



CRITICAL AREAS CHECKLIST

A Technical Assistance Tool From Growth Management Services – updated April 2019

Name of city or county: City of Yakima	
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<p>INSTRUCTIONS</p> <p>This checklist is intended to help local governments update their development regulations, pursuant to the schedule in RCW 36.70A.130(4) (updated in 2012). We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates. This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act, August, 2016 and WAC 365-196-610 (updated in 2015).</p> <p>Bold items are a GMA requirement or may be related requirements of other state or federal laws.</p> <p>Commerce WAC provisions are advisory under Commerce’s statutory mandate to provide technical assistance, RCW 43.330.120 which states that the Department of Commerce “...<i>shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.</i>” <u>Underlined</u> items are links to Internet sites and may include best practices or other ideas to consider. If you have questions, call GMS at (360) 725-3066.</p> <p>Updates to Commerce WAC – Revisions to the Commerce WAC relating to critical areas have been provided in a table with dates of changes on the Growth Management Act Periodic Update web site. The table can be used with this checklist to determine what changes have been made since the last update of your critical areas regulations.</p> <p>How to fill out the checklist</p> <p>Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:</p> <p>Is this item addressed in your current Critical Areas Ordinance (CAO)? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce Growth Management Services Web page or contact one of the Commerce planners assigned to your region.</p>	<p>Contents</p> <p>Instructions.....1</p> <p>Overall Requirements.....2</p> <p>Wetlands.....3</p> <p>Critical Aquifer Recharge Areas.....4</p> <p>Frequently Flooded Areas.....5</p> <p>Geologically Hazardous Areas.....6</p> <p>Fish and Wildlife Habitat Conservation Areas.....7</p> <p>Designating and Protecting Waters of the State.....8</p> <p>Anadromous Fisheries.....8</p> <p>Reason Use Exceptions.....8</p> <p>Agricultural Activities.....9</p> <p>Forest Practices Regulations.....9</p> <p>Good Ideas.....9</p>

CRITICAL AREAS

Regulations protecting critical areas are required by **RCW 36.70A.060(2)** and **RCW 36.70A.172(1)**. [WAC 365-195-900](#) through 925 provide guidelines. Guidance can also be found in Commerce’s *Critical Areas Handbook* (Updated June, 2018); the Minimum Guidelines [WAC 365-190-080 – 130](#); Best Available Science, [Chapter 365-195 WAC](#); and Procedural Criteria, [WAC 365-196-485](#) and [WAC 365-196-830](#), and on Growth Management’s [Critical Areas](#) webpage.

Regulations required to protect critical areas	Addressed in current plan or regulations? If yes, note where
<p>OVERALL REQUIREMENTS</p> <p>The CAO includes best available science to clearly designate and protect all critical areas that might be found within the jurisdiction.</p> <p>1. Designation of Critical Areas</p> <p>RCW 36.70A.170(1)(d) required all counties and cities to designate critical areas. RCW 36.70A.170(2) requires that counties and cities consider the Commerce Minimum Guidelines pursuant to RCW 36.70A.050.</p> <p>RCW 36.70A.050 directed Commerce to adopt the Minimum Guidelines to classify critical areas. WAC 365-190-080 through 130 (updated in 2010) provide guidance on defining or “designating” each of the five critical areas.</p> <p>WAC 365-190-040 (updated in 2010) outlines the process to classify and designate natural resource lands and critical areas.</p> <p>2. Definition of Critical Areas</p> <p>RCW 36.70A.030 provides definitions for each type of critical area. Sections (5) regarding fish and wildlife habitat conservation areas; (9) regarding geologically hazardous areas; and (21) regarding wetlands were updated in 2010.</p> <p>WAC 365-190-030 (updated 2010) provides definitions in the Minimum Guidelines.</p> <p>3. Protection of Critical Areas</p> <p>RCW 36.70A.060 (2) required counties and cities to adopt development regulations that protect the critical areas required to be designated under RCW 36.70A.170.</p> <p>RCW 36.70A.172(1) requires the inclusion of best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.</p> <p>4. Inclusion of Best Available Science</p> <p>RCW 36.70A.172(1) requires inclusion of the best available science (BAS).</p> <p>Chapter 365-195 WAC outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.</p> <p>WAC 365-195-915 provides criteria for including BAS in the record.</p>	<ol style="list-style-type: none"> 1. Designation: YMC 17.09.010.B; YMC 15.27 Part One 2. Definitions: YMC 17.01.090; YMC 15.27.200 3. Protection: YMC 17.09.010-.060; YMC Ch. 15.27 multiple references 4. Best available science: YMC 17.09; YMC 15.27.150 <p>Was BAS documented in the record for the review and updates to the critical areas regulations?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text:</p> <p>YMC 17.09 is the critical areas regulations integrated into the SMP. These regulations were last updated in 2017, along with the City’s critical areas regulations in YMC 15.27 updated during the required Comprehensive Plan Update under GMA. The 2017 update included a BAS review. Only a few additional science-based updates are proposed in this periodic update of the SMP, primarily based on changes to Washington Department of Ecology recommended</p>

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	<p>wetland buffers and an update to Ecology's <i>Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2)</i>. A number of other updates are also proposed to resolve minor inconsistencies within YMC 17.09 or to improve consistency with YMC 15.27. For example, YMC 17.09 had not included the stream buffer width update for Type 2 streams based on Yakama Nation input that was part of the update of YMC 15.27. The critical aquifer recharge area section of YMC 17.09 has also been updated to match YMC 15.27.</p> <p>Note: SMA uses the term "best available scientific and technical information" in lieu of "best available science."</p>
<p>WETLANDS DEFINITION</p> <p>The definition of wetlands is consistent with RCW 36.70A.030(28) (updated in 2012).</p>	<p>Is the wetland definition consistent with RCW 36.70A.030(28)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: YMC 17.01.090; YMC 15.27.200</p>
<p>WETLANDS DELINEATION</p> <p>Wetlands are delineated using the 1987 Federal Wetland Delineation Manual and Regional Supplements in accordance with WAC 173-22-035 (updated in 2011).</p> <p>See Ecology's Wetland Delineation page and WAC 365-190-090 (updated in 2010) for additional assistance.</p>	<p>Are wetlands delineated using the 1987 Federal Wetland Delineation Manual and Regional Supplements?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: YMC 17.09.040.B.1; YMC 15.27.601</p>

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<p>WETLANDS PROTECTION</p> <p>Policies and regulations protect the functions and values of wetlands. RCW 36.70A.172(1) Counties and cities are encouraged to make their actions consistent with the intent and goals of “protection of wetlands”, Executive Order 89-10 as it existed on September 1, 1990.</p> <p>WAC 365-190-090(3) recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see:</p> <ul style="list-style-type: none"> • 2014 Updates to the Washington State Wetland Rating Systems • Washington State Wetland Rating System for Western Washington • Washington State Wetland Rating System for Eastern Washington <p>For other resources and guidance on protecting wetlands, go to Ecology’s Local Wetland Regulations: Growth Management Act technical assistance.</p>	<p>Do the regulations use a rating system to determine wetlands protection?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text YMC 17.09.040.D.2; YMC 15.27.603</p>
<p>CRITICAL AQUIFER RECHARGE AREAS</p> <p>Policies and regulations protect the functions and values of critical aquifer recharge areas. RCW 36.70A.172(1).</p> <p>Policies and regulations protect the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1) and WAC 365-196-485(1)(d). (Required if groundwater is used for potable water.)</p> <p>The following references also relate to protection of groundwater resources:</p> <p>RCW 90.44 – Regulation of Public Groundwaters RCW 90.48 – Water Pollution Control (1971) RCW 90.54 – Water Resources Act of 1971 RCW 36.36.020 - Creation of aquifer protection area (1988) WAC 365-190-100 Critical Aquifer Recharge Areas (2010) WAC 173-100 Groundwater Management Areas and Programs (1988) WAC 173-200 Water Quality Standards for Groundwaters of the State of Washington (1990) WAC 365-196-735 Consideration of state and regional planning provisions (list) (2010)</p> <p>The Critical Aquifer Recharge Areas Guidance Document (2005) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management.</p> <p>Also, consider the following:</p>	<p>If groundwater is used for potable water, do regulations protect the quality and quantity of ground water?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in text: YMC 17.09.060; YMC 15.27.800</p> <p>Are the critical aquifer recharge regulations consistent with current mapping of these critical areas?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in text: CARA mapping and regulations were updated together in 2017 in YMC 15.27.800-820. This update</p>

Regulations required to protect critical areas	Addressed in current plan or regulations? If yes, note where
<ul style="list-style-type: none"> Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology's guidance on Critical Aquifer Recharge Areas. Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology's Stormwater Manual for Western Washington (updated in 2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See Stormwater Management and Design Manuals on Ecology's web page. See Stormwater Drainage and Water Quality on page 7 of this checklist for additional LID resources. 	<p>is now incorporated in YMC 17.09.060. The mapping followed Washington Department of Ecology "Critical Aquifer Recharge Areas Guidance Document" (Morgan, 2005).</p>
<p>FREQUENTLY FLOODED AREAS</p> <p>Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1) WAC 365-196-830 provides: "Protection" in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety."</p> <p>WAC 365-190-110 (updated in 2010) directs counties and cities to consider the following when designating and classifying frequently flooded areas:</p> <ol style="list-style-type: none"> Effects of flooding on human health and safety, and to public facilities and services; Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in RCW 36.70A.110; The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out; The potential effects of tsunami, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change; Greater surface runoff caused by increasing impervious surfaces. <p>Classification of and regulations for frequently flooded areas should not conflict with the Federal Emergency Management Agency (FEMA) requirements for the National Flood Insurance Program. See Ecology's Frequently Flooded area guidance and 44 CFR 60.</p> <p>Communities that are located on Puget Sound or the Strait of San Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the National Flood Insurance Program Biological Opinion (BiOp) for Puget Sound (https://www.fema.gov/media-library/assets/documents/30021). The biological opinion required changes to the implementation of the National Flood Insurance Program in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an</p>	<p>Are frequently flooded areas designated and regulated using FEMA and Ecology guidance?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: YMC 15.27 Part 4</p> <p>The City received Ecology input on YMC 17.09.020 (Flood Hazard Areas) in April 2021. Based on some conflicts between SMA and flood management processes and definitions, it was decided to remove 17.09.020 from the SMP. Instead Part 4 of YMC 15.27 (Flood Hazard Areas) will apply in shoreline jurisdiction (but not be adopted into the SMP), and the City will be updating YMC 15.27 (including Part 4 consistent with Ecology's comments) in Summer 2021.</p>

Regulations required to protect critical areas	Addressed in current plan or regulations? If yes, note where
<p>implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:</p> <p>1) a model ordinance (https://www.fema.gov/media-library/assets/documents/85339); 2) a programmatic Checklist (https://www.fema.gov/media-library/assets/documents/85336); or 3) on a permit by permit basis (https://www.fema.gov/media-library/assets/documents/85343) as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the <u>option</u> of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community’s biological opinion compliance strategy.</p> <p>Additional resources: RCW 86.12 Flood Control by Counties RCW 86.16 Floodplain Management RCW 86.26 State Participation in Flood Control Maintenance RCW 86.16.041 Floodplain Management Ordinance and Amendments WAC 173-158-070 Requirements for construction in Special Flood Hazard Areas</p>	<p>Are you utilizing your CAO as part of a programmatic response to the BiOp?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Location in Text: The BiOp applies to Puget Sound Watershed only.</p>
<p>DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS</p> <p>The definition of geologically hazardous areas is consistent with RCW 36.70A.030(12) (updated 2012).</p> <p>“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.</p>	<p>Is the geologically hazardous areas definition consistent with RCW 36.70A.030(12)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: YMC 17.09.050.A.1; Definition needs to be added to YMC 15.27.200</p> <p>Note: the RCW definition names specific development types – the City’s code refers to “incompatible” development more generally.</p>
<p>PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS</p> <p>Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1) WAC 365-196-830 (2010) provides:” “Protection” in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”</p>	

Regulations required to protect critical areas	Addressed in current plan or regulations? If yes, note where
<p>Geologically hazardous areas are designated, and their use is regulated or limited consistent with public health and safety concerns. RCW 36.70A.030(10) provides a definition (updated in 2012) and WAC 365-190-120 describes the different types of hazardous areas (2010):</p> <ul style="list-style-type: none"> • Geologically hazardous areas include: <ul style="list-style-type: none"> • seismic hazards • tsunami hazards • landslide hazards, • areas prone to erosion hazards • volcanic hazards • channel migration zones • areas subject to differential settlement from coal mines or other subterranean voids. • Critical facilities, such as hospitals and emergency response centers, hazardous materials storage, etc. should be restricted in hazard zones. <p>The Department of Natural Resource’s Geologic Hazards and the Environment website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness and includes geologic hazard maps.</p>	<p>Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: All of YMC 17.09.050, particularly B, C and E; YMC 15.27 Part 7</p>
<p>DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS</p> <p>The definition of fish and wildlife habitat conservation areas is consistent with RCW 36.70A.030(6) (updated 2012) and WAC 365-190-030 (updated in 2015). The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: <i>“such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company”</i>.</p>	<p>Is the FWHCA definition consistent with RCW 36.70A.030(6)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: YMC 17.01.090; YMC 15.27.200</p>
<p>PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS</p> <p>Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas. RCW 36.70A.172(1) and RCW 36.70A.030(5) (updated 2012).</p> <p>WAC 365-190-130(4) encourages to local jurisdictions consult WDFW’s Priority Habitat and Species web site. Recent updates include:</p>	<p>Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text</p>

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<ul style="list-style-type: none"> • Priority Habitat and Species maps (updated daily) • Priority Habitats and Species List (updated June 2016) <ul style="list-style-type: none"> • Mazama Pocket Gopher (2011, 2016) • Great Blue Heron (2012) • Western Gray Squirrel (2010) • Water Crossing Design Guidelines (2013) • Stream Habitat Restoration Guidelines (2012) • Shrub-Steppe (2011) • Land Use Planning for Salmon, Steelhead and Trout (2011) • Landscape Planning for Washington’s Wildlife (2009) • Aquatic Habitat Guidelines (2010, 2010, 2014) • Riparian Management recommendations (1997) • Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2018) <p>Areas “with a primary association with listed species” should be considered per WAC 365-190-130(2)(a). Recent uplistings and delistings are:</p> <ul style="list-style-type: none"> • Uplisting of marbled murrelet to State Endangered – February 4, 2017 • Uplisting of Canada lynx to State Endangered – February 4, 2017 • Peregrine falcon delisted from State Sensitive – February 4, 2017 <ul style="list-style-type: none"> a. The peregrine will remain classified as “protected wildlife” under state law (WAC 220-200-100) and will continue to be protected under the federal Migratory Bird Treaty Act. • Bald Eagle delisted from State Sensitive - February 4, 2017 <ul style="list-style-type: none"> a. 2011: Downlisted from State Threatened to Sensitive (this ended the requirement to develop Bald Eagle Protection Plans per WAC 220-610-100—a change which many CAOs still don’t reflect). b. 2007: Delisted from federal Threatened (but still covered by the federal Bald and Golden Eagle Protection Act) <p>Also see the Puget Sound Partnership’s Salmon Recovery web site for WRIA Plans in Puget Sound.</p>	<p>YMC 17.09.010.Q has been amended to add a requirement for discussion of federal, state or local management recommendations for species and habitat in FWHCA reports. This was already included in YMC 15.27. YMC 17.09.030.D.3 already required use of those management recommendations for design of projects in or near FHWCA’s.</p> <p>Have you reviewed your regulations regarding any changes in species listings?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> N/A</p> <p>Location in Text</p> <p>The City’s code does not identify species by name so this is not necessary; species are referenced more broadly based on their local, state or federal status.</p>

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<p>DESIGNATING AND PROTECTING WATERS OF THE STATE</p> <p>RCW 90.48.020 defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. WAC 365-190-130(2) (updated in 2010) recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHAs).</p> <p>Stream types are classified in WAC 222-16-030 (updated in 2006) with field verification, or an alternate system that considers factors listed in WAC 365-190-130(4)(f)(iii). See http://www.dnr.wa.gov/forest-practices-water-typing to use Washington State Department of Natural Resources (DNR)'s stream typing system.</p> <p>Establish buffers to maintain no net loss of riparian ecosystem functions.</p> <p>Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.</p>	<p>Do you designate waters of the state as FWHCAs?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text YMC 17.09.030.C.4; YMC 15.27.502</p> <p>Do your regulations protect waters of the state?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: Entire section YMC 17.09.030, particularly H through P.; YMC 15.27 Part 5</p>
<p>ANADROMOUS FISHERIES</p> <p>Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1) is the requirement and WAC 365-195-925 (updated in 2000) lists criteria involved. This requirement applies to all five types of critical areas.</p> <p>WAC 365-190-130(4)(i) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the Governor's Salmon Recovery Office webpage and the Puget Sound Partnership's Salmon Recovery webpage).</p> <p>Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery (October 2009) is an excellent resource. The Washington State Recreation and Conservation Office (RCO) website includes information on salmon recovery efforts.</p>	<p>Do your regulations give special consideration to anadromous fisheries?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: Numerous regulations in Titles 15 17 and more specifically in YMC 17.09.030 and 15.27.150 directly or indirectly give special consideration to anadromous fish and their habitat. The increase of the buffer for Type 2 waters (salmonid-bearing) from 75 to 100 feet provides special consideration to anadromous fish.</p>
<p>REASONABLE USE EXCEPTIONS</p>	<p>Do you have reasonable use provisions?</p>

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<p>The Critical Areas Ordinance (CAO) allows for “reasonable use” if the CAO would otherwise deny all reasonable use of property. Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible. RCW 36.70A.370 (1991). Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.9 (Updated June, 2018).</p>	<p><input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Location in Text: YMC 15.27.318</p> <p>Not allowed in an SMP. There are shoreline variance provisions in YMC 17.13.080.</p>
<p>AGRICULTURAL ACTIVITIES NOT UNDER VSP (COUNTIES ONLY)</p> <p>Critical areas regulations as they specifically apply to agricultural activities in counties or watersheds not participating in the Voluntary Stewardship Program (VSP) have been reviewed, and if needed, revised pursuant to RCW 36.70A.130. RCW 36.70A.710(6) "Agricultural activities" means all agricultural uses and practices as defined in RCW 90.58.065.</p> <p>VSP Counties After watershed work plan approval, VSP counties are encouraged to reference and describe their participation in the program within their critical areas development regulations (WAC 365-196-832). See Critical Areas Handbook, Chapter 5: Protecting Critical Areas in Natural Resource Lands (Updated June, 2018).</p>	<p>Did you review your regulations as they apply to agricultural activities?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Location in Text: Doesn't apply in City of Yakima.</p>
<p>FOREST PRACTICES APPLICATION REGULATIONS</p> <p>If applicable, regulations for forest practices have been adopted: RCW 36.70A.570 (adopted in 2007).</p> <p>RCW 76.09.240, amended in 2011, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances.</p>	<p>Have you adopted forest practices regulations?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Location in Text: The City of Yakima does not have forestry.</p>
<p>GOOD IDEAS</p> <p>Non-regulatory measures to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include:</p> <ul style="list-style-type: none"> • public education • stewardship programs • pursuing grant opportunities • water conservation • joint planning with other jurisdictions and non-profit organizations • stream and wetland restoration activities • transfer of development rights 	<p>Are you using non-regulatory measures to protect critical areas?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: Non-regulatory measures are not referenced in the regulations. The City requires pre-application conferences when critical areas are present to</p>

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<p>No net loss of critical area functions and values is a recommended approach for development regulations in WAC 365-196-830(4). If development regulations allow harm to critical areas, they should require compensatory mitigation of the harm.</p> <p>Monitoring and adaptive management is encouraged in WAC 365-195-905(6) to improve implementation of your regulations. See Commerce’s Monitoring chapter in the updated Critical Areas Handbook (June 2018).</p>	<p>educate potential applicants on process. The City frequently interacts with Yakima County, the Departments of Ecology and Fish and Wildlife, and the Yakama Nation on projects that impact the area as a whole.</p> <p>Do your regulations address no net loss and require compensatory mitigation?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: The entire SMP, Title 17, has a no net loss of ecological function standard and requires compensatory mitigation. See YMC 17.05.020 (Environmental Protection); YMC 15.27.130</p> <p>Do you have a monitoring and adaptive management program for your CAO?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Location in Text:</p>