

CITY OF YAKIMA SHORELINE MASTER PROGRAM

Outline

The SMP format is somewhat flexible. Some jurisdictions prepare a single Shoreline Master Program (SMP) document adopted by ordinance but not codified, whereas other jurisdictions place portions of their SMP in their Growth Management Act (GMA) Comprehensive Plan and portions in their development regulations. State laws and guidelines recognize this latter approach at RCW 36.70A.480 (1):

...The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

To be clear and consistent with this law, we suggest the following SMP format approach:

- Place goals and policies into a Comprehensive Plan chapter; and
- Place all other SMP portions, e.g. environment designations, general regulations, use- and modification-specific regulations, and permitting into Title 15 of the Yakima Municipal Code

Collectively, these two parts will comprise the City's SMP and will be placed in the Washington State Department of Ecology files as such; however, the City would also integrate the two SMP parts into its GMA Comprehensive Plan and municipal code and administer them consistently with the City's other land use policies and development regulations.

SMP SECTION 1: SHORELINE ELEMENT

Currently, the City is proposing to incorporate SMP goals and policies into Comprehensive Plan Chapter X, Natural Environment under Goal 10.6:

GOAL 10.6: PROTECT THE CITY'S SUPPLY AND QUALITY OF SHORELINE AREAS TO ENSURE THEIR MOST EFFICIENT AND ENVIRONMENTALLY SOUND USE.

The City is also identifying Natural Environment policies that are related in other subsections of the Element (for example, critical area policies).

To be clear which goals and policies are part of the SMP and subject to the SMP amendment process involving the Washington State Department of Ecology, we suggest creating either a subsection of Chapter X, Natural Environment, that is clearly identified as containing SMP goals and policies. This could mean that the element is structured in three parts: A) General, B) Critical Areas, C) SMP policies.

While it is not necessary to organize SMP goals and policies into shoreline "elements" or "topics" (see SMA discussion of elements in RCW 90.58.100), it would create a clearer link between the policies and regulations to do so. Below we propose an alternative order for the goals and policies compared to the current draft the City is considering (which was based on the Yakima County approach as well). In parentheses we note which draft goals and policies are currently under Planning Commission review that could fit under the re-organized headings.

Purpose and Relationship of the Shoreline Management Act to the Growth Management Act

Profile of the Shoreline Jurisdiction in Yakima

Development of Goals and Policies

General Shoreline Planning Sub-element

Draft Goal 10.6.1 and associated policies

Draft Goal 10.6.2 and associated policies

Also, Draft Policies 10.6.51 to 10.6.54

Shoreline Environment Designations

Draft Goal 10.6.4 and associated policies

Economic Development Sub-element

Commercial Development

Draft Policies 10.6.81 to 10.6.82

Industrial Development

Draft Policies 10.6.87 to 10.6.88

Public Access and Recreation Sub-element

Public Access

Draft Policies 10.6.32 to 10.6.41

Recreational Development

Draft Policies 10.6.55 to 10.6.58

Circulation Sub-element (Transportation & Parking)

Draft Policies 10.6.59 to 10.6.64

Shoreline Uses and Modifications Sub-element

Agriculture

Draft Policies 10.6.65 to 10.6.67

Aquaculture

Draft Policies 10.6.68 to 10.6.70

Boating and Private Moorage Facilities

Draft Policies 10.6.71 to 10.6.72 and Draft Policies 10.6.102 to 10.6.104 (work to integrate/eliminate redundancy)

Breakwaters, Jetties, Groins and Weirs

Add distinct policies on these types of shoreline/aquatic modifications. Presently, the County SMP addresses these modifications under shoreline stabilization.

Dredging and Dredge Material Disposal

Draft Policies 10.6.100 to 10.6.101

Fill

Draft Policies 10.6.96 to 10.6.99

Forest Practices

Statement – not applicable

In-Stream Structures

Draft Policies 10.6.89 to 10.6.90

Mining

Draft Policies 10.6.73 to 10.6.77

Residential Development

Draft Policies 10.6.78 to 10.6.80

Shoreline Stabilization

Draft Policies 10.6.91 to 10.6.95

Signs

Draft Policy 10.6.42

Utilities

Draft Policies 10.6.83 to 10.6.86

Existing Uses

Add policies on non-conforming uses, structures, lots

The direction of this section would likely include that the existing uses should provide for continuation if destroyed with the exception of the Floodway.

Redevelopment, Repair, and Maintenance

Add policies on redevelopment, repair, and maintenance to the extent these issues may extend beyond exemption levels or use section to recognize parks, roadway, and other typical maintenance activities common to city, state, and federal agencies

Conservation Element

Environmental Protection

Draft Goal 10.6.3 and associated policies

Critical Areas & Vegetation Conservation

Draft Policies 10.6.18 to 10.6.31

Shoreline Habitat and Natural Systems Enhancement Projects

Add policies on enhancement projects

Water Quality, Stormwater Management, and Nonpoint Pollution

Draft Policies 10.6.47 to 10.6.50

Historic, Cultural, Scientific, and Educational Resources Element

Draft Policies 10.6.43 to 10.6.46

Flood Hazard Management Element

Add flood hazard management policies similar to current Natural Environment Element policies, but clearly made part of the SMP policies.

SMP SECTION 2: SHORELINE REGULATIONS

We suggest fitting SMP regulations into the Title 15 Yakima Urban Area Zoning Ordinance, placing SMP regulations in their own chapter – new Chapter 15.32 (it could easily be placed into its own title instead). We propose arranging SMP regulations similar to Chapter 15.27 YMC Critical Areas with “parts” and “subsections” that have corresponding sub-numbering. For example, Part I has sub-numbering XX.100 to XX.190, Part II has sub-numbering XX.200 to XX.240, and so on. If uses are not applicable, the sections can be brief and say “X use is prohibited.”

Chapter 15.32 - Shoreline Regulations

Part I – Purpose and General Provisions

- 15.32.100 Authority
- 15.32.110 Applicability
- 15.32.120 Findings
- 15.32.130 Purpose
- 15.32.140 Relationship to Other Codes, Ordinances and Plans
- 15.32.150 Liberal Construction
- 15.32.160 Severability
- 15.32.170 Effective Date
- 15.32.180 Definitions
- 15.32.190 Shoreline Jurisdiction

Part II – Shoreline Environment Designations

Note: we suggest a couple of category changes or additions for ease of administration of use matrix and match to uses on the ground. We suggest that Urban be split into High Intensity (more for commercial/industrial areas) and into Shoreline Residential (apply to areas where that is the predominant use). Add an Aquatic environment for areas waterward of OHWM on lakes. Riverine aquatic environment would be addressed by floodway/CMZ designation.

- 15.32.200 Floodway / Channel Migration Zone (CMZ)
- 15.32.210 Urban Conservancy

- 15.32.220 High Intensity
- 15.32.230 Shoreline Residential
- 15.32.240 Aquatic

Part III – General Regulations

- 15.32.310 Environmental Protection
- 15.32.320 Shoreline Vegetation Conservation
- 15.32.330 Water Quality, Stormwater, and Nonpoint Pollution
- 15.32.340 Public Access
- 15.32.350 Flood Hazard Reduction

Part IV – Use-Specific and Modification Regulations

- 15.32.400 Agriculture
- 15.32.405 Aquaculture
- 15.32.410 Boating and Private Moorage Facilities
- 15.32.415 Breakwaters, Jetties, Groins and Weirs
- 15.32.420 Commercial Development
- 15.32.425 Dredging and Dredge Material Disposal
- 15.32.430 Fill
- 15.32.435 Forest Practices

Statement – not applicable

- 15.32.440 Industry
- 15.32.445 In-Stream Structures
- 15.32.450 Mining
- 15.32.455 Recreational Development
- 15.32.460 Residential Development
- 15.32.465 Shoreline Habitat and Natural Systems Enhancement Projects
- 15.32.470 Shoreline Stabilization
- 15.32.475 Signs
- 15.32.480 Transportation
- 15.32.485 Utilities
- 15.32.490 Redevelopment, Repair, and Maintenance

Part V – Critical Areas

- 15.32.500 General Provisions
- 15.32.510 Wetlands
- 15.32.520 Critical Aquifer Recharge Areas

- 15.32.530 Streams
- 15.32.540 Fish and Wildlife Habitat Conservation Areas
- 15.32.550 Geologically Hazardous Areas
- 15.32.560 Floodplain Management

Part VI – Existing Uses, Structures and Lots

- 15.32.600 Nonconforming Uses
- 15.32.610 Nonconforming Structures
- 15.32.620 Nonconforming Lots

Part VII – Administration and Enforcement

- 15.32.700 Roles and Responsibilities
- 15.32.705 Interpretation
- 15.32.710 Statutory Noticing Requirements
- 15.32.715 Application Requirements
- 15.32.720 Exemptions from Shoreline Substantial Development Permits
- 15.32.725 Shoreline Substantial Development Permits
- 15.32.730 Shoreline Conditional Use Permits
- 15.32.735 Shoreline Variance Permits
- 15.32.740 Duration of Permits
- 15.32.745 Initiation of Development
- 15.32.750 Review Process
- 15.32.755 Appeals
- 15.32.760 Amendments to Permits
- 15.32.765 SMP Amendments
- 15.32.770 Enforcement
- 15.32.780 Monitoring