

Chapter 17.22.090

CRITICAL AREAS REGULATIONS

Sections

- 1. General Provisions**
- 2. Aquifer Recharge Areas**
- 3. Fish and Wildlife Habitat Conservation Areas**
- 4. Wetlands**
- 5. Frequently Flooded Areas**
- 6. Geologically Hazardous Areas**

1. General Provisions

Purpose. The purpose of this section is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This section is intended to:

- A. Implement the City of Zillah Comprehensive Plan and the requirements of the Growth Management Act;
- B. Protect critical areas, in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals;
- C. Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, or steep slopes failure;
- D. Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
- E. Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat; and
- F. Provide flexibility and attention to site specific characteristics, so as to ensure reasonable use of property.
- G. Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions, particularly the functional properties of stream corridors and other hydrologically related critical areas.

Applicability. These critical area regulations shall apply as an overlay to zoning and other land use regulations established by the City.

- A. Any new development, construction or use within the City that lies within a critical area as defined herein shall comply with the provisions of this section. No action shall be taken by any person that results in the alteration or modification of any

critical area except as consistent with the requirements, objectives and intent of this section.

- B. Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area.
- C. These Critical Areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this section may be included in the SEPA review and threshold determination.

Exemptions. The activities listed below are exempt from the provisions of this section. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. Exemption from the section shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated at the property owner's expense.

- A. Emergency construction or repair necessary to protect life or property from immediate damage by the elements. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health and safety, to private or public property, or to the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be evaluated and brought into reasonable compliance with this title with due consideration given to the nature, type and extent of emergency responses and actions;
- B. Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems, that do not require construction permits, provided the activity does not materially alter, encroach upon, or increase impacts to critical areas or associated buffers
- C. Existing agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices including the raising of crops or the grazing of livestock;
- D. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, critical area impacts should be minimized and disturbed areas shall be immediately restored;
- E. Passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, swimming, canoeing, and bicycling provided the activity does not alter the critical area or its buffer by changing existing topography, water conditions or water sources.
- F. Minor safety improvements to state and local transportation facilities with proven minor impacts on critical areas.
- G. The operation, maintenance or construction of canals, waterways, drains, reservoirs, or other man-made facilities that now exist or are hereinafter created or developed as a part of an irrigation system;

- H. Maintenance of above-ground utility transmission lines and poles;
- I. Any streamside management project associated with a single-family residence or agricultural activity, including residential landscaping, designed to achieve, through the use of native or natural vegetation and/or bioengineering alternatives, the functional properties of the critical area and carried out in conformance with a conservation plan or design developed through Yakima County Conservation District, or by a qualified professional certified to develop such plans or designs according to best management practices;
- J. Development and construction for which the total cost or fair market value is \$2,500 or less, provided such development and construction does not involve excavation, fill, or other work which is not consistent with the function of properties of the designated critical area.

Reasonable Use Alternatives.

- A. The City may modify the requirements of this section in specific cases when necessary to allow reasonable use of an applicant's property. To qualify for such relief the applicant must demonstrate all of the following:
 - 1. That no other reasonable use can be made of the property that will have a lesser adverse impact on the critical area;
 - 2. That the proposed use does not pose a material threat to the public health, safety or welfare;
 - 3. Any alteration is the minimum necessary to allow reasonable use of the property; and,
 - 4. The inability of the proponent to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this section.
- B. A request for a reasonable use exception shall be submitted to the City with the application materials for the particular development proposal. The application shall include an explanation and supporting data or materials (if reasonably necessary to evaluate application) addressing the criteria for relief. The City may require additional information or studies to supplement the request for reasonable use exception.
- C. A reasonable use exception shall be processed according to the provisions of a Class I review process.

