NOTICE OF TELEPHONIC PLANNING COMMISSION MEETING
CITY OF UNION GAP, WASHINGTON

NOTICE IS HEREBY GIVEN that on Tuesday, January 26, 2021 at 6:00 p.m., the Union Gap Planning Commissioners will conduct their regular Planning Commission meeting telephonically, via GoToMeeting (see COVID-19 Public Meeting Procedures below).

COVID-19 Public Meeting Procedures: In accordance with current and ongoing proclamations by the Governor of the State of Washington, (particularly proclamation 20-28) guidance from the State Attorney General on requirements of the Open Public Meetings Act, directives from the State Health Department and Yakima Health District regarding COVID-19, the City of Union Gap has determined that Planning Commission meetings will be conducted telephonically via GoToMeeting until the Governor's Stay at Home order has been lifted.

All interested persons may call-in using the phone number and access code below to listen to the Planning Commission meeting.

To attend telephonically via GoToMeeting: On January 26, 2021 at 6:00 p.m., dial the number below, then enter access code followed by the # sign, and follow the prompts:

Phone Number: 1 (408) 650-3123
Access Code: 710-939-733

Or join from your computer, tablet or smartphone:
https://global.gotomeeting.com/join/710939733

Dated the 22th day of January 2021.

Karen Clifton

Karen Clifton, City Clerk

CITY OF UNION GAP

PLANNING COMMISSION AGENDA

REGULAR MEETING OF

January 26, 2021

AT 6:00 P.M

I. CALL TO ORDER

II. APPROVAL OF MINUTES
   a. Regular Meeting October 27, 2020

III. REGULAR MEETING
   a. Appointing Planning Commissioner Chairman and Co-Chairman
   b. Appointing YVCOG General Membership Attendee and Alternate Attendee
   c. Mobile Food Vendors Ordinance Amendments
   d. Shoreline Master Program Draft

IV. NEXT MEETING AGENDA- February 23, 2021?

V. ADJOURNMENT

UNION GAP PLANNING COMMISSION
REGULAR MEETING OF
October 27, 2020

Call to Order:

The Regular Meeting of the Union Gap Planning Commission was called to order by Chairman Moore at 6:00 p.m.

Planning Commission Members Present:

Chairman Mike Moore, Commissioner Jeff Shoemaker, Commissioner Imelda Vargas and Commissioner Lorena Fernandez were present.

Staff Present:

Dennis Henne, PW & CED Director; David Dominguez, City Engineer; Lynn Deitrick, YVCOG Planner; Jason Cavanaugh, Building Official; and Jenny Valle, Administrative Secretary were present.

APPROVAL OF MINUTES:

Motion made by Commissioner Shoemaker, second by Commissioner Vargas to approve the Regular & Study Session Meeting minutes of August 25, 2020: Motion carried unanimously.

Regular Meeting:

Building Official Cavanaugh asked that everyone who was in attendance for the meeting, since it was a virtual meeting, to please identify themselves for the record. Chairman Moore identified himself first, Commissioner Shoemaker followed, Commissioner Fernandez was next, then it was Commissioner Vargas, and staff followed with Building Official Cavanaugh, Director Henne, Engineer Dominguez, Secretary Valle and Planner Deitrick.

Chairman Moore introduced the first item of the regular meeting, Mobile Food Vendors. Building Official Cavanaugh stated that the reason for these amendment were to add a little more language to current ordinances to avoid having issues in the future. Building Official Cavanaugh added that new amendments would have mobile food vendors fill out a questionnaire, and an agreement that the unit along with any accessories would have to be moved at the end of the day. Chairman Moore asked if anyone had questions. Commissioner Shoemaker questioned what the City was trying to accomplish with these amendments. Building Official stated since the Dept. of Revenue issues all the City's Business Licenses, the City is not communicating with vendors to discuss City ordinances. Building Official added that amendments would not add restrictions or regulations, just confirmation that the vendor is aware of City requirements. Commissioner Fernandez asked if anyone from the City follows up with the mobile food vendors to make sure that they are abiding with City ordinances. Building Official stated that he would most likely be the one to follow up in situations of a mobile food vendor being stationed for too long, as well as other entities such as health district for health concerns and so on. Chairman Moore directed staff to work on the amendments and present to Commissioners for next meeting.

Chairman Moore moved on to the next item on the agenda, Shoreline Master Program. Planner Deitrick stated he just wanted to give an update on the process. Planner Deitrick added that the public participation portion of the update had been completed. Planner Deitrick stated that the City was going to add a Shoreline Master Plan page on the City website so that the public can see the City's progress. Planner Deitrick concluded that the SMP draft should be ready by mid-January for Commissioners to begin reviewing and will be sent off to Dept. of Ecology for review as well.

Chairman Moore moved on to the next item on the agenda, November 24th and December 22nd Planning Commission meetings. Commissioner Fernandez stated that she would be ok meeting those days since they are virtual meetings, Chairman and Commissioners agreed. Director Henne informed Commissioners that draft ordinances should be ready by January and didn't believe they would be ready by November, Planner Deitrick agreed SMP might not be ready by then. November and December meetings canceled.

Chairman Moore stated that depending in the COVID phase the City would be in, Planning Commissions might be able to meet in person for next meeting.

Director Henne stated that he wanted to update the Planning Commissioners on a few zoning code amendments. Director Henne continued that on February 25th Planning Commissioners motioned to send a few definitions to the Hearing Examiner and that due to COVID, in person meetings had been cancelled so those amendments had been tabled and after attorney review and comments of such definitions, City Attorney suggested the City should hold off on modifying codes. Chairman Moore stated that he agreed that amendments should be tabled.

Director Henne suggested that Commissioners excuse Commissioner Cecil from meeting, Chairman Moore agreed Mr. Cecil is excused.

Commissioner Vargas stated that she is concerned of the current detour in the City due to the Main St. closure since it is going through a residential neighborhood. Commissioner Fernandez agreed that she is concerned for the children's safety. Director Henne agreed with such concerns but stated that he hopes that Main St. would be back open in about 3 weeks.

MEETING ADJOURNED: There being no further discussion, meeting adjourned at 6:40 p.m.

_____
Chairman, Mike Moore

ATTEST:

_____
Jenny Valle, Administrative Secretary

Chapter 4.22 - MOBILE VENDING

4.22.010 - Purpose.

The purpose of this chapter is to regulate mobile vending activities in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment within appropriate areas of the city of Union Gap.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.020 - Definitions.

The following words and terms are defined for the purpose of applying the provisions of this chapter:

"License" shall mean a city of Union Gap Business License.

"Mobile Food Unit" is the motorized or non-motorized conveyance used by a mobile vendor to sell goods, merchandise, or food.

"Mobile food vendor" shall mean a portable push cart or a vehicle mounted food service establishment designed to be readily movable and approved by law to travel highways, roadways, and/or waterways in the state of Washington that is a self-contained mobile food establishment as set forth by the Yakima Health District and Washington State Department of Labor and Industries.

"Mobile food vendor event" shall mean an organized gathering of mobile food vendor vendors, located on a private, commercially zoned property, and which is open to the general public and operates on a regular schedule.

"Mobile food vending" shall mean selling, vending, supplying or providing of food, drinks or any other consumables from a mobile food vendor.

"Permit" shall mean a development permit in accordance with UGMC 17.11.

"Property owner" shall mean the holder of fee title to a property, whether a person, partnership, corporation or other entity recognized by law, and his/her/its lessees, permittees, assignees or successors in interest.

"Public property" shall mean any real property owned, leased, operated, or controlled by the city of Union Gap other than a street, alley, parkway, sidewalk or other area dedicated, identified or used as a public right-of-way.

"Public right-of-way" shall mean any public street, road, avenue, highway, named or unnamed alley, lane, court, place trail, or other public way, operated and/or controlled by the city or other public entity, or subject to an easement owned by or dedicated or granted to city.

"Special event" shall mean an activity or series of activities, specific to an identifiable time and place, most often produced in conjunction with community organizations, held on public or private property, which require the receipt of a city of

Union Gap parade and special events permit or other operations permit pursuant to Title 4 of this code.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.030 - Permit requirement.

(a) No person shall conduct mobile vending operations on public property or public right-of-way without first obtaining a permit in accordance with the provisions of UGMC 17.11 and this chapter.

(b) No property owner shall allow mobile vending operations to be conducted on private property without first obtaining a permit in accordance with the provisions of UGMC 17.11 and this chapter.

(c) No permit shall be required when the mobile vending activity is limited to a single food truck on private property operating solely for private catering purposes and when all of the following provisions are met:

(1) The mobile food vendor is parked entirely on private property;

(2) Service is limited to the guests of the catered event only; and

(3) No payment transactions shall occur for individual orders taken by the mobile food vendor operator.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.040 - License requirement.

It is unlawful for any person to engage in the activity of mobile vending or operate a mobile food vendor in the city without having a current business license obtained from the city in accordance with the provisions of UGMC Title 4. The business license application cannot be approved by the city without these additional materials:

1. Applicant must obtain approval from all applicable regulating agencies including Department of Labor & Industries, Department of Health and Yakima Health District and provide to the city copies of those approvals
2. Applicant must submit a written narrative providing answers to the following questions:
   a. When not in use, a mobile food unit must be stored at an approved servicing center or other approved location. Where do you plan to park the mobile food unit when you are not open for business? Ref. WAC 246-215-09100(3)
   b. What is the current business name and address of the approved commissary you plan to use? Ref. WAC 246-215-09120(3)
   c. Do you agree to remove from the premises at the end of each work day the mobile food unit as well as all accessory items (ie; waste receptacles, step stools, propane tanks etc.) associated with the mobile food unit? Do you

acknowledge and agree that you will not use freestanding awnings, canopies, umbrellas, signs, etc. and that all such items are required to be permanently attached to the unit and fully supported thereon if you use them?

d. Do you agree that as the person in charge of the mobile food unit you are required to ensure that only employees and other persons authorized by the regulatory authority are present inside the mobile food unit at any time?

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.050 - Health permit requirement.

It is unlawful for any person to engage in the activity of mobile food vending or to operate a mobile food vendor in the city of Union Gap without a valid permit, certificate or other authorization required by the Yakima Health District.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.060 - Sales tax reporting.

All mobile vendors, including mobile food vendor operators, shall be subject to reporting of tax revenues generated within the city of Union Gap to the Washington State Department of Revenue.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.070 - General provisions for mobile food vendors.

(a) Mobile food vendors shall meet all standards and rules of the Washington State Department of Labor and Industries.

(b) Mobile food vendors shall meet the requirements for Type 1 commercial kitchen hoods in accordance with RCW 19.27 and WAC 51-54A.

(c) Mobile food vendor operators shall be responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.

(d) No amplified music or loudspeakers shall be permitted.

(e) No temporary lighting shall be provided on the site where the mobile food vendor is operating, except that localized lighting may be used on or in the mobile food vendors for the purpose of inside food preparation and menu illumination.

(f) No flashing, blinking lights, or strobe lights are allowed on mobile food vendors.

(g) No signage other than that exhibited on the mobile food vendor may be displayed at the site where the mobile food vendor is operating. The prohibition shall include any hand-held signage and handbills.

(h) Mobile food vendor when parked on public streets shall be parked in conformance with applicable parking restrictions, and shall not hinder the lawful parking or operation of other vendor.

(i) Mobile food vendors shall not impede access to the entrance or driveway of any adjacent building.

(j) A vendor shall not operate a mobile food vendor within five hundred (500) feet of any fair, festival, school, special event or civic event that is licensed or sanctioned by the city unless the vendor has obtained permission from the city.

(k) The issuance of a permit does not grant or entitle the vendor to the exclusive use of any service route or parking space.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.080 - Mobile food vendors on private property.

Mobile food vendors may operate on private properties in the Central Business District (CBD, Commercial (C-1), Regional Commercial (C-2), and Wholesale Warehouse (WW) Zones, subject to a Class 1 review pursuant to the following minimum standards and conditions:

(a) One mobile food vendor shall be allowed for each one thousand five hundred (1,500) square feet of paved, level parking area on a site, provided that parking spaces in that area are not reserved, encumbered, or designated to satisfy the off-street parking of a business or activity that is operating at the same time as the mobile food vendor.

(b) No more than eight mobile food vendors shall operate on any private property at one time.

(c) A minimum of two off-street parking spaces shall be provided for each mobile food vendor. The parking required herein shall be provided free of charge and shall not be reserved, encumbered, or designated to satisfy the off-street parking of another business or activity that is operating on the site at the same time as the mobile food vendor.

(d) A minimum of one accessible restroom with handwashing facilities shall be made available during all hours the mobile food vendor is in operation. These facilities must be located on-site and be made available for use by patrons of the event.

(e) Separate refuse and recycling containers shall be provided on-site during all hours of mobile food vendor operations. All litter generated within a minimum of a 100-foot radius of the site shall be collected prior to closure of the mobile food vendor operations.

(f) No overnight parking of mobile food vendors shall be allowed on the permitted vending site.

(g) Mobile food vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and stand-up counters, unless a proposal for such seating arrangement is submitted with the permit application and approved.

(Ord. No. 2912 , § 2(Att.), 11-28-16)

4.22.090 - Enforcement.

Any person violating or failing to comply with the provisions of the Union Gap Municipal Code may be issued a civil infraction citation pursuant to Section 1.18.050(c). Each civil infraction shall carry with it a monetary penalty of two hundred fifty dollars ($250.00).

(Ord. No. 2912 , § 2(Att.), 11-28-16)

DRAFT

NEW CHAPTER IN THE CITY OF UNION GAP MUNICIPAL CODE WITHIN TITLE 17 -ZONING

SHORELINE MASTER PROGRAM

Adopted by the Union Gap City Council

CHAPTER 17.33 - SHORELINE MASTER PROGRAM REGULATIONS

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City of Union Gap Draft SMP 2020

Section 17.33.01
GENERAL PROVISIONS

Subsections:

17.33.01.01 Title and Authority
17.33.01.02 Language Interpretation
17.33.01.03 Purpose of Title
17.33.01.04 Intent of Title
17.33.01.05 Applicability
17.33.01.06 Science and Protection of Anadromous Fish
17.33.01.07 Applicability of Permit System to Federal Agencies
17.33.01.08 Administrative Authority
17.33.01.09 Severability

17.33.01.01 Title and Authority

The Shoreline Master Program of the City of Union Gap shall, for the purposes of RCW36.70A.480 (GMA, Shorelines of the State) be considered a supplement to the Comprehensive Plan of The City of Union Gap. The Shoreline Master Program Regulations shall, for the purposes of 36.70A.480 (GMA and Shorelines of the State) be considered a set of use regulations applying only to shoreline areas as specified in RCW 90.58 (SMA) and WAC 173-26 (SMP Guidelines). These regulations are intended to be substantive legal rules and procedures used to implement the goals and policies of the Master Program. These regulations shall be applied and interpreted in a manner consistent with the remainder of the Master Program or the Act.

17.33.01.02 Language Interpretation

Unless specifically defined in, words, phrases and terms in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. "Shall" is mandatory; "may" is discretionary and does not impose a requirement; "should" is always advisory; "include(s)" means includes but not limited to. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural; and the plural, the singular.

17.33.01.03 Purpose of Chapter

The purpose of the Shoreline Master Program is to establish a single, uniform system of procedures and standards to be applied to development within Shoreline jurisdiction of the City of Union Gap.

17.33.01.04 Intent of Chapter

1) The Shoreline Master Program establishes goals, policies, standards, and regulations pertaining to projects, uses and development within Shoreline jurisdiction. Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific

areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by the City of Union Gap pursuant to RCW 36.70A.060(2The policies, standards and procedures of this chapter are intended to:

a. Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions; and
b. Prevent further degradation of critical areas; and
c. Conserve, protect and, where feasible, restore essential or important natural resources; and
d. Protect the public health, safety, and general welfare; and
e. Further the goals and objectives of the City of Union Gap Comprehensive Plan and all of its elements; and
f. Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A) as it applies to Shoreline jurisdiction, the Shoreline Management Act (RCW Chapter 90.58), and the National Flood Insurance Program; and
g. Recognize and protect private property rights; and
h. Provide development options for landowners of all existing lots to the greatest extent possible, through the establishment of Variance, Reasonable Use provisions and Non-Conforming Use and Facility provisions; and
i. Manage for no net loss of ecological function within Shoreline jurisdiction to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life; and
j. Establish a consistent foundation of regulations that apply to similar issues whether they are inside or outside Shoreline jurisdiction. Additional protection measures required because of Shoreline Master Program updates to this chapter are identified as applying within Shoreline jurisdiction and are not intended to be applied outside Shoreline jurisdiction; and
k. Recognize that mining is a unique use because of its inherent linkage to geology. Therefore, mining, and related activities may be an appropriate use when conducted consistent with the policies and provisions of WAC 173-26-241(h), within all Shoreline Designations, except the Natural and Floodway/CMZ Environments.

2) In addition, the policies, standards, and procedures of this chapter:

a. Are not intended to regulate the operation and maintenance of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective dates of provisions in the City of Union Gap Critical Areas Ordinance (CAO) or Shoreline Master Program.
b. Are not intended to result in an unconstitutional taking of private property.
c. Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the CAO or Shoreline Master Program; but rather to use compensatory mitigation as a tool to mitigate impacts of new development.

d. Are not intended to presume that regulatory tools are the only mechanism for protection, but rather integrated with non-regulatory tools in as balanced a manner as possible.
e. Are not intended to prohibit the use of valid water rights.

17.33.01.05 Applicability

1) The provisions of this chapter shall apply to any new development, construction or use within the City of Union Gap Shoreline jurisdiction, designated as Shoreline jurisdiction. Those shorelines within the City of Union Gap and its Urban Growth Area which have been inventoried and found to meet the criteria as a shoreline of the state are as follows:

2) Other rules and regulations, including the City of Union Gap Subdivision Ordinance, the City of Union Gap Zoning Ordinance Title 17, and the City of Union Gap Building and Construction Ordinance Title 14, shall remain in full force and effect as they apply to a designated Shoreline. Wherever the requirements of this Chapter conflict with the requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other lawfully adopted City rules or regulations, the most restrictive standards shall govern.

3) The City of Union Gap Critical Areas Ordinance (CAO) Chapter 17.19 is incorporated herein by this reference into this Shoreline Master Program, except as noted below. All references to the Critical Areas Ordinance, are for this specific version.
   (a) If the provisions of the CAO and other parts of the Shoreline Master Program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.
   (b) Provisions of the City of Union Gap Municipal Code Chapter 17.19 CAO that are not consistent with the SMA (RCW 90.58) shall not apply in shoreline jurisdiction. Specifically, the following subsections shall not apply in shoreline jurisdiction:
      (i) Exemptions (City of Union Gap Municipal Code Section 17.19.130) and nonconforming uses; and
      (ii) Exceptions (City of Union Gap Municipal Code Section 17.19.140 and 17.19.150); and
      (iii) Appeals (City of Union Gap Municipal Code Section 17.19.320; and
      (iv) Enforcement (City of Union Gap Municipal Code Section 17.19.405).

Commented [LD1]: Verify 17.19.160 applies as nonconforming use.

City of Union Gap Draft SMP 1/2021

17.33.01.06 Applicability of Permit System to Federal Agencies

The permit system shall be applied in the following manner to federal agencies on lands within Shoreline jurisdiction:

1) Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of this chapter or Chapter

90.58 RCW. Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government, or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or City of Union Gap, substantial jurisdiction over activities on those lands.

2) The permit system shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.

3) The permit system shall apply to developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government.

4) The above paragraphs shall be controlling for the purposes of Shoreline permits for federal land or federal projects; however, the following attempts to clarify these limits for practical use:
   a. Federal development on federally owned land is not required to obtain a permit.
   b. Federal development on a federally owned lease is not required to obtain a permit, as long as the development is consistent with the purpose of the lease.
   c. Development on federally owned land under a non-federal lease or easement must obtain a Shoreline permit.
   d. Non-federal development or use on federally owned land must obtain a Shoreline permit.
   e. Development on non-federal land must obtain a Shoreline permit, even if it is leased, rented, etc. to the federal government, or it is within the boundaries of federal ownership.

17.33.01.07 Administrative Authority

1) The City of Union Gap Planning or Public Works Department shall be responsible for the general administration of this chapter. The Planning/Public Works Director or the Director's designee shall serve as the Administrative Official of this chapter. The Administrative Official shall establish procedures for implementation of this Chapter.
   a. Where the provisions of these regulations may be unclear in special circumstances, or where judgment must be made because of the nature of the language used, the Administrative Official shall make such interpretations. Such interpretation shall specify whether the issue is under Shoreline jurisdiction or not. A separate record of all interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may relate to a pending action shall be examined by the Administrative Official for its effect or influence on the pending action.

b. A written request for interpretation of any provision of this chapter, or any rule or regulation adopted pursuant to this chapter may be submitted to the Administrative Official. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be administered in accordance with 17.33.03.09 of this Chapter.

b. (c) The City shall consult with the Department of Ecology (Ecology) to ensure that any formal written interpretations are consistent with the purpose and intent of the SMA (RCW 90.58), pursuant to WAC 173-26-140.

17.33.01.08 Severability

If any provision of the ordinance codified in this chapter, or its application to any person or legal entity or circumstances is held to be invalid, the remainder of said ordinance or the application of the provision to other persons or legal entities or circumstances shall not be affected.

17.33.01.09 Effective Date

The effective of this Shoreline Master Program, and any future amendments therein, is 14 days from Ecology's written notice of final action.

City of Union Gap Draft - May 2021

Section 17.33.02
DEFINITIONS

17.33.02.001 Definitions Generally

1) Whenever the words and terms set forth in this chapter appear in this chapter, they shall be given the meaning attributed to them by this chapter. References to specific provisions of the City of Union Gap building code and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this chapter.

17.33.02.005 Abutting

"Abutting" means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

17.33.02.010 Adjacent

"Adjacent" means to be nearby and not necessarily abutting.

17.33.02.012 Administrative Official

"Administrative Official" means the duly appointed Director of the Planning/Public Works Department, or his designee, or the relevant decision maker identified in CITATION HERE; synonymous with "administrator" or "director."

17.33.02.015 Agricultural Activities

For purposes of administering the Shoreline Master Program "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Agricultural activities include plowing, discing, harrowing, compacting, planting, and harvesting, spraying, etc.

1) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock

including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

2) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:
   a. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; and/or
   b. corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; and/or
   c. farm residences and associated equipment, lands, and facilities; and/or
   d. roadside stands and on-farm markets for marketing fruit or vegetables.

3) "Agricultural land" means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local master program as evidenced by aerial photography or other documentation. After the effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.

17.33.02.025 Alluvial Fan

"Alluvial fan" is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley, or where a tributary stream is near or at its junction with the main stream, or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases; it is steepest near the mouth of the valley where its apex points upstream, and it slopes gently and convexly outward with gradually decreasing gradient.

17.33.02.030 Applicant

"Applicant" means a person, party, firm, corporation, or other legal entity that proposes a development, construction or use on a site.

17.33.02.033 Aquaculture

For purposes of administering the Shoreline Master Program "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water. Aquaculture practices may include but are not limited to hatching, seeding, or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops to maintain an optimum yield, and processing of aquatic plants or animals.

17.33.02.035 Aquifer

"Aquifer" means a saturated geologic formation which will yield enough water to serve as a private or public water supply.

17.33.02.040 Critical Aquifer Recharge Area
"Critical Aquifer Recharge Area" means an area with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water.

17.33.02.042 Bank
"Bank" means the land surface above the ordinary high-water mark that abuts a body of water and contains it to the bankfull depth.

17.33.02.043 Bankfull Depth
"Bankfull depth" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.

17.33.02.055 Bed
"Bed" means the land below the ordinary high- water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

17.33.02.060 Bedrock
"Bedrock" means in-place solid rock.

.02.065 Berm
"Berm" means a mound of earth material used as a protective barrier or to control the direction of water flow.

17.33.02.067 Best Management Practices
"Best Management Practices" or "BMPs" means schedules of activities, practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in a combination prevent or reduce adverse impacts to the environment.

17.33.02.070 Bioengineering
"Bioengineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank, which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to aquatic and terrestrial wildlife. Bioengineered or biotechnical bank protection designs may incorporate limited use of armored toes and wood structural elements.

17.33.02.075 Breakwater
"Breakwater" means a fixed or floating offshore structure that protects the shore from wave action or

currents.

17.33.02.080 Bulkhead
"Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

17.33.02.082 Cabin
For purposes of administering the Shoreline Master Program "Cabin" means a small single-family residence of 800 square feet or less, without a garage or carport and without large accessory buildings. Small accessory buildings, such as detached storage sheds or accessory structures totaling 120 square feet or less, may be allowed. Dwellings not meeting these standards are considered standard single-family residences.

17.33.02.085 Channel
"Channel" means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

17.33.02.090 Channel Migration Zone
For purposes of administering the Shoreline Master program "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

17.33.02.092 Chief Building Official
"Chief Building Official" or "building official" means the manager of the Building and Fire Safety Division of the Department of Planning or designee.

17.33.02.095 Classification
"Classification" means the definition of value and hazard categories to which critical areas and natural resource lands will be assigned.

17.33.02.100 Clearing
"Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter from a site.

17.33.02.110 Compaction
"Compaction" means compressing soil through some mechanical means to make it denser.

17.33.02.115 Confinement Feeding Operation
"Confinement feeding operation" means the use of structures or pens for the concentrated feeding or holding of animals or poultry, including but not limited to horses, cattle, sheep, or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg

production facilities and fur farms but does not include animal husbandry and normal farming practices.

17.33.02.120 Construction
"Construction" means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a project site.

17.33.02.125 Designated
"Designated" means formal legislative action to identify and describe a critical area.

17.33.02.130 Department
"Department" means the City of Union Gap Planning/Public Works Department.

17.33.02.135 Development
"Development" means any use as defined under RCW 90.58.030(3)(d) (definitions), or the division of land into lots or parcels in accordance with the City of Union Gap Subdivision Ordinance (CITATION HERE), and any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a site up to, but not including, construction as defined in this chapter. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

17.33.02.140 Dike
"Dike" means an embankment to prevent flooding by a stream or other water body. A dike is also referred to as a levee.

17.33.02.145 Dock
"Dock" means a structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

17.33.02.150 Dredging
"Dredging" means removal of earth from the bed of a stream, lake, or pond for the purpose of increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this chapter or under a local zoning ordinance, or a mining operation in existence before Zoning, Shorelines, or Critical Areas permits were required for such operations.

17.33.02.160 Earth Material
"Earth material" means any rock, natural soil, or combination thereof.

17.33.02.163 Ecological functions
For purposes of administering the Shoreline Master Program "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the

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shoreline's natural ecosystem.

17.33.02.166 Ecosystem-wide Processes
For purposes of administering the Shoreline Master Program "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

17.33.02.170 Enhance
"Enhance" means to strengthen any of the basic functional properties of a riparian area that exist but do not perform at optimum efficiency. "Optimum" refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.

17.33.02.175 Ephemeral Stream
"Ephemeral stream" means a stream that flows only in response to precipitation with no groundwater association, usually less than 30 days per year. The lack of any groundwater association results in a lack of a distinctive riparian vegetation compared to the surrounding landscape.

17.33.02.180 Erosion
"Erosion" means the wearing away of the earth's surface because of the movement of wind, water, or ice.

17.33.02.185 Events and Temporary Uses
For purposes of administering the Shoreline Master Program "Events and Temporary Uses" means a social or community occasion or activity lasting for a limited time. Events and Temporary Uses within permitted facilities or legally non-conforming facilities that are designed for such uses are not included in this definition, as long as they do not materially interfere with the normal public use of the water or shorelines of the state.

17.33.02.190 Excavation
"Excavation" means the mechanical removal of earth material.

17.33.02.195 Feasible
For purposes of administering the Shoreline Master Program "Feasible" means that an action, such as a development project, mitigation, or preservation requirement, meets all the following conditions:

1) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2) The action provides a reasonable likelihood of achieving its intended purpose; and
3) The action does not physically preclude achieving the project's primary intended legal use.

17.33.02.200 Fill

"Fill" means the addition of any material, such as (by way of illustration) earth, clay, sand, rock, gravel, concrete rubble, wood chips, bark, or waste of any kind, which is placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation. The physical structure of a shore stabilization structure shall not be considered fill. However, fill placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions shall not be considered fill.

17.33.02.205 Flood

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

17.33.02.206 Flood Hazard Permit

"Flood hazard permit" means written approval applied for and obtained in accordance with such rules and regulations as are established under City of Union Gap Municipal Code Chapter 14.28.

Commented [LD2]: Was originally written as, "this title".

17.33.02.207 Flood Insurance Rate Map

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

17.33.02.208 Flood Insurance Study

"Flood insurance study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

17.33.02.210 Floodplain

"Floodplain" means a land area adjoining a river, stream, watercourse, or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered. "Flood plain" is synonymous with the one-hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year.

17.33.02.215 Flood-prone

"Flood-prone" means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence, or other data.

17.33.02.216 Flood-proofing

"Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to lands, water and sanitary

facilities, structures, and contents of buildings.

17.33.02.220 Floodway

"Floodway" means the area, as identified in a master program, that either:

1) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
2) Consists of those portions of a river valley lying stream ward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

Regardless of the method used to identify the floodway, the floodway must not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state [RCW 90.58.030(2)(b)].

17.33.02.230 Forest Land

"Forest land" means land primarily devoted to forest practices activities.

17.33.02.240 Forest Practices

"Forest practices" means activities conducted under federal forest practices approval or under a Forest Practices permit reviewed and approved by the Washington Department of Natural Resources pertaining to the management of forest land, including growing, managing, harvesting, and interim storage of merchantable timber for commercial value, as well as incidental activities reviewed under federal or state approval, such as road construction and maintenance (including bridges) and mining activities.

17.33.02.250 Grade

"Grade" means the vertical location of the ground surface. "Natural grade" is the grade as it exists or may have existed in its original undisturbed condition. "Existing grade" is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification. "Rough grade" is a stage where grade conforms approximately to an approved plan. "Finish grade" is the final grade of the site which conforms to an approved plan.

17.33.02.255 Grading

"Grading" means any excavation, filling, or combination thereof.

17.33.02.260 Groundwater

"Groundwater" means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.

17.33.02.266 Hyporheic
"Hyporheic" means a groundwater area adjacent to and below channels where water is exchanged with channel water and water movement is mainly in the downstream direction.

17.33.02.270 Intermittent Streams
"Intermittent stream" means a stream which flows only during certain times of the year, with inputs from precipitation and groundwater, but usually more than 30 days per year. The groundwater association generally produces an identifiable riparian area. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.

17.33.02.275 Lake or pond
"Lake or pond" means at inland body of standing water. The term includes the reservoir or expanded part of a river behind a dam.

17.33.02.282 Manufactured Home
"Manufactured home" means a structure fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities or any combination thereof; and is intended for human occupancy or is being used for residential purposes. Although Washington Administrative Code (WAC) and City of Union Gap Code separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" shall include "mobile home" for regulatory purposes under this chapter. The term shall not include "recreation vehicle." "commercial coach," "camping vehicle," "travel trailer," "park trailer," "tip-out," and any other similar vehicle which is not intended, designed, constructed, or used for residential purposes for use as a single-family dwelling and is not otherwise labeled as a manufactured or mobile home under any federal or state law. For floodplain management purposes only under this chapter, park trailers, camping vehicles, travel trailers, tip-outs, and other similar vehicles shall be considered manufactured homes when placed on a site for greater than one hundred eighty days.

17.33.02.283 Manufactured Home Park or Subdivision
"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale in accordance with LAND USE CITATION HERE of this Code.

17.33.02.284 Manufactured Home Park or Subdivision, Existing
"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 1, 1995, the effective date of

these floodplain management regulations.

17.33.02.285 Minerals
"Minerals" means gravel, sand, and metallic and non-metallic substances of commercial value.

17.33.02.290 Mining
"Mining" means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation (05.15).

17.33.02.295 Native
"Native" means indigenous to or originating naturally within the City of Union Gap.

17.33.02.300 Natural Conditions
"Natural conditions" means those conditions which arise from or are found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

17.33.02.302 Nonconforming Development or Nonconforming Structure
"Nonconforming structure" means an existing structure that was lawfully constructed at the time it was built prior to, the effective date of the Shoreline Master Program but is no longer fully consistent with present regulations such as setbacks, buffer, or yards; area; bulk; height or density standards due to subsequent changes to the master program.

17.33.02.303 Non-conforming Lot
"Nonconforming lot" means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the master program.

17.33.02.304 Nonconforming Use
"Nonconforming use" means an existing shoreline use which was lawfully established prior to the effective date of provisions of the SMA or this Shoreline Master Program but which no longer conforms to the present use regulations due to subsequent changes to the SMP.

17.33.02.305 Ordinary High-Water Mark (OHWM)
"Ordinary High-Water Mark" means that mark on lakes and streams which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

17.33.02.310 Perennial Stream
"Perennial stream" means a stream that flows year-round in normal water years. Groundwater is a source of much of the water in the channel.

17.33.02.320 Project Site
"Project site" means that portion of any lot, parcel, tract, or combination thereof which encompasses all phases of the total project proposal.

17.33.02.322 Recreation Vehicle
"Recreation vehicle" means a vehicle which is:

1) Built on a single chassis; and
2) Four hundred square feet or less when measured at the largest horizontal projection; and
3) Designed to be self-propelled or permanently towable by a light-duty truck; and
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

17.33.02.325 Restore
"Restore" means to re-establish the basic functional properties that have been lost or destroyed through natural events or human activity. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions.

17.33.02.330 Revetment
"Revetment" means a facing placed on a bank or bluff to protect a slope, embankment, or shore structure against erosion by wave action or currents.

17.33.02.335 Riparian Vegetation
"Riparian Vegetation" means the terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that depends on these water sources for soil moisture greater than would otherwise be available from local precipitation.

17.33.02.340 Riprap
"Riprap" means a layer, facing, or protective mound of stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone used for this purpose.

17.33.02.345 Scour
"Scour" means the removal of underwater material by waves and currents, especially at the base or toe of a shore stabilization structure.

17.33.02.355 Shoreline
For purposes of administering the Shoreline Master Program "Shoreline," means those water areas, the associated features, and the land areas within the City of Union Gap that are subject to the State Shoreline Management Act, especially as defined in RCW 90.58.030 (definitions), and as further identified in .05.02 (Shoreline Jurisdiction).

17.33.02.360 Shore Stabilization
"Shore stabilization" means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, breakwaters, jetties, groins, weirs, and other structures along the shore, for the purpose of controlling stream undercutting, stream erosion or lake shore erosion.

17.33.02.363 Single Improved Recreational Vehicle Site
For purposes of administering the Shoreline Master Program "Single Improved Recreational Vehicle Site" means a site on which a recreational vehicle, as defined in .02.322, may be parked with minimal services (such as electricity, well and septic system), without a garage or carport, and without large accessory buildings (small detached storage sheds or accessory structures totaling 120 square feet or less may be allowed). Recreational vehicle sites not meeting these criteria are considered single family residences.

17.33.02.365 Slope
"Slope" means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

17.33.02.366 Solid Waste
"Solid waste" means all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition, and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste shall not include earth, clay, sand, or gravel.

17.33.02.367 Special Flood Hazard Areas
"Special flood hazard area" means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one percent or greater chance of flooding in any given year; commonly known as the 100-year floodplain.

17.33.02.370 Stream
"Stream" means water contained within a channel, either perennial, intermittent, or ephemeral. Streams include natural watercourses modified by man, for example, by stream flow manipulation, channelization, and relocation of the channel. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.

17.33.02.390 Structure
"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height. The term also includes gas or liquid storage tanks when located principally above ground.

. 17.33.02.400 Use

"Use" means the activity to which land or a building is devoted and for which either land or a building is or may be occupied or maintained.

17.33.02.415 Vegetative Buffer or Buffer

"Vegetative buffer or Buffer" means an area extending landward from the ordinary high-water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for the performance of the basic functional properties of shorelines or critical areas as set forth in Chapter CRITICAL AREAS MUNICIPAL CODE CITATION HERE. It is understood that optimal conditions do not always exist due to degradation of the vegetative buffer before establishment of this chapter, or due to colonization by non-native species. Such conditions still provide functional properties, though at a lower level, depending on the difference from natural conditions.

17.33.02.425 Wetland

"Wetland" or "wetlands" means that area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands specifically intentionally created from non-wetland areas to mitigate conversion of wetlands.

17.33.02.430 Wildlife

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

17.33.02.435 Wildlife Habitat

"Wildlife habitat" means areas which, because of climate, soils, vegetation, relationship to water, location, and other physical properties, have been identified as of critical importance to maintenance of wildlife species.

17.33.02.440 Works

"Works" means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road, abutments, projection, excavation, channel rectification, or improvement attached to, or affixed upon, the realty.

Section 17.33.03

ARTICLE I - APPLICATION AND REVIEW PROCEDURES

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ARTICLE I - APPLICATION AND REVIEW PROCEDURES

17.33.03.01 Shoreline Development Authorization Required

1) No new development, construction or use shall occur within Shoreline jurisdiction without obtaining a development authorization in accordance with the provisions of this chapter, except for those provided for in section 17.33.03.03. Exceptions to Local Review and 17.33.03.07 (Exemptions). Exemptions, as provided for in section 17.33.03.07, shall be considered as development authorization, including those taking place on federal lands and requiring permits or review as provided in 17.33.01.07 (Applicability to Federal Agencies) but qualifying for other exemptions under this chapter. All proposed uses and development occurring within Shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program.

2) With respect to application and review procedures, it is the intent of this chapter to streamline and coordinate the authorization of critical area projects which require other local, state and/or federal permits or authorizations. Any nonexempt development, construction or use occurring within Shoreline jurisdiction shall be processed according to the provisions of this chapter and the Critical Areas Ordinance (SMC CITATION HERE).

3) Approval of a development authorization under this chapter shall be in addition to, and not a substitute for, any other development permit or authorization required by the City of Union Gap. Approval of a development authorization under this chapter shall not be interpreted as an approval of any other permit or authorization required of a development, construction, or use.

4) Permits issued in accordance with this chapter shall run with the land.

ARTICLE II – ABBREVIATED REVIEW ALTERNATIVES

17.33.03.02 Minor Activities Allowed without a Permit or Exemption.

1) The following activities are included under.01.05(1) (Applicability) and are allowed without a permit or exemption:
   a. Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include, harvesting or changing crops, mowing lawns, weeding, harvesting, and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Cutting down trees and shrubs within a buffer is not covered under this provision. Excavation, filling, and construction of new landscaping features, such as

concrete work, berms, and walls, are not covered in this provision and are subject to review.

b. Minor maintenance and/or repair of lawfully established structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, etc. Construction or replacement of structural elements is not covered in this provision but may be covered under an exemption. Cleaning canals, ditches, drains, wasteways etc. without expanding their original configuration is not considered additional earthwork, as long as the cleared materials are placed outside the stream corridor, wetlands, and buffers.
c. Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education, or scientific research.
d. Creation of unimproved private trails that do not cross streams or wetlands that are less than two (2) feet wide and do not involve placement of fill or grubbing of vegetation.
e. Planting of native vegetation,
f. Noxious weed control outside vegetative buffers identified in Chapter 16D.06.16, except for area wide vegetation removal/grubbing,
g. Noxious weed control within vegetative buffers if the criteria listed below are met. Control methods not meeting these criteria may still apply for a restoration exemption, or other authorization as applicable:
    i) Hand removal/spraying of individual plants only; or
    ii) No area wide vegetation removal/grubbing.

17.33.03.03 Exceptions to Local Review.

Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Periodic Review Checklist Guidance 6 September 2019
2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

17.33.03.04 Exemption–Procedural Requirements

Certain activities and uses are exempt from some permit processes and shall instead be reviewed using the procedures below.

1) Exemptions shall be construed narrowly, and any exempted development shall be consistent with the policies and provisions of this chapter.
2) Only those developments that meet the precise terms of one or more of the listed exemptions may qualify for review under these provisions.
3) If any part of a proposed development is not eligible for exemption, then a development permit is required for the entire proposed development project.
4) The burden of proof that a development or use is exempt from the development permit process is on the applicant.
5) When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this chapter, such development must also obtain a Variance (17.33.03.17).
6) All activities exempt from the requirement for a substantial development permit shall use reasonable methods to avoid impacts to critical areas within shoreline jurisdiction. To be exempt from the requirement for a substantial development permit does not give permission to degrade a critical area or Shoreline or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense, according to section 05.18 (Reclamation).
7) The proponent of an exempt activity shall submit a written request for permit exemption to the Administrative Official that describes the activity and states the exemption requested. The applicant shall submit to the Administrative Official a written description of the project that demonstrates compliance with applicable standards.
8) The Administrative Official shall review the exemption request to verify that it complies with this chapter.
9) The Administrative Official shall approve or deny the exemption.
10) A formal letter of exemption shall be provided where an exempt activity is approved under this chapter. A copy of the exemption shall be kept on file by the Administrative Official. If an exemption cannot be granted, the Administrative Official shall notify the applicant in writing of the reason, at which time the applicant may pursue other permit processes under this chapter.
11) Conditions may be attached to the approval of exempted developments and/or uses as necessary to assure continued consistency of the project with this chapter.
12) Exempt activities are identified in the following locations. Such activities are stated as exempt from the substantial development permit or flood hazard permits. However, this provision does not exempt an activity from other permits or reviews that may be required under this chapter.
    a) Those activities listed in WAC 173-27-040, and summarized in section.03.09 (are exempt from the substantial development permit requirements

Commented [LD3]: Exempt flood hazard permit? Is this true?

17.33.03.05 Permit Filing Procedures.

After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances must be mailed simultaneously with any Substantial Development Permits for the project.

1) The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.
2) Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one-day appeal period starts with the date of filing, which is defined below:
    a. For projects that only require a Substantial Development Permit: the date that Ecology receives the City's decision.
    b. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.
    c. For SDPs simultaneously mailed with a CUP or Variance to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

17.33.03.06 WSDOT Project Special Procedures.

1) The City will conduct permit reviews for WSDOT projects on state highways within 90 days, pursuant to RCW 47.01.485.
2) Pursuant to RCW 90.58.140, WSDOT projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

17.33.03.07 Exemptions

The development activities identified in WAC 173-27-040, and summarized below, are exempt from substantial development permits that are required within Shoreline jurisdiction designated in chapter .05.02 (Shoreline Jurisdiction):

1) Construction by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family, which residence meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high-water mark and the perimeter of a wetland. Normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high-water mark. Construction authorized under this

exemption shall be located landward of the ordinary high-water mark.

2) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high-water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high-water mark. Bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

3) Development and construction for which the total cost or fair market value, whichever is higher, does not exceed 7,047 dollars (adjusted for inflation as determined by the Washington Office of Financial Management using methods provided in RCW90.58.030(3)(e) and WAC 173-27-040(2)(a)), provided such development and construction does not materially interfere with the public use of the water or shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

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4) Construction or practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, and/or alteration of the contour of the land by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A "feedlot" shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

5) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair involves total

replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause additional substantial adverse effects to shoreline resources or environment. The need for replacement resulting from a neglect of maintenance and repair is not considered a common method of repair. Replacement of non-conforming uses or facilities may also be subject to section.03.19 (Non-conforming Uses and Facilities).

6) Emergency construction necessary to protect property from damage by the elements, an "emergency" is an unanticipated and imminent threat, which requires immediate action or response within a time period too brief to allow full compliance with this chapter. The following criteria must exist to qualify any action under an emergency provision:
   a. There must be an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from a natural condition or technical incident; and
   b. The emergency response must be confined to the action necessary to protect life or property from damage; and
   c. The scope of the emergency response must be limited to the work necessary to relieve the immediate threat; and
   d. The emergency response applies only to the period of time in which the actual emergency exists; and
   e. The request must be accompanied by a paid permit application or a request for a non-emergency exemption. Submittal requirements beyond normal exemption submittal requirements are waived until after the emergency is deemed abated. As soon as the emergency is deemed abated by appropriate authorities, compliance with the requirements of this chapter is required, and may include removal of the emergency construction if non- structural construction measures can adequately deal with site issues.

7) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if;
   a. In fresh waters the fair market value of the dock replacement does not exceed twenty-two thousand five hundred ($22,500), and are of equal or lesser square footage than the existing dock being replaced, or
   b. The fair market value of new docks constructed in fresh waters does not exceed eleven thousand two hundred ($11,200) dollars.

However, subsequent construction having a fair market value exceeding the amount above

occurs within five years of completion of the prior construction, the subsequent construction must be considered a substantial development for the purpose of these regulations.

8) The operation, maintenance or construction of canals, waterways, drains, reservoirs, or other manmade facilities that now exist or are hereinafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

9) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage and diking system.

10) Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

11) Any project with a certification from the governor pursuant to chapter 80.50 RCW (Energy facilities - site locations).

12) Watershed restoration projects that are authorized by the sponsor of a watershed restoration plan and that implements the plan or a part of the plan and meets the requirements of WAC 173-27-040(6), as amended.

13) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
    a. The activity does not interfere with the normal public use of surface waters within Shoreline jurisdiction.
    b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values,
    c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.
    d. A private entity seeking development authorization within Shoreline jurisdiction must first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

14) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020 (control of spartina and purple loosestrife), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW (SEPA);

15) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage that meets the requirements of WAC 173-27-040(p) as amended.
    a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose; and
    b. The project has received hydraulic project approval, when required, by the department

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of fish and wildlife pursuant to chapter 75.20 RCW (Hydraulics Code); and

c. The Administrative Official has determined that the project is consistent with this chapter; and
d. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 (Fish Habitat Enhancement Projects) are deemed to be consistent with this chapter.

16) Hazardous substance remedial actions, which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW (Model Toxics Control Act) or when the Department of Ecology conducts a remedial action under chapter 70.105D RCW (Model Toxics Control Act). The Department of Ecology shall assure that such projects comply with the substantive requirements of chapter 90.58 RCW (SMA), chapter 173-26 WAC (SMA Guidelines) and the Shoreline Master Program, when applicable.

17) The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and buffers, provided that:
    a. A dead tree within a buffer may be shortened to the point that the tree will not strike a structure or defined vehicle parking area. The remainder shall be maintained to provide wildlife habitat, nesting locations and perch sites. A remainder less than ten (10) feet tall may be removed completely.
    b. A diseased or damaged tree may be removed as determined by the Administrative Official.
    c. The removed portion of trees should be placed within the vegetative buffer area as wildlife habitat, unless it will interfere with a maintained vegetation area identified in section.03.02(a) (Minor Activities), or as determined otherwise by the Administrative Official. Portions of trees to be removed from the buffer area should be felled to the outer edge of a vegetative buffer and dragged out. Heavy equipment is not allowed within the buffer, except within areas identified in.03.02(a) (Minor Activities). Damaged riparian vegetation must be repaired.
    d. Each tree that is felled or topped shall be replaced in a manner acceptable to the Administrative Official.

18) The external or internal retrofitting of an existing structure with exclusive purpose of compliance with the Americans with Disabilities Act (ADA) of 1990 or to otherwise provide physical access to the structure by individuals with disabilities.

17.33.03.08 Mitigation requirements

1) All developments shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:
    a. Avoiding the impact altogether by not taking a certain action or parts of an action.
    b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
f. Monitoring the impact and taking appropriate corrective measures.

2) Mitigation for individual actions may include a combination of the above measures.

3) Unless otherwise provided in this chapter, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with an approved Mitigation Plan. Mitigation shall not be implemented until after approval of the Mitigation Plan.

4) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. When necessary, mitigation may be provided that is out-of-kind and/or off-site.

ARTICLE III - REVIEW PROCESS

17.33.03.09 Application Submittal

1) Application for a development authorization under this chapter shall be made on forms provided by the department. The application submittal shall include a site plan drawn to scale showing:
   a. the actual shape and dimensions of the property site to be used; and
   b. existing and proposed structures; and
   c. excavation, fill, drainage facilities, topography, slope; and
   d. such other information as is needed to determine the nature and scope of the proposed development, including the maximum extent of the project site with respect to construction, excavation, equipment and material storage, and other project related work.
2) The site plan should also show the location of all critical areas, such as those identified in CITATION TO CAO include all required critical areas reports prepared in conformance CITATION TO CAO
3) To be accepted as complete, a critical area development authorization application must include all maps, drawings and other information or data specified by this chapter.

17.33.03.10 Determination of Review Process

1) The Administrative Official shall determine from the application submittal, and other available information what type of permit or review is required under this chapter. The Administrative Official shall make such determination as early in the application process as is possible and shall inform the project applicant in writing of any application needs.

2) Specific information on when a permit or review is required, its review process type and review criteria are found in the section for each permit or review. However, a brief description of each type of permit or review is provided in Table 3-1 below. Some permits or reviews are general, and all projects will have a general review. Some permits are more specialized and apply only in specific cases or situations. More than one (1) permit or review may be needed for a project.

Table 3-1

General Permits or Reviews	
Substantial Development	Shoreline Substantial development projects include any development subject to RCW Chapter 90.58, the Shoreline Management Act.
Exemptions	Exemptions are generally minor activities that do not need to go through the permit process.
Specific Permits	
Conditional Use Permit	Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in Table.05.1 as conditional uses, and that are usually seen as uses that either do not need a Shoreline location, are considered not to be suitable for siting in shoreline locations or have impacts that need closer scrutiny.
Variance	A Shoreline Variance may be used within Shoreline jurisdiction to grant relief from specific performance standards where there are extraordinary circumstances that will impose unnecessary hardships.
Non-conforming Use or Facility Alteration	Non-conforming Use or Facility Alterations are necessary when an existing legal use that currently does not conform to this chapter is to be altered.
Minor Revisions to an Existing Permit	Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.

17.33.03.11 Development Authorization – Review Procedure

Upon submittal and acceptance of a completed development authorization application, the Administrative Official shall process and review the application as follows,

1) Development authorizations shall be processed consistent with review procedures provided in CITATION TO PERMIT REVIEW PROCESS CODE and with any specific process's requirements provided in.03.15 through.03.19 (specific permit descriptions), including but not limited to:
   a. Submittals

b. Completeness Review
c. Notices
d. Reviewing Official's Decision
e. Hearings
f. Decision
g. Decision Appeals

2) Decisions on a development authorization shall be consistent with section.03.12 (Authorization Decisions – Basis for Action), 16D.03.13 (Conditional Approval of Development Authorization) and with any specific decision criteria provided under the sections for each relevant permit type, as provided in.03.15 through.03.19 (specific permit descriptions).

3) In addition to the review procedures of ADMINISTRATIVE CODE CITATION, the following additional procedures shall apply to development authorizations within Shoreline jurisdiction:
   a. The public comment period for Shoreline permits shall conform to WAC 173-27-110 (30 days), except that the public comment period for limited utility extensions and shoreline stabilization measures for bulkheads to protect a single-family residence and its appurtenant structures shall conform to WAC 173-27-120 (20 days);
   b. For limited utility extensions and bulkheads for a single-family residence, the time for the City to issue a decision shall conform to WAC 173-27-120 (21 days from the last day of the comment period);
   c. The effective date of a Shoreline permit shall conform to WAC 173-27-90 (the later of the permit date, or the date of final action on subsequent appeals of the Shoreline permit, unless the applicant notifies the Department of delays in other necessary construction permits);
   d. The expiration dates for a shoreline permit regarding start of construction and completion, and the extension of deadlines for those dates shall conform with WAC 173-27-090 (start construction within two (2) years, complete construction within five (5) years, one (1) year extensions of those dates, and allowance for the administrative official to set alternative permit expiration dates with a showing of good cause).
   e. For limited utility extensions and bulkheads for single family residences, the time for the City to complete any local appeal shall conform to WAC 173-27-120 (30 days).
   f. The Department shall send its decision and the application materials to the Department of Ecology after the local decision and any local appeal procedures have been completed in conformance with WAC 173-27-130.
   g. For Substantial Development permits, the Department of Ecology will file the permit without additional action according to WAC 173-27-130.
   h. For Conditional Use and Variance permits, the Department of Ecology will follow WAC 173-27-130 and WAC 173-27-200 (issue a decision within 30 days of the date of filing);
   i. The appeal period of a Department of Ecology action to the Shoreline Hearings Board will follow WAC 173-27-190 (21 days from the date of filing for a Substantial Development permit or issuing a decision on a Conditional Use or Variance permit).

j. The Shorelines Hearings Board will follow the rules governing that body (RCW 90.58).

17.33.03.12 Authorization Decisions – Basis for Action

The action on any development authorization under this chapter shall be based upon the following criteria:

1) Danger to life and property that would likely occur as a result of the project; and
2) Compatibility of the project with the critical area features on, adjacent to, or near the property; and
3) Shoreline values and ecological functions; and public access and navigation; and
4) Conformance with the applicable development standards in this chapter; and
5) Requirements of other applicable local, state, or federal permits or authorizations, including compliance with damage preventions requirements of Chapters FLOOD DAMGE CITATION; and
6) Adequacy of the information provided by the applicant or available to the department; and
7) Ability of the project to satisfy the purpose and intent of this chapter; and
8) Based upon the project evaluation, the decision maker shall take one of the following actions:
   a. Grant the development authorization; or
   b. Grant the development authorization with conditions, as provided in.03.13 (Conditional Approval), to mitigate impacts to the critical area feature(s) present on or adjacent to the project site; or
   c. Deny the development authorization.
9) The decision by the Administrative Official on the development authorization shall include written findings and conclusions stating the reasons upon which the decision is based.

17.33.03.13 Conditional Approval of Development

In granting any development authorization, the decision maker may impose conditions to:

1) Accomplish the purpose and intent of this chapter; and/or
2) Eliminate or mitigate any identified specific or general negative impacts of the project on the critical area, and on Shoreline ecological functions; and/or
3) Restore important resource features that have been degraded or lost because of past or present activities on the project site; and/or
4) Protect designated critical areas and Shoreline jurisdiction, from damaging and incompatible development; and/or
5) Ensure compliance with specific development standards in this chapter.

17.33.03.14 Fees and Charges

The City Council establishes the schedule of fees and charges listed in City of Union Gap Municipal Code Chapter 18.80 pertaining to this chapter.

ARTICLE IV - PERMIT REVIEW CRITERIA

17.33.03.15 Substantial Development Permit

1) Classification criteria - Substantial Development permits include any development subject to RCW Chapter 90.58 (Shoreline Management Act).
2) Process - Substantial Development permits shall be processed as a JURISDICTIONAL EQUIVALENT review in accordance with PERMIT PROCESSING CITATION).
3) Decision Criteria – Decisions on Substantial Development permits shall be based on the general decision criteria found in section.03.12 (Authorization Decisions – Basis for Action).

17.33.03.16 Shoreline Conditional Uses

1) Classification Criteria - Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in section 17.33.05.1 (Shoreline Land Use table) as Conditional Uses, and that are usually seen as uses that either do not need a shoreline location are considered not to be suitable for siting in shoreline locations or have impacts that need closer scrutiny. Unclassified Conditional projects, uses and development are uses which may be proposed in the future but were not considered during development of the SMP. It is understood, however, that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of special cases acceptable to the goals, policies, and intentions of the Master Program. The purpose of a conditional use permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020 (Legislative findings). In authorizing a conditional use, special conditions may be attached to the permit by the City of Union Gap or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the master program.
2) Process – All applications for a conditional use shall be processed as a JURISDICTIONAL EQUIVALENT).
3) Decision Criteria - The decision on a conditional use shall be based upon the criteria established in Section.03.12 (Authorization Decisions – Basis for Action) together with the criteria established below. The burden of proving that the project is consistent with the applicable criteria shall be upon the applicant, who must supply evidence or information demonstrating to the satisfaction of the Administrative Official that all the following criteria will be met.
    a. Failure to satisfy any one of the criteria below shall result in denial of the conditional use.
        i. The proposed use will be consistent with the policies of RCW 90.58.020(Legislative findings); and
        ii. The proposed use will not interfere with the normal public use of public shorelines; and

iii. The proposed use of the site and design of the project will be compatible with other permitted uses within the area; and
iv. The proposed use will cause no significant adverse effects to the shoreline environment designation in which it is located; and
v. That the public interest suffers no substantial detrimental effect.

b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 (Legislative findings) and shall not produce substantial adverse effects to the shoreline environment.

17.33.03.17 Variance

1) Classification Criteria - A Variance may be used within Shoreline jurisdiction to grant relief from specific bulk, dimensional or performance standards where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the standards will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 (Legislative findings). Shoreline variances from the use regulations of the master program are prohibited.

2) Process Each request for a Variance shall be considered separately and prior to any decision on an application for development authorization. Any decision to approve or conditionally approve the development authorization will include and specifically cite only those variances approved for inclusion with the project.

3) Decision Criteria - The decision on a Variance shall be based upon the criteria established in WAC 173-27-170 together with the criteria established below. Variance requests shall cite the specific standard or condition from which relief is requested and be accompanied by the evidence necessary to demonstrate the variance is in conformance with all the criteria below. Failure to satisfy any one of the criteria shall result in denial of the variance.

   a. Special Conditions. There is a hardship identified in (b) below, that is specifically related to a unique natural or physical condition associated with the project site, such as irregular lot shape, size, or natural features, which is not the result of a deed restriction, a lack of knowledge of requirements involved when the property was acquired, or other actions resulting from the proponent's own actions; and
   b. Unnecessary Hardship. The strict application of a standard would deprive the proponent of a reasonable use of the land or rights commonly enjoyed by other properties in the same area. That greater profit would result if a variance were granted is not evidence of a hardship; and
   c. General Compatibility. The project is generally compatible with other permitted or authorized uses in the immediate project area and with uses planned for the area under the comprehensive plan and/or the Shoreline Master Program and granting the variance will not cause adverse effects to abutting and adjacent properties or the critical area;

and

d. Special Privilege. The requested variance would not constitute a grant of special privilege not enjoyed by other abutting and adjacent properties and the variance is the minimum necessary to afford the requested relief; and
e. Public Interest. The requested variance will not endanger the public safety or health and that the public interest will not be compromised; and
f. Cumulative Impact. In the granting of any variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if other variances were to be granted in the area where similar circumstances exist, the total cumulative effect of the variances shall also remain consistent with the policies of this chapter and shall not produce substantial adverse impacts to the designated critical area; and
g. That the public rights of navigation and use of the shorelines will not be adversely affected.

17.33.03.18 Minor Revisions to Approved Uses or Developments

1) Classification Criteria – Minor revisions to a project that has been approved under a permit are allowed in certain circumstances.
   a. Changes that are not substantive are not required to obtain a revision and may be allowed as activities to implement the original permit. Examples of such include minor changes in facility orientation or location, minor changes in structural design that does not change the height or increase ground floor area and minor accessory structures (such as equipment covers or small sheds near the main structure, etc.).
   b. Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements, or with the Shoreline Master Program. Such changes may be approved as a minor revision, if the Administrative Official determines that the proposed revision and all previous revisions are within the scope and intent of the original permit, and meet the criteria listed below. Changes not able to meet the criteria must obtain a new permit.
   c. No additional over water construction will be involved, except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.
   d. Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit: PROVIDED, that revisions involving new structures not shown on the original site plan shall require a new permit, and: PROVIDED FURTHER, that any revisions authorized under this subsection shall not exceed height, lot coverage, setback, or any other requirements of these regulations.
   e. Landscaping may be added to a project without necessitating an application for a new permit: PROVIDED, that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with this chapter for the area in which the project is located.

f. The use authorized pursuant to the original permit is not changed.
g. No additional significant adverse environmental impact will be caused by the project revision.

2) Process – Minor revisions to existing permits shall be processed as a JURISDICTIONAL EQUIVALENT, as provided under JURISDICTIONAL EQUIVALENT. Parties of record to the original permit shall be notified of the revision, though a comment period is not required. A revision for a project within Shoreline jurisdiction shall follow state filing, appeal and approval standards as provided in WAC 173-27-100 (Revisions to Permits).

3) Decision Criteria - Decisions on permit revisions shall be based on the general decision criteria found in section.03.12 (Authorization Decisions – Basis for Action).

17.33.03.19 Non-Conforming Uses and Facilities

Non-conforming uses and facilities are classified as either conforming uses with non-conforming structures or areas, or as non-conforming uses, as described in subsection 1 below. Both types have different review processes and decision criteria, as provided below in subsections 2 and 3.

1) Classification Criteria – There may be situations that do not conform to the standards or regulations of this chapter. These situations are characterized as:
   a. Non-conforming uses. Uses of a structure or land that were lawfully established at the time of their initiation but are currently prohibited by this chapter are non-conforming uses and may utilize structures or land areas that are also non-conforming. A non-conforming use that is discontinued for any reason for more than one year shall have a presumption of intent to abandon, shall not be re-established, and shall lose its non-conforming status, unless a Variance is obtained to extend the length of time, based on documentation showing that an intent to abandon did not exist during the period of discontinuance. Such a Variance request may be submitted after the deadline has passed. In the case of destruction or damage where reconstruction costs exceed 50% of the assessed value, the structure shall not be rebuilt.
   b. Conforming Uses with Non-conforming Structures or Areas are structures or areas for conforming uses that were lawfully established at the time of their initiation, but currently do not conform to the bulk, dimensional or other development standards of this chapter. Structures or areas in locations approved under a permit shall not be considered non- conforming. Non-conforming outdoor areas that have not been used or maintained for 5 consecutive years shall lose their non-conforming status and may not be reestablished.
   c. Any non-conforming structure, area, or use may be maintained with ordinary care according to the provisions in.01.05 (Applicability) and .03.04 (Exemptions – Procedural Requirements), and do not require additional review under these Non-Conforming provisions.

2) Process
   a. Alterations to conforming uses with non-conforming structures or areas shall be allowed under the following process requirements with the understanding that other permits or

reviews may also be required under this chapter:

i. Those that do not increase the existing non-conformity and otherwise conform to all other provisions of this chapter are allowed without additional review under these non- conforming provisions.
ii. Those that increase the non-conformity, including establishing additional square footage within a buffer, are allowed without additional review under these non-conforming provisions; however, a Variance must be obtained for the increased non- conformity.
iii. Reconstruction or repair of a structure damaged less than 75% of the assessed value shall be processed as provided in subsections i) and ii) above.
iv. A nonconforming structure which is moved any distance shall be processed as provided in subsections 1 and 2 above.
v. Reconstruction or repair of structures destroyed or damaged 75% or more of the assessed value of the structure (not the whole property), including that resulting from neglect of maintenance or repair, shall be processed under these non-conforming provisions as a JURISDICTIONAL EQUIVALENT

b. Alterations to Non-Conforming Uses
   i. Those involving expansion or alteration within an existing structure, but do not include alterations to outdoor areas, or expansions of the building's height or square footage are allowed without additional review under these non-conforming provisions.
   ii. Alterations to non-conforming uses, including their non-conforming structures or areas that do not qualify under paragraph i) above, shall be processed under these non-conforming provisions as a JURISDICTIONAL EQUIVALENT.
   iii. Within Shoreline jurisdiction, and only within the Urban and Rural Shoreline Environments, a non-conforming use as listed in section 17.33.05.1 (Shoreline Land Use Table) may convert to another non-conforming use; although, a non-conforming use shall not change to any use prohibited in section.05.05 (Prohibited Uses). Conversion from one non-conforming use to another within the Urban and Rural Shoreline environments shall be processed under these non-conforming provisions as a JURISDICTIONAL EQUIVALENT

3) Decision Criteria
   a. Decisions on projects that require review under the non-conforming provisions, as identified under subsection (2) above shall be based on the general decision criteria found in section.03.12 (Authorization Decisions – Basis for Action) together with the criteria below.
   b. Applications for conforming uses with non-conforming structures or areas that are subject to subsection 2(a)(v) above, shall not be approved unless a finding is made that the project meets all the following criteria:
      i. Using the original location will not place the structure or people in danger of a hazard; and

ii. The previous structure and any structural shore modification used to protect the structure did not increase hazards or damage to other properties; and

iii. The previous structure and any shore modification used to protect the structure did not cause significant impacts to the functions and values of the critical area.

c. Decisions on non-conforming uses:

i. A non-conforming use may not be altered or expanded in any manner that would bring that use into greater non-conformity; and

ii. Within Shoreline jurisdiction, non-conforming uses shall meet the decision criteria for Conditional Use permits in section.03.16(3) (Shoreline Conditional Uses); and

iii. Within Shoreline jurisdiction, and only within the Urban and Rural Shoreline Environments, conversion from one non-conforming use to another may be approved if the replacement use is more conforming with the intent of the applicable Shoreline Environment Policies of the Comprehensive Plan, and if the impacts to the shoreline environment from the existing use are reduced by changing the use.

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Section 17.33.04
ENFORCEMENT AND PENALTIES

Subsections:

17.33.04.01 Enforcement Responsibilities Generally
17.33.04.02 Penalties

17.33.04.01 Enforcement Responsibilities Generally

It shall be the duty of the Administrative Official or their designee to enforce the provisions of the Shoreline Master Program pertaining to all development within the jurisdiction of this chapter.

Whenever any development is found to be in violation of this chapter or a development authorization issued pursuant to this chapter, the administrative official or their designee may order any work on such development stopped by serving written notice on any person engaged in the wrongdoing or causing such development to be done.

The notice shall state the nature of the violation and order all violation activities to stop.

The order shall state the corrective actions necessary to fulfill authorization conditions and/or terms of this chapter and the time within which such corrections shall occur.

The order shall identify the parties responsible to take the corrective actions mandated in order.

No further development shall be authorized unless and until compliance with the development authorization conditions and/or terms of this chapter has been achieved to the satisfaction of the administrative official.

Violations of this chapter constitute a public nuisance and the City of Union Gap may take such actions as are authorized in the City of Union Gap municipal code and State statute to abate such nuisances.

17.33.04.02 Penalties

1) Any person, firm, or corporation violating any of the provisions of this chapter, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW or any other remedy provided by law.

   Any person who violates or fails to comply with any of its requirements shall, upon conviction of a misdemeanor in a court of competent jurisdiction, be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both, and in addition shall pay all costs and expenses involved in the case.

   A person found to have committed a civil infraction shall be assessed a monetary penalty.
   All violations of this chapter shall be denominated Class I civil infractions.
   The maximum penalty and default amount for a Class I civil infraction shall be two hundred fifty dollars, not including statutory assessments.
   Each day such violation continues shall be considered a separate offense; however, no

additional action will be initiated pending the disposition of any previous suit or complaint.

2) It shall be the affirmative duty of the City prosecutor's office to seek relief under this section for violations of this chapter.

3) Nothing herein shall prevent the City prosecutor's office from taking such other lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.

4) In addition to any criminal proceedings brought to enforce this chapter and in addition to any fine or imprisonment provided for therein, continuing violations of this chapter may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this chapter shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity.

5) Nothing in this Chapter shall be constructed as requiring the City to enforce the prohibitions in this Chapter against all or any properties which may violate the Ordinance. The City has the discretion to enforce and prosecute violations of this ordinance as the City's resources permit. Exercise of such discretion may result in the enforcement and prosecution of a limited number of violations at any given time. Nothing in this Section or the absence of any similar provision from any other City law shall be constructed to impose a duty upon the City to enforce such other provision of law.

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Section 17.33.05 Shoreline Management

Article I - Introduction

Subsections:

17.33.05.01 Intent and Purpose
17.33.05.02 Shoreline Jurisdiction
17.33.05.03 Shoreline Environments

Article II General Development Standards

17.33.05.04 Shoreline Land Use Table
17.33.05.05 Prohibited Uses
17.33.05.06 General Policies and Standards

Article III - Water Dependency Development Standards and Buffer Requirements

17.33.05.07 Use Classifications
17.33.05.08 Water Dependent Uses
17.33.05.09 Water Related Uses
17.33.05.10 Water Enjoyment and Non-Water Uses
17.33.05.11 Vegetive Buffers

Article IV – Shoreline Modification Development Standards

17.33.05.12 Roads, Railroads, and Parking
17.33.05 13 Utility Transmission Lines and Facilities
17.33.05.14 Shore Stabilization
17.33.05.15 Dredging and Excavation
17.33.05.16 Filling
17.33.05.17 Commercial Mining of Gravels
17.33.05.18 Reclamation

Article V – Shoreline Use Development Standards

17.33.05.19 Forest Practices
17.33.05.20 Commercial and Community Services
17.33.05.21 Industrial Activities
17.33.05.22 Residential
17.33.05.23 Recreation
17.33.05.24 Agriculture

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17.33.05.25 Aquaculture
17.33.05.26 Piers and Docks

Article I - Introduction

17.33.05.01 Purpose and Intent

The SMP regulations are intended to carry out the responsibilities imposed on the City of Union Gap by the Shoreline Management Act (RCW 90.58) and its Administrative Rules (WAC 173-18, WAC 173- 20, WAC 173- 22, WAC 173- 26 and WAC 173- 27) insofar as regulations can, and the adoption of these regulations does not remove other responsibilities imposed by the Act. The purpose of the Shoreline Master Program Regulations is to:

1) Promote reasonable and appropriate use of the shorelines that will protect the public and private interest; and
2) Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within City of Union Gap; and
3) Protect public rights of navigation; and
4) Recognize and protect private property rights consistent with public interest; and
5) Maintain or re-create a high quality of environment along the shorelines; and
6) Preserve and protect fragile natural resources and culturally significant features; and
7) Increase public access to publicly owned areas of the shorelines where increased use levels are desirable; and
8) Protect public and private properties from adverse effects of improper development in hazardous shorelines areas; and
9) Recognize and protect statewide interest; and
10) Give preference to uses that result in long-term over short-term benefits; and
11) Provide for no net loss of ecological functions from both individual permitted development and individual exempt development.

17.33.05.02 Shoreline Jurisdiction

Pursuant to the authority of RCW 90.58.030(2)(f) and WAC 173-22-040(2-3), the jurisdictional limits of the Shoreline Master program within the City of Union Gap for areas that are subject to these regulations, are listed below. The City of Union Gap has developed maps to generally depict the extent of Shoreline jurisdictional boundaries for all Shorelines within the City. These maps are for informational and illustrative purposes only and are not regulatory in nature. Where such maps are not available or do not correspond with physical features on the ground, jurisdictional boundaries shall be controlled by the criteria listed below, WAC l73-22, and the Act itself. It is understood when the maps and the actual physical features do not correspond, the physical features will dictate the extent of the

jurisdictional boundaries. It is understood that the actual physical features may change. The physical features will dictate the extent of the Shoreline jurisdictional boundaries. Shoreline jurisdictional area shall include:

1) Those Shoreline lakes, ponds and stream lengths identified in Appendix B and C of this chapter.

Commented [LD6]: Need to add.

2) Subject to Subsection 7 below, wherever the "floodway" has been established by a flood insurance study prepared by the Federal Emergency Management Agency (FEMA), shorelines jurisdiction shall be the floodway plus 200 feet, measured on a horizontal plane, or the 100-year floodplain, whichever is lesser.
3) Subject to Subsection 7 below, whenever the 100-year floodplain has been identified by a flood insurance study prepared by the Federal Emergency Management Agency but where no "floodway" has been identified, shorelines jurisdiction shall be the 100-year floodplain boundary or 200 feet, measured in a horizontal plane, from the ordinary high-water mark, whichever is greater.
4) Whenever there are no detailed floodplain or floodway studies, shoreline jurisdiction shall be 200 feet, measured on a horizontal plane, from the ordinary high-water mark.
5) Where a Channel Migration Zone (CMZ) has been identified and extends beyond the jurisdiction established by sub-section (2) above, jurisdiction shall extend to the extent of the CMZ, but not beyond the limits of sub-section (3).
6) Those wetlands and river deltas which are in proximity to and either influence or are influenced by the Shorelines. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.
7) Under no circumstances shall shoreline jurisdiction be less than 200 feet, measured on a horizontal plane, from the ordinary high-water mark of the Shoreline water body.
8) The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

17.33.05.03 Shoreline Environments

The following Shoreline Environments listed below are used as a system of categorizing shoreline areas according to management objectives and the character of the shoreline. The Shoreline Environments are based on the goals and policies found in the comprehensive plan.

Six (6) environments are hereby established, as listed below. It is understood that the actual physical features may change. The physical features shall dictate the extent of the environmental boundaries. These changes are hereby incorporated by reference into this document so that the Environments will shift with river changes.

Shoreline Environments are shown on the map entitled "Shoreline Environment Map of City of Union Gap". This map is for informational and illustrative purposes only and is not regulatory in nature.

Commented [LD7]: Need to create from the Regional SMP Plan for the City of Union Gap

1) **Urban Environment**: This environment is characterized by high intensity land uses, high land

values, major public and private capital investments, and/or few biophysical development limitations where intensive development is desirable or tolerable. The management objective is one of optimum future utilization of land and public investment.

In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment. The basic principle in an Urban Environment is oriented toward quality of development in harmony with the shoreline.

The Urban Environment should ensure optimum utilization of shorelines occurring within urbanized areas by providing for public access, and by managing development so that it enhances and maintains the shorelines for a multiplicity of uses.

2) **Rural Environment**: This environment is characterized by agricultural and recreational uses, moderate land values, moderate public, and private capital investment (roads, utilities, etc.), and/or some biophysical development limitations. The management objectives are to protect agricultural land, maintain open space, and provide for recreational uses compatible with agricultural production.

3) **Conservancy Environment:** This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public, and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low-density recreational uses in this environment, with restriction of development in hazardous areas.

4) **Natural Environment:** This environment is characterized by severe biophysical limitations, presence of some unique natural, historic, or archeologic features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.

5) **Urban Conservancy Environment:** This environment is characterized by low intensity land uses primarily related to public access, diffuse recreational development, and relatively major biophysical development limitations. This environment should protect and restore ecological functions of open space, floodplain, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The Urban Conservancy environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development.

6) **Floodway/Channel Migration Zone Environment:** This environment is characterized by deep/fast floodwaters and a shifting channel and is the most hazardous Shoreline area. The

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Floodway/Channel Migration Zone environment should protect the water areas, islands and associated overflow channels found within designated floodways, and mapped channel migration areas. This environment acknowledges the river's need to move within parts of its floodplain, and emphasizes the preservation of the natural hydraulic, geologic, and biological functions of the City's shorelines that are constrained by severe biophysical limitations.

Article II – General Development Standards

17.33.05.04 Shoreline Land Use Table

Table 17.33.05.1 lists the uses and activities for each Shoreline Environmental designation that are allowed by Substantial Development Permit and/or Conditional Use Permit or are prohibited. Such uses shall be processed in accordance with chapter 17.33.03 (Application and Review Procedures). This table does not change those situations of when this title does not apply to a development (17.33.01.05 Applicability), or when a use or activity listed as needing a Substantial Development permit may qualify for an exemption instead (17.33.03.07 Exemptions). Definitions for some uses are provided in chapter 17.33.02.

The provisions in Table 17.33.05.1 apply to specific common uses and types of development only to the extent they occur within shoreline jurisdiction. Symbols in the table have the following meanings:

- **(S)** means a Substantial Development Permit is required.
- **(C)** means a Conditional Use Permit is required.
- **(X)** means the use is prohibited.
- **(N/A)** means the entry is not applicable and the entry in the Activity column provides information to redirect the reader to another Activity.

Review section.17.33 01.05 (Applicability) to see if this Title applies to the project.

Review section 17.33.03.07 (Exemptions) to see if the project qualifies for an exemption from a Substantial Development permit.

For existing uses that are prohibited, see section 17.33.03.19 Non- Conforming Uses and Facilities.

Table 17.33.05.1

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
GENERAL						
Activities listed in .05.05 Prohibited Uses	X	X	X	X	X	X

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Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
AGRICULTURE						
Agriculture, including accessory agricultural structures, but excluding grazing.	S	S	C	X	C	S
Grazing	S	S	S	S	S	S
Confinement Feeding Operations (CFO)	X	C	X	X	X	X
Ag. Related Industry (Feed Mills, Processing/Packing Plants, Storage Facilities, etc.)	C	C	C	C	C	C
AQUACULTURE						
Rearing	C	S	C	X	C	C
Processing	C	S	X	X	X	C
Packing & Storage	C	S	X	X	X	C
FOREST PRACTICES UNDER STATE PERMIT						
All federal forest practices or non-federal forest practices meeting the criteria below: 1. harvest/treat at least 5 acres of forestland or supporting such an operation 2. all harvesting w/in 200' of OHWM of Shoreline of Statewide Significance uses methods meeting RCW 90.58.150 (selective harvest) 3. activities are not associated with a Conversion Option Harvest 4. approved under a WDNR Forest Practices Permit 5. not associated with a harvest under a Class IV–General application to convert forest land to non-forestry use	S	S	S	C	S	S
Non-federal forest practices NOT meeting criteria (1), (2), or (3) above	C	C	C	C	C	C
Non-federal forest practices NOT meeting criteria (4) above (Class 1 forest practices, activities not requiring WDNR review, etc.) shall be reviewed as separate uses or activities.	N/A	N/A	N/A	N/A	N/A	N/A
Non-federal forest practices NOT meeting criteria (5) above shall be reviewed as the new proposed use	N/A	N/A	N/A	N/A	N/A	N/A
MINING						
Surface Mining	C	C	C	X	X	C
Underground Mining	X	X	X	X	X	X
Mining for habitat restoration	S	S	S	S	S	S
ARCHAEOLOGICAL						

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Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
Interpretive center	S	C	C	X	X	S
Restoration of historic structures	S	S	C	C	C	S
Archeological excavation	C	C	C	C	C	C
RESIDENTIAL USE						
Cabin (see definition; 800 sq. ft.) or Single Improved RV Site where other single-family residences are not permitted.	X	X	X	X	X	S
Single-Family Residence, including:-Family Home Services-Accessory Apartment-Mobile Home for Aged/Infirm Relative (or equivalent uses listed in the zoning ordinance)	S	S	S	X	X	X
Duplex	S	S	X	X	X	X
Multi-family	C	X	X	X	X	X
Rooming & boarding houses	C	X	X	X	X	X
Fraternity or sorority houses	C	X	X	X	X	X
Manufactured Home Park or subdivision outside floodplain	C	X	X	X	X	X
Manufactured Home Park or subdivision w/in Floodplain	X	X	X	X	X	X
RV park with units remaining year-round. Review as mobile home park	N/A	N/A	N/A	N/A	N/A	N/A
RV park with units NOT remaining year-round – see recreational use section, Moderate Intensity.	N/A	N/A	N/A	N/A	N/A	N/A
Houseboats & over-water residential uses	X	X	X	X	X	X
COMMERCIAL AND COMMUNITY SERVICE USES						
Large Commercial uses (more than 1/2 acre of use area) of a Water Oriented nature, including commercial boating facilities, marinas, and extended moorings. Boat Launches shall be treated as a Recreational use.	C	C	C	X	X	C
Small Commercial uses (1/2 acre or less of use area) of a Water Oriented nature	S	S	C	X	X	S
Non-Water Oriented Commercial Uses, except for instances below	X	X	X	X	X	X
Non-Water Oriented Uses, when set back from OHWM or wetland edge by either a public right of way or 100'+ of a separate parcel.	C	C	C	X	X	C
Non-Water Oriented Uses in a mixed-use project that includes a Water Dependent Commercial, Industrial, Aquaculture, or Recreational Use	C	C	C	X	X	C

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Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
Events and temporary uses involving public interest (see definition) that do not impair the shoreline environment Note: Definition to be added to Administrative Sections	C	C	C	C	C	C
INDUSTRIAL						
Water Oriented Uses	C	C	X	X	X	X
Non-Water Oriented Uses, except for instances below	X	X	X	X	X	X
Non-Water Oriented Uses, when set back from the OHWM or wetland edge by either a public right of way or 100' + of a separate parcel	C	C	X	X	X	X
Non-Water Oriented Uses in a mixed-use project that includes a Water Dependent Commercial, Industrial, Aquaculture, or Recreational Use	C	C	X	X	X	X
RECREATION						
Commercial components of the use that are not explicitly related to the recreation operation must also conform to the Commercial section of this table.	N/A	N/A	N/A	N/A	N/A	N/A
Indoor Recreation – Reviewed as Commercial use; see that section of table.	N/A	N/A	N/A	N/A	N/A	N/A
Boat Launches. Other boating facilities and marinas are reviewed as Commercial Uses.	C	C	C	C	C	C
Commercial Motorized Boat Recreation Tour Routes (related facilities are reviewed as Commercial Uses and boating facilities)	C	C	C	C	C	C
State owned recreation facilities and ecological study areas.	S	S	C	C	C	S
Outdoor Recreation of a Non-Water Oriented nature (sports complex, organized sport fields, golf course)	C	C	C	X	X	C
High-Intensity Outdoor Recreation of a Water Oriented nature (urban area parks, white water parks, etc.)	S	C	C	X	C	S
Moderate-Intensity Outdoor Recreation of a Water Oriented nature (use areas with minor structures and improvements, such as campgrounds, picnic facilities, hiking trails, swimming beaches, fishing sites, nature/ history interpretive centers); RV park/ camping with units NOT remaining year- round is included in this category (also see residential RV uses)	S	S	S	X	C	S

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Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
Low-Intensity Outdoor Recreation of a Water Oriented nature (unimproved use areas, such as hiking or nature trails, primitive camping areas,); an unimproved Personal Camping and Recreation Site is included in this category.	S	S	S	C	S	S
Very-Low-Intensity Recreation (wildlife viewing, scenic vistas, fishing, hunting, rafting, walking, etc.) See section.01.05 (Applicability) for activities not subject to this title.	N/A	N/A	N/A	N/A	N/A	N/A
Events and temporary uses involving public interest (see definition) which may interfere with normal public use, that do not impair the shoreline environment.	C	C	C	C	C	C
TRANSPORTATION AND PARKING						
Access roads serving permitted uses	S	S	S	X	C	S
Highways & freeways	C	C	C	C	C	C
Railways	C	C	C	X	C	C
Transportation maintenance facilities	C	C	C	X	X	C
Parking for authorized use – reviewed with authorized use.	N/A	N/A	N/A	N/A	N/A	N/A
Park and Ride lots and similar stand-alone parking facilities	X	X	X	X	X	X
UTILITIES						
Utility Services accessory to individual projects undergoing Shoreline review –review w/project	N/A	N/A	N/A	N/A	N/A	N/A
Utility services to projects outside Shoreline jurisdiction	S	S	S	S	S	S
Land/air/water monitoring station.	S	S	S	S	S	S
Utility Transmission Lines, except as noted below.	?	?	?	?	?	?
Utility Transmission Lines on shorelands, where no other feasible option is available.	C	C	C	C	C	C
Production and Processing Facilities of a Water Oriented nature, including power generation, water, and wastewater treatment facilities.	C	C	C	C	C	C
Production and Processing Facilities of a Non-Water Oriented nature, except as noted below.	X	X	X	X	X	X
Production and Processing facilities of a Non- Water Oriented nature, where no other feasible option is available.	C	C	C	C	C	C
Storage/collection of garbage cans/dumpsters for individual use	S	S	S	S	S	S
Solid waste transfer station/drop box	C	C	C	X	X	X

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
Storage/disposal of solid waste, including landfills, sewage sludge, and agricultural waste. For existing uses, see section .03.19 Non-Conforming Uses and Facilities.	X	X	X	X	X	X
SIGNS - Note: signs must also conform to local sign ordinance						
Blinking or revolving signs	X	X	X	X	X	X
Signs obstructing views of shorelines and scenic vistas from public rights of way	X	X	X	X	X	X
On-premises for authorized use.	S	S	S	S	S	S
Off-premises (except temporary and information signs)	S	X	X	X	X	X
Temporary signs (election signs; sale, rental, or lease signs on real estate; etc.) are not considered development	N/A	N/A	N/A	N/A	N/A	N/A
Information signs (directional, landmark, trail marker, etc.)	S	S	S	S	S	S
IN-STREAM STRUCTURES						
In-stream elements for shore stabilization, roads/bridges, habitat restoration, piers/ docks/marinas, and fill are reviewed as those activities.	N/A	N/A	N/A	N/A	N/A	N/A
Construction that does not impound water (but may include stream bed manipulation); including whitewater recreation structures and flow gauging stations	C	C	X	X	X	X
Construction that impounds water or increases the height of impounded water	C	C	C	C	X	C
PIERS AND DOCKS						
Pier/dock (including for over-water structures), except for instances below	X	X	X	X	X	X
Pier/dock for Water Dependent Commercial, Industrial, Aquaculture, or Recreational Use; or public access; or a single-family residence facility to access watercraft	C	C	C	C	C	C
DREDGING						
Dredging (including obtaining minerals, aggregate, or landfill material), except for instances below	X	X	X	X	X	X
Dredging for: -Water Dependent use public access????	C	C	C	C	C	C
Dredging to modify channels or basin (excluding maintenance) for existing navigation uses	S	S	S	X	X	S
Dredging for habitat restoration	S	S	S	S	S	S
FILLING & DREDGE MATERIAL DISPOSAL						

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Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway/Channel Migration Zone	Urban Conservancy
Fill within the OHWM, except for instances below	X	X	X	X	X	X
Fill within the OHWM for: - Water Dependent use - public access - expansion of existing transportation system of state-wide significance - dredge material placement for habitat restoration project - beaches	C	C	C	X	X	C
Fill (non-dredged) within the OHWM for habitat restoration	S	S	S	S	S	S
Fill outside the OHWM, except for instances below	X	X	X	X	X	X
Fill outside the OHWM for site development of an approved use	S	S	S	C	C	S
SHORE STABILIZATION						
Non-Structural Stabilization Measures (revegetation, wood debris placement, sediment supplementation, bio-engineering, etc.). Also see section .03.07(15) for the restoration exemption.	S	S	S	S	S	S
On-Land Stabilization Structures, except for instances below	X	X	X	X	X	X
On-Land Stabilization Structures (bulkheads, retaining walls, dikes, levees, riprap, etc.) demonstrating necessity per .05.14(11)(e). Also see section .03.07 for residential and bulkhead exemptions.	C	C	C	C	C	C
In-Water Stabilization Structures, except for instances below	X	X	X	X	X	X
In-Water Stabilization Structures (breakwaters, jetties, groins, weirs, bank barbs, etc.) demonstrating necessity per .05.14(11)(e) for: -Water Dependent use - public access -specific public purposes - in support of bank stabilization	C	C	C	C	C	C
In-Water Stabilization Structures for habitat restoration demonstrating necessity per.05.14(11)(e). Also see section .03.07(15) for the restoration exemption.	S	S	S	S	S	S

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17.33.05.05 Prohibited Uses

The following uses and activities are prohibited within shoreline jurisdiction.

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

2) Confinement feeding operations including livestock feedlots and dairy confinement areas; and
3) The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel; and
4) The draining or filling of a wetland, lake, or pond, except as provided for in Section .05.16 (Filling); and
5) The removal and transport of material for fill outside of the stream corridor; and
6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities. This provision does not include municipal wastewater lines or septic systems approved by a local or state agency with authority to permit such facilities; and
7) Solid waste disposal sites; and
8) Automobile wrecking yards; and
9) Fill for the sole purpose of increasing land area within the shorelines; and
10) Within Shoreline jurisdiction, those uses not allowed in particular shoreline environments as provided in Table .05.1 (Shoreline Land Use Table).

17.33.05.06 General Policies and Standards

The following policies and standards shall apply to any development, construction, or use carried out within the City's shoreline jurisdictions.:

1) The Ordinary High-Water Mark of a stream or lake, the edge of a wetland, and the outside edges of stream and/or wetland buffers shall be marked on the ground before any development, construction, or use is initiated.
2) Existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the Shoreline designation shall be disturbed to the minimum extent possible.
3) Nesting areas and other sensitive wildlife habitat identified within a stream corridor shall be disturbed to the minimum extent possible.
4) Projects within the Shoreline designation shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate State and/or Federal agency may be considered.
5) Stormwater and Erosion Control. Developments that obtain a stormwater permit approved by a local, state, or federal agency, and transportation projects using stormwater manuals that are deemed equivalent to the Eastern Washington Stormwater Manual are exempt from the requirements below.
    a) Excavation, grading, cut/fills, compaction, and other modifications which contribute to erosion of upland soils shall be confined to the minimum necessary to complete the authorized work and avoid increased sediment load.

b) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for periods when soils are the least vulnerable to erosion, compaction, and movement unless suitable protective measures are used to prevent erosion.

c) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to ensure the minimal duration of exposed, unprotected soils.

d) Increases in impervious surface area, compaction of soil, changes in topography, and other modifications of land within a stream corridor which are determined will permanently increase stormwater and meltwater runoff into stream channels, drainage ways, and conduits, shall provide on-site or off-site facilities for the detention, control, and filtration of such increases.

e) The discharge point for controlled stormwater and meltwater runoff and other outfall shall be designed and constructed to avoid causing erosion through the use of native riparian vegetation where possible or by reducing velocