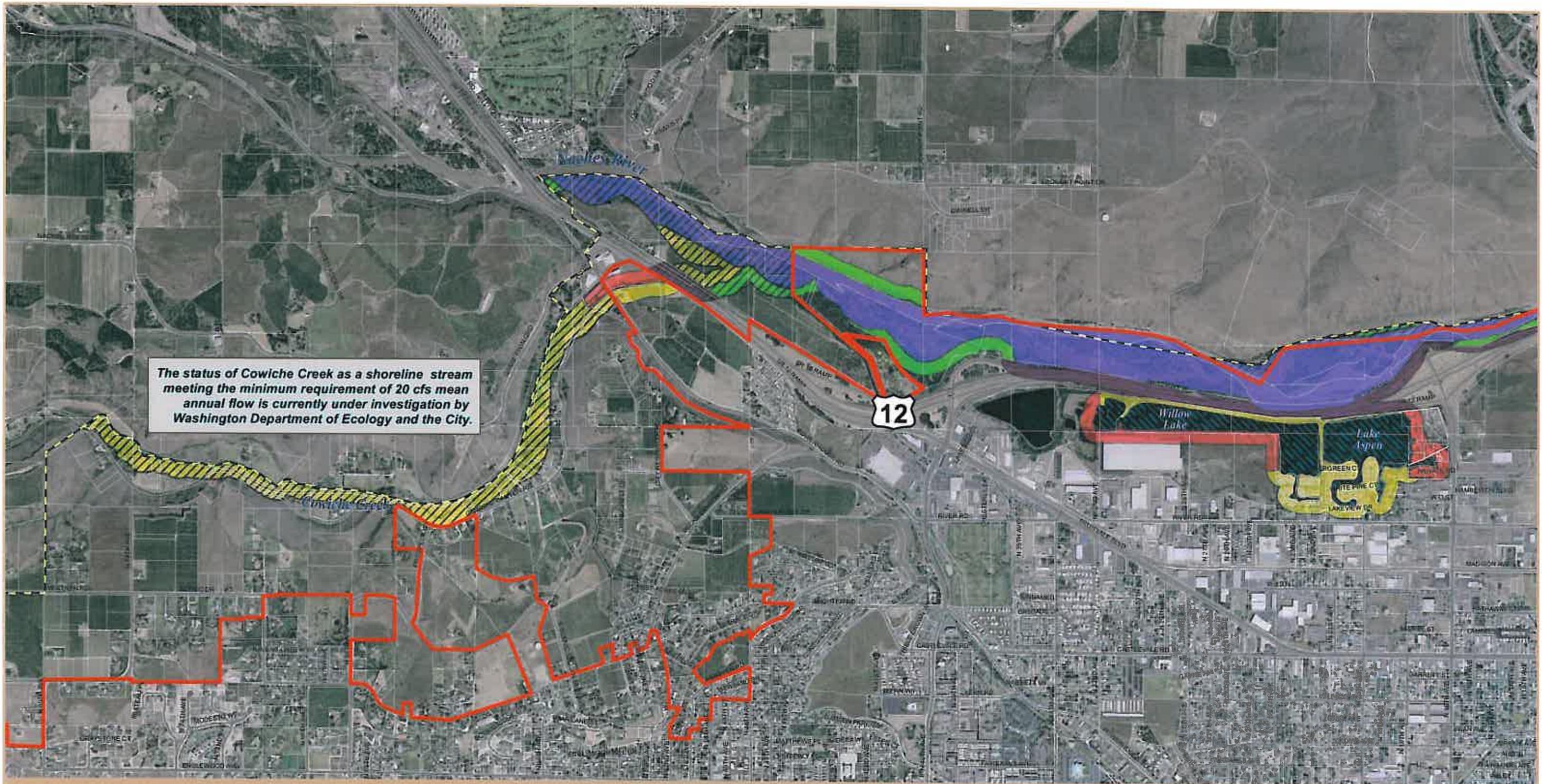
- Aquatic
- Aquatic - Buchanan Lake
- Essential Public Facilities
- Essential Public Facilities - Buchanan Lake
- Essential Public Facilities - UGA
- Floodway/CMZ
- Floodway/CMZ - UGA
- High Intensity
- High Intensity - Buchanan Lake
- High Intensity - UGA
- Shoreline Residential
- Shoreline Residential - UGA
- Urban Conservancy
- Urban Conservancy - Buchanan Lake
- Urban Conservancy - UGA

- Potentially Associated Wetland
- Parcels - light grey outline
- City Limit
- UGA

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Please scale accordingly.

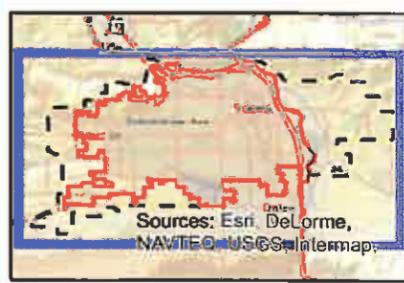
Data source: City of Yakima, FWS

Date: 4/3/2013  
Name: Environment\_designation



The status of Cowiche Creek as a shoreline stream meeting the minimum requirement of 20 cfs mean annual flow is currently under investigation by Washington Department of Ecology and the City.

### City of Yakima Shoreline Master Program - 1 of 3



All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or verify information shown on this map.

#### Proposed Environment Designation

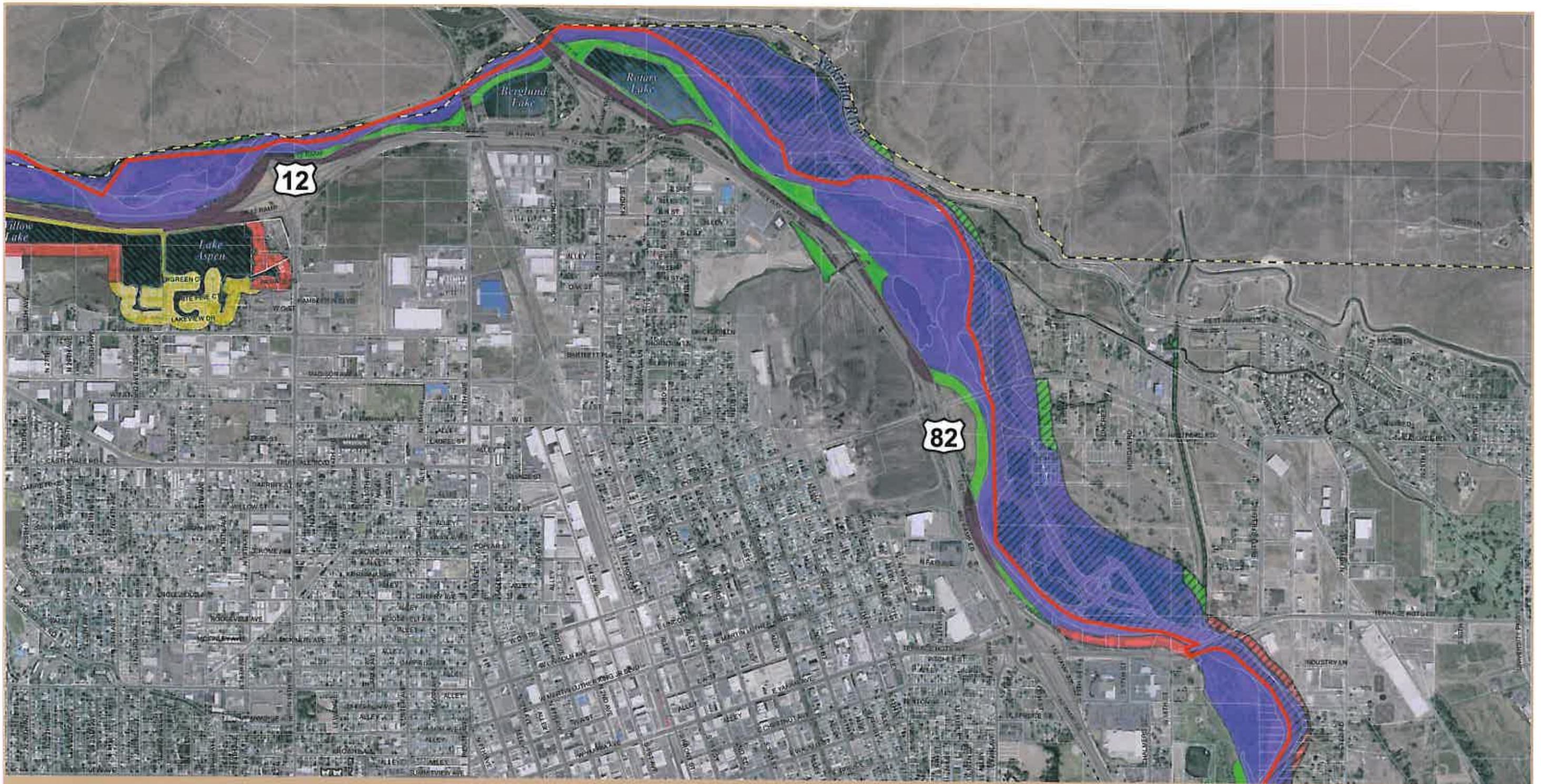
- Aquatic
- Aquatic - Buchanan Lake
- Essential Public Facilities
- Essential Public Facilities - Buchanan Lake
- Essential Public Facilities - UGA
- Floodway/CMZ
- Floodway/CMZ - UGA
- High Intensity
- High Intensity - Buchanan Lake
- High Intensity - UGA
- Shoreline Residential
- Shoreline Residential - UGA
- Urban Conservancy
- Urban Conservancy - Buchanan Lake
- Urban Conservancy - UGA

- Potentially Associated Wetland
- Parcels - light grey outline
- City Limit
- UGA

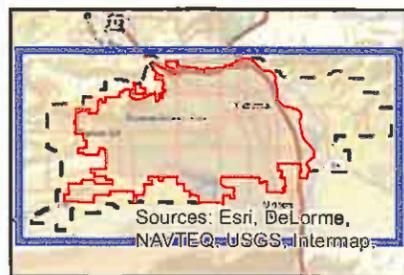
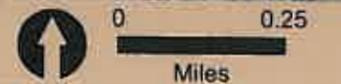
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Data source: City of Yakima, FWS

Date: 4/3/2013  
Name: Environment\_designation



## City of Yakima Shoreline Master Program - 2 of 3



All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or verify information shown on this map.

### Proposed Environment Designation

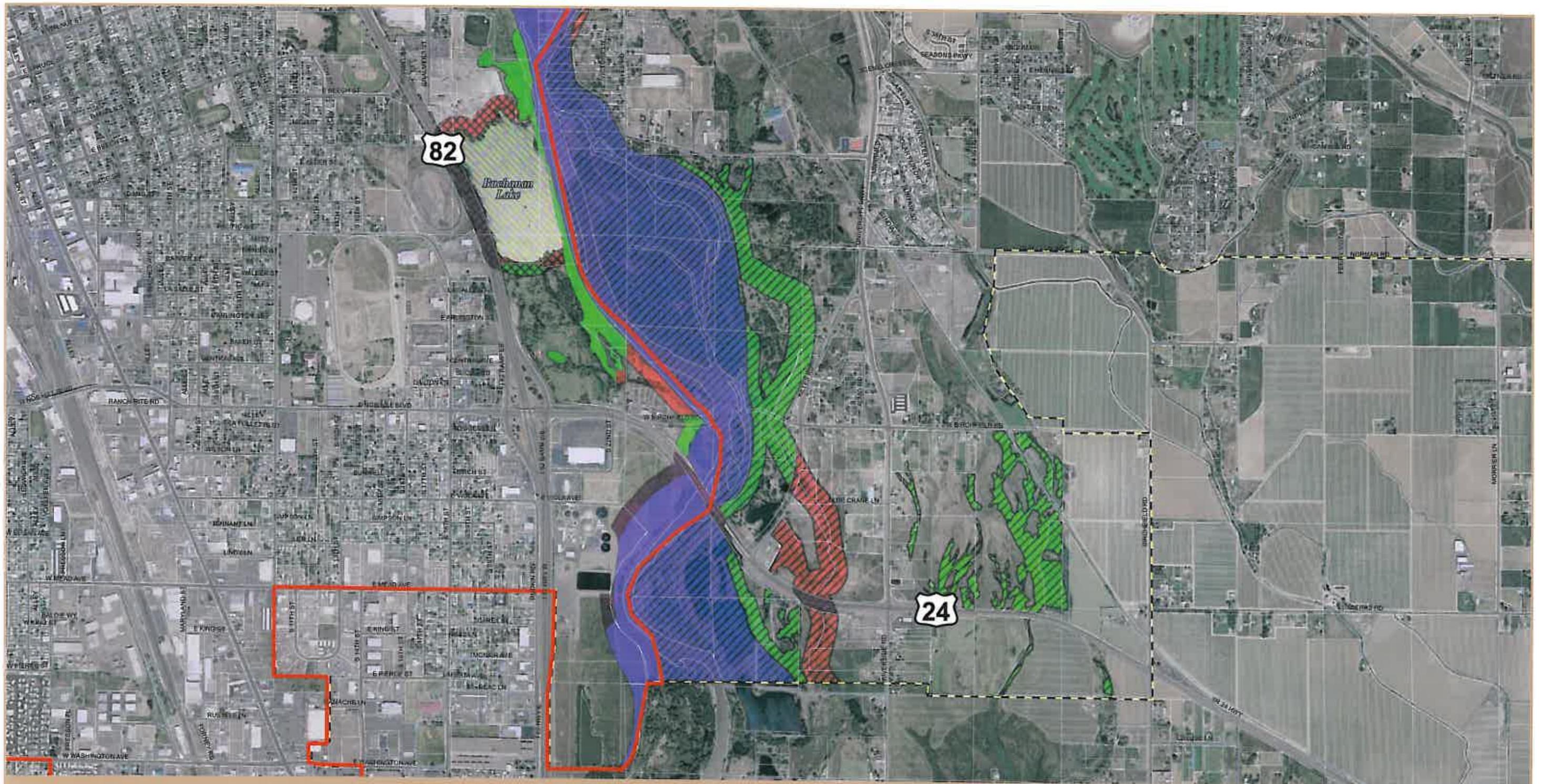
-  Aquatic
-  Aquatic - Buchanan Lake
-  Essential Public Facilities
-  Essential Public Facilities - Buchanan Lake
-  Essential Public Facilities - UGA
-  Floodway/CMZ
-  Floodway/CMZ - UGA
-  High Intensity
-  High Intensity - Buchanan Lake
-  High Intensity - UGA
-  Shoreline Residential
-  Shoreline Residential - UGA
-  Urban Conservancy
-  Urban Conservancy - Buchanan Lake
-  Urban Conservancy - UGA

-  Potentially Associated Wetland
-  Parcels - light grey outline
-  City Limit
-  UGA

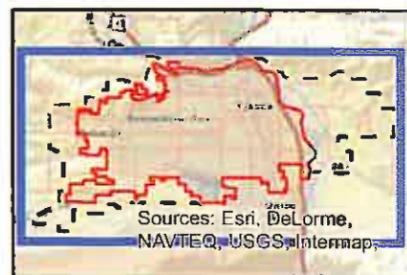
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Please scale accordingly.

Data source: City of Yakima, FWS

Date: 4/3/2013  
Name: Environment\_designation



### City of Yakima Shoreline Master Program - 3 of 3



All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or verify information shown on this map.

#### Proposed Environment Designation

- |   |                                   |
|---|-----------------------------------|
| Aquatic                                     | High Intensity                    |
| Aquatic - Buchanan Lake                     | High Intensity - Buchanan Lake    |
| Essential Public Facilities                 | High Intensity - UGA              |
| Essential Public Facilities - Buchanan Lake | Shoreline Residential             |
| Essential Public Facilities - UGA           | Shoreline Residential - UGA       |
| Floodway/CMZ                                | Urban Conservancy                 |
| Floodway/CMZ - UGA                          | Urban Conservancy - Buchanan Lake |
|   | Urban Conservancy - UGA           |

- Potentially Associated Wetland
- Parcels - light grey outline
- City Limit
- UGA

Original Scale: 1:16,800 @ 11x17.  
Please scale accordingly.

Data source: City of Yakima, FWS

Date: 4/3/2013

Name: Environment\_designation