Reference Maps and Materials. The City shall maintain reference maps and materials that provide information on the general locations of critical areas. Since boundaries are generalized, the application of this section and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the City's maps and the criteria and standards established in this section, or the site-specific conditions, the criteria, standards and/or

site-specific conditions shall take precedence. Reference maps and inventories shall include, but are not limited to the following:

- A. Wetlands Map, based upon US Fish and Wildlife Service National Wetlands Inventory;
- B. Fish and Wildlife Habitat Area Maps, based upon Washington Department of Fish and Wildlife Priority Habitats and Species data;
- C. Soils Maps, based upon Yakima County Soils Survey
- D. United States Department of Agriculture- Natural Resources Conservation Service (NRCS)
- E. Steep Slopes Map- Yakima County GIS
- F. U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps;
- G. Aerial photos- Yakima County GIS;
- H. City of Zillah Comprehensive Plan- January 2007 or as amended;
- I. Yakima County Regional Shoreline Master Program- September 2008 or as amended;
- J. City of Zillah Critical Areas maps: Aquifer Recharge Areas; Streams, Lakes, Potential Wetlands, and Floodplains; and Geologically Hazardous Areas- prepared July 2008;
- K. Washington State Wetlands Identification and Delineation Manual (DOE, 1997), or as amended;
- L. Washington State Wetlands Rating System for Eastern Washington - Revised (Publication# 04-06-15), March 2007 or as amended;
- M. "The Flood Insurance Study for Yakima County, Washington and Incorporated Areas" dated November 18, 2009, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto; and
- N. Approved special reports previously completed for a subject property

Review Process. Any new development, construction or use shall require that applicants disclose activities within one hundred (100) feet of a known or suspected critical area. The provisions of this section shall be applied to any such proposals. The review process shall proceed as follows:

- A. *Pre-application meeting/site visit.* Upon receiving a land use or development proposal, the planning official may schedule a pre-application meeting and/or site visit with the proponent for purposes of a preliminary determination whether the proposal is likely to result in impacts to the functions and values of critical areas or pose health and safety hazards. At this meeting, the planning official may discuss the requirements of this section and other applicable regulations; provide critical areas maps and other available reference materials; outline the review and permitting processes; and, work with the proponent to identify any potential concerns with regards to critical areas.
- B. *Application and SEPA Checklist.* For all nonexempt proposals, the proponent shall submit all relevant land use/development applications, together with a SEPA Checklist.
- C. *Determination of need for critical areas report.* Based upon the pre-application meeting, if conducted, application materials, and the SEPA Checklist, the

planning official shall determine if there is cause to require a critical areas report. In addition, the planning official may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity.

- D. *Documentation and notification.* The planning official shall document the pre-application meeting if conducted, and/or site visit, application and SEPA threshold determination, and any other steps or findings regarding the determination of whether a critical areas report will be required. The applicant shall receive notice of the determination and any findings that support it.

Critical Areas Report. If the planning official determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the planning official.

- A. The requirement for critical areas reports may be waived by Planning staff if there is substantial evidence that:
1. There will be no alteration of the critical area(s) and/or the required buffer(s);
 2. The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this ordinance and the comprehensive plan; and,
 3. The minimum standards of this section will be met.
- B. No critical area report is required for proposals that are exempt from the provisions of this chapter.
- C. Critical area reports shall be completed by a qualified professional, approved by the planning official, who is knowledgeable about the specific critical area(s) in question, and.
- D. At a minimum, a required critical areas report shall contain the following information:
1. Applicant's name and contact information; permits being sought, and description of the proposal;
 2. A copy of the site plan for the development proposal, drawn to scale and showing:
 - a. Identified critical areas, buffers, and the development proposal with dimensions;
 - b. Limits of any areas to be cleared; and
 - c. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
 3. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

4. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area. Delineation of wetlands shall be accomplished using the *Washington State Wetlands Identification and Delineation Manual* (Publication #96-94), March 1997 (as amended or revised);
 5. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;
 6. An analysis of site development alternatives;
 7. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
 8. A mitigation plan, as necessary, developed in accordance with the mitigation requirements of this section and site assessments and evaluation, including, but not limited to:
 - a. The identification of impacts of the proposed use or development within or adjacent to a critical area or buffer on the critical area; and
 - b. The impacts of proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 9. A discussion of the performance standards applicable to the critical area and proposed activity;
 10. Financial guarantees to secure compliance; and
 11. Any additional information required for specific critical areas as listed in subsequent sections of this section.
- E. The planning official may request any other information reasonably deemed necessary to evaluate impacts to critical areas.

Mitigation Requirements. The applicant shall seek to avoid material impacts that degrade the functions and values of critical areas. If alteration is not reasonably avoidable, material adverse impacts to critical areas and buffers resulting from the development or use proposal shall be mitigated in accordance with an approved critical areas report and SEPA documents. Mitigation shall be on-site, when possible, and sufficient to reasonably maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

- A. *Mitigation sequencing.* Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:
1. Avoiding the impact by not taking a certain action or parts of an action;
 2. Minimizing or reducing impacts by reducing the scope of the proposed use or development; by using accepted technology, engineering or design; or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 3. Rectifying the impact to wetlands, critical aquifer recharge area(s), frequently flooded area(s), and habitat conservation area(s) by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;

4. Minimizing or eliminating the risk or impact by restoring, stabilizing or protecting the critical area through engineered or other methods;
 5. Reducing or eliminating the risk or impact over time by preservation and maintenance operations for the duration of the proposed use or development;
 6. Compensating for the impact to critical areas, wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
 7. Monitoring the risk or other required mitigation and taking remedial action when necessary.
- B. *Mitigation plan.* When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical area report. The mitigation plan shall include:
1. A written report identifying mitigation objectives, including:
 - a. A description of the anticipated impacts to the critical areas and the proposed mitigating actions and/or compensation measures, including the site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities;
 - b. A review of the best available science for the proposed mitigation and identification of authors (including curriculum vitae); and
 - c. An analysis of mitigation benefits derived from the compensation project.
 2. Measurable criteria for evaluation of mitigation plan and compliance with requirements of this chapter.
 3. Written specifications and descriptions of proposed mitigation, including, but not limited to:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - e. Measures to protect and maintain plants until established.
 4. A program for monitoring mitigation measures and/or compensation project, and for assessing the completed project over time. The program may include a schedule for site monitoring and compliance with performance standards. A monitoring report may be required to document milestones, successes, problems, and contingency actions for either mitigation measures or compensation project. The mitigation measures or compensation project shall be monitored for a reasonable period necessary to establish that performance standards have been satisfied.
 5. Identify potential or alternative courses of action, and any corrective measures to be considered if monitoring or evaluation indicates project has failed to meet performance standards.

Agency Review. In cases where the planning official does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical area report or mitigation plan, said reports or plans shall be submitted to qualified agencies or consultants for review and recommendations prior to acceptance by the City.

Surety/Bonding. If a development proposal is subject to mitigation, maintenance or monitoring plans, the City of Zillah, in a form acceptable to the City Attorney, may require security, bond or other assurance device reasonable or necessary to assure performance and compliance.

Permit Conditions. Through the review process, City of Zillah shall have the authority to attach such conditions to any permit or authorization issued in order to mitigate or address adverse impacts to critical area(s) and to carry out the provisions of this section. Such conditions may include, but are not limited to the following:

- A. Specification of allowable lot sizes;
- B. Provisions for additional buffers relative to the intensity of a use or activity;
- C. Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc. of structure(s);
- D. Dedication of necessary easements for utilities, conservation, open space, etc.;
- E. Imposition of easement agreements, sureties, deed restrictions, covenants, etc. on the future use and/or division of land that run with the land and are filed and recorded in the office of the Yakima County Auditor.
- F. Limitations on the removal of existing vegetation;
- G. Additional measures to address issues such as erosion control, storm water management, filling, grading, etc.;
- H. Development of a mitigation plan to create, enhance, or restore damaged or degraded critical area(s) on and/or off site; and
- I. Any monitoring and/or maintenance plans necessary to implement the provisions of this section.

Enforcement. Violation or failure to comply with the provisions of this ordinance or any permit issued hereunder, shall be subject to enforcement actions by the City of Zillah including, but not limited to (1) revocation of any issued permits; (2) remedies authorized in the Zillah Development Regulations and Shoreline Master Program or any other land use regulation of the City of Zillah; and (3) remedies and penalties provided by any other applicable law. The City Attorney, when authorized by the Mayor and Council, shall seek penalties, remedies, injunctions and other legal sanctions necessary for the enforcement of this title. In addition to costs allowed by these regulations, the prevailing party in an enforcement action may, at the court's discretion, be allowed interest and reasonable attorney's fees. The City Attorney shall seek such costs, interest, and the reasonable attorney's fees on behalf of the City of Zillah when the City is the party.

2. Aquifer Recharge Areas

- A. Classification.** The following three-level classification scheme is used to determine the level of protection necessary for land areas:
1. *Critical Potential* - Rivers, creeks, wetlands, lakes and ponds; and, lands that have been specifically identified as critical recharge areas based on reliable scientific data.
 2. *High Potential* - Lands adjacent to rivers, creeks, wetlands, lakes and ponds that include soils that show permeability ratings in the county soil survey of more than 20 inches per hour within 60 inches of the soil surface.
 3. *Moderate Potential* - Lands with soils that show permeability ratings in the county soil survey of more than 20 inches per hour within 60 inches of the soil surface.
- B. Designation.** The City of Zillah adopts those Aquifer Recharge Areas in Zillah as identified by Yakima County, both present and in the future and shall be designated as they are identified in accordance with the classification provisions. Where no specific hydrogeologic studies have been done, the city may use existing soil, surficial geologic and well log information to determine where recharge areas are likely to be located. Therefore, aquifer recharge areas in City of Zillah shall be designated as they are identified in accord with the classification provisions. Because the classification focuses on areas where recharge is generally known to occur, protections shall be broad enough to preserve essential aquifer recharge functions and values.
- C. Performance Standards.** In addition to the general provisions of this section and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:
- (1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely effect the recharging of the aquifer.
 - (2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.
 - (3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency, Washington State Department of Health and the Yakima County Health District.
 - (4) On-site stormwater facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development;
 - (5) All development occurring within aquifer recharge areas shall be required to connect to City sewer and water, and on-site sewage disposal shall be

prohibited except as may be approved by City Council and permitted by Yakima Health District.

- (6) Landfills, junkyards/salvage yards, mining, wood treatment facilities, or any other activity that could impair the recharge of critical aquifer recharge areas. Such activities may be permitted in areas with high or moderate recharge potential in accord with applicable zoning regulations, providing the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.
- (7) All storage tanks, whether above or underground shall be required to be constructed so as to protected against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, ground waters, or surface waters, and to utilize appropriate containment methods.
- (8) Any agricultural activities conducted within aquifer recharge areas shall incorporate best management practices concerning waste disposal, fertilizer/pesticide/herbicide use, and stream corridor management. If necessary, applicants shall seek technical assistance from the South Yakima County Conservation District or the WSU Cooperative Extension Office.
- (9) Application of pesticides, herbicides and fertilizers within aquifer recharge areas shall comply with timing and rates specified on product packaging.
- (10) Vehicle repair and servicing activities must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

3. Fish & Wildlife Habitat Conservation Areas

[BE CAREFUL IN THIS AREA – YOU HAVE PROVIDED VERY BROAD PROTECTIONS.]

A. *Classification.* WDFW has identified those fish and wildlife resources that are considered a priority management and conservation. Priority habitats are those with unique or significant value to many fish or wildlife species. Priority species are those which require special efforts to ensure their perpetuation because of their low numbers, sensitivity to habitat alteration, tendency to form vulnerable aggregations or because they hold commercial, recreational, or tribal importance. City of Zillah shall use the WDFW Priority Habitat and Species program to classify all fish and wildlife habitat conservation areas within the City and urban growth boundary. Two classifications shall apply:

1. *Critical.* Areas with which state or federally designated endangered, threatened and sensitive species have a primary associate, including, anadromous fish species and habitats requiring special consideration under RCW 36.70A.172(1).

2. *Awareness.* All other priority habitats and species identified by WDFW.
- B. *Designation.* Fish and wildlife conservation areas are designated under the Washington Department of Fish and Wildlife *Priority Habitat and Species Program*. Priority habitats are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority Habitat and Species maps prepared by Yakima County based on WDFW data show the range of existing habitat by species.
 - C. *Standards.* In addition to the general provisions of this section and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to fish and wildlife habitat conservation areas:
 - (1) Critical Area Reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a potential critical species or habitat.
 - (2) The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site;
 - (3) All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified to upon a site.
 - (4) Establishment of buffers. When needed to protect the functions and values of habitat conservation areas, the planning official shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration. Buffer widths shall reflect the sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the state Department of Fish and Wildlife.
 - (5) As determined through the site-specific study, mitigation measures shall be implemented that maintain the base line populations and reproduction rates for the particular species; and
 - (6) As determined through the site-specific study, appropriate habitat conservation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described in this section.

4. Wetlands

- A. *Classification.* City of Zillah adopts wetland determinations as set forth in RCW 36.70A.030(20) and classification shall be in accordance with the *Washington State Wetlands Rating System for Eastern Washington*:

Category I Category I wetlands are those that score over 70 points on the rating system. They generally are those that:

1. represent a unique or rare wetland type;
2. are sensitive to disturbance;
3. are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
4. provide a very high level of functions.

The City does not wish to risk any degradation to these wetlands. Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. Category I wetlands include alkali wetlands, bogs, Natural Heritage wetlands, mature and old-growth forested wetlands with slow growing trees, forests with stands of Aspen, and wetlands that perform many functions well, as measured by the rating system.

Category II Category II wetlands are those that score between 51 and 69 points on the rating system. They generally are:

1. forested wetlands in the channel migration zone of rivers;
2. mature forested wetlands containing fast growing trees;
3. vernal pools present within a mosaic of other wetlands; or
4. those wetlands with a moderately high level of functions.

These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.

Category III Category III wetlands are those that score 30-50 points on the rating system. They generally are:

1. vernal pools that are isolated; or
2. wetlands with a moderate level of functions, as measured by the rating system.

These wetlands have generally been disturbed in some manner, and are often smaller, less diverse and/or more isolated in the landscape than Category II wetlands. They may not require as much protection as Category I and II wetlands.

Category IV Category IV wetlands have the lowest levels of functions, as measured by the rating system, and are often heavily disturbed. They score less than 30 points. These are wetlands that could be replaced, and in some cases improved. These wetlands do provide

some important functions, and should be afforded some degree of protection.

B. *Designation.* To date there has been no wetlands mapping done specifically for the City of Zillah area. To remedy this, the City should pursue an accurate accounting of all wetlands in its planning area based on the *Washington State Wetlands Rating System for Eastern Washington and the Washington State Wetlands Identification and Delineation Manual (Publication #96-94), March 1997*. However, until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps shall be used as a base designation. The NWI maps, along with other supportive documentation, shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the classification criteria shall be part of the standard process for identifying and designating wetlands.

C. *Performance Standards.* In addition to the general provisions of this section and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to wetland areas:

(1) The following buffer zones are required adjacent to and outside of all regulated wetlands according to the following schedule, if impacts from land use and wetland functions are not incorporated. The exception is Category III and IV wetlands between 1,000 – 4,000 square feet which are excluded from all provisions of this section:

(a)	Category I	-	250 feet
(b)	Category II	-	200 feet
(c)	Category III	-	150 feet
(d)	Category IV	-	50 feet

The standard buffer widths shall be applied unless the planning official determines through a scientifically supportable method that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may not be reduced by more than 25% or to no less than 35 feet. Planning Official may also consider buffer averaging. Greater buffer widths or rehabilitation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.

(2) Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, re-vegetation with native plant materials will be required.

(3) Wetland alteration proposals shall be approved only if no alternative is available. When no alternative exists, wetlands replacement shall be used to mitigate impacts and shall be based on the functions and values of the

particular wetland being impacted. Simplified ratios for wetlands replacement projects shall be as follows:

- (a) Category I: 6:1
- (b) Category II: 3:1
- (c) Category III: 2:1
- (d) Category IV: 1.5:1

Wetlands enhancement ratios shall not be less than one and one half to one for replacement.

- (4) The following activities are allowed to occur in wetlands and wetland buffer zones subject to conditioning with appropriate Best Management Practices to minimize impacts on the functions and values of wetlands:
 - (a) Outdoor recreational activities;
 - (b) Existing and ongoing agricultural activities (provided no additional area is added beyond demonstrable historic levels);
- (5) Maintenance of existing facilities, structures, ditches, roads and utility systems. All projects shall comply with the applicable federal, state and local regulations regarding the species;
- (6) As determined through the site-specific study, mitigation measures shall be implemented that maintain the functions and values found in the particular wetland;
- (7) As determined through the site-specific study, appropriate mitigation, management and monitoring plan(s) may be developed and implemented, with any necessary security to ensure compliance with such plan(s) being provided as described in Sub-Section D- 10 of the Critical Areas Report of this section.
- (8) A use or structure established prior to the effective date of this section which does not conform to standards set forth herein, is allowed to continue and be reasonably maintained provided that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

5. Frequently Flooded Areas

- A. *Classification.* The following classification system will be used to determine the level of protection necessary for frequently flooded areas:

Class I – The floodway of any river or stream as designated by FEMA; and draws, alluvials and flood channels that are not mapped by FEMA but are areas of local concern that have a historical reoccurrence of flood events characterized by significant damage from flood flows.

Class II – All areas mapped by FEMA as 100-year flood plain; and those areas of local concern that experience recurrences of flooding that are characterized by damage due primarily to inundation.

- B. *Designation.* The City designates the areas of special flood hazard (including special flood risk zones) indicated in *The Flood Insurance Study for Yakima County, Washington and Incorporated Areas* and the accompanying Flood Insurance Rate Map (FIRM), as revised or amended, as Frequently Flooded Areas.
- C. *Standards.* In addition to the general provisions of these regulations and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to frequently flooded areas:
- 1) All development within Frequently Flooded Areas shall be reviewed under and subject to the requirements of City of Zillah's Flood Hazard Protection regulations (Chapter 17.88 of the City's Municipal Zoning Code).
 - 2) All development within Frequently Flooded Areas shall be consistent with the goals, objectives, findings, and recommendations of the City's Comprehensive Plan and Flood Hazard Protection Plan. The Flood Hazard Protection Plan, along with the City's Comprehensive Plan, provides a policy basis for management of flood hazard areas.
 - 3) Where practical, development activities shall be coordinated with structural activities recommended in the Flood Hazard Protection Plan.
 - 4) Where Frequently Flooded Areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.
 - 5) In all cases where mitigation measures are proposed, said measures shall be consistent with the City's Flood Hazard Protection Plan.
 - 6) Filling and grading in Frequently Flooded Areas shall occur only upon a determination by a qualified professional that the filling or grading will not increase flood hazards to others.
 - 7) Subdivision in Frequently Flooded Areas will be subject to the following standards:
 - i. All lots created shall have adequate building space outside flood hazard areas, including the floodway, 100-year floodplain, and channel migration zones;
 - ii. Plat maps shall indicate the floodway and the 100-year floodplain;
 - iii. Subdivisions shall be designed to minimize or eliminate the potential for flood damage; and
 - iv. Subdivisions shall provide for storm water drainage, in accordance with City standards, so as to reduce exposure to flood hazards.
 - 8) Bank Stabilization Projects: Where consistent with other regulations and with the Flood Hazard Protection Plan, protection of structures, public roadways or sole access routes in existence before the effective date of this Critical Areas Ordinance shall be allowed. Such projects shall be designed to minimize adverse impacts to property, public improvements, and ecological functions.

6. Geologically Hazardous Areas

A. *Classification.* Known geologically hazardous areas within the City of Zillah consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of this section.

(1) The following general classification system will be used to determine the level of protection necessary for geologically hazardous areas, based upon the risk to development:

- (a) Known or Suspected Risk
- (b) No Risk
- (c) Risk Unknown

(2) The following criteria shall be used in determining the status of an area as a particular type of geologically hazardous area:

(a) Erosion Hazard Area are those that contain all three of the following characteristics:

- i. A slope of 30% or greater;
- ii. Soils identified by the SCS as unstable and having a high potential for erosion; and
- iii. Areas that are exposed to the erosion effects of wind or water.

(b) Landslide Hazard Areas are those that may contain any of the following circumstances:

- i. All areas that have historically been prone to land sliding;
- ii. All areas containing soil types identified by the NRCS as unstable and prone to landslide hazard;
- iii. All areas that show evidence of or are at risk from snow avalanches; or
- iv. All areas that are potential unstable as a result of rapid stream incision or stream bank erosion.

B. *Designations.*

Geologically Hazardous Areas - Each type of geologically hazardous area is designated based on different factors. The designation process for each type follows:

Erosion Hazard Areas - SCS soil erosion-hazard ratings are interpretations of the potential for erosion, applied to broadly generalized map units. They do not pinpoint erosion sites, but rather areas that, because of soil properties,

availability of water, etc., are more susceptible to severe erosion than others. The SCS maps will be used to identify areas of erosion potential. The soil information needs to be combined with site-specific information (rills, inter-rills, and wind erosion) to determine if erosion hazard is present on the site. The soil types that have erosion hazard potential have been identified within the urban growth area in the County. In the City of Zillah's case, most of the privately held land within the incorporated boundaries is already developed and soil stability has been proven.

Landslide Hazard Areas - Lands that meet the classification criteria are hereby designated as landslide hazard areas and should be mapped, as resources become available.

Mine Hazard Areas - Lands that meet the classification criteria are hereby designated as mine hazard areas and will be mapped, as resources become available.

Seismic Hazard Areas - There are no known active faults in the City of Zillah. The majority of the City is located within Seismic Zone 2B in accordance with the Uniform Building Code (1991 Edition, as amended).

Volcanic Hazard Areas - There are no volcanic hazard areas in the City of Zillah. There are, however, several active volcanoes that could have impacts on areas of Electric City, particularly the fallout of ash. There is no way to prevent the impacts of fallen ash, but there are ways to respond to the ash that could lessen its impacts.

C. *Standards.* In addition to the general provisions of this section and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to geologic hazard area:

- (1) All projects shall be evaluated through a geotechnical report to determine whether the project is proposed to be located in a geologically hazardous areas, and if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project;
- (2) All projects shall comply with the applicable federal, state and local regulations, including the International Building Code;
- (3) As determined through the site-specific study, appropriate buffers shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s);
- (4) The existing native vegetation within the buffer area(s) shall be maintained, except that normal, nondestructive pruning and trimming of vegetation for maintenance purposes is allowed;

- (5) As determined through the site-specific study, appropriate drainage, grading, excavation and erosion control measures shall be implemented in the geologically hazardous area(s);
- (6) As determined through the site-specific study, mitigation measures shall be implemented that maintain the integrity of the geologically hazardous area(s);
- (7) As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s) being provided as described in Sub-Section D-10 of the Critical Areas Report of this section; and
- (8) A use or structure established prior to the effective date of this section which does not conform to standards set forth herein, is allowed to continue and be reasonably maintained provided that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity, unless otherwise approved those the process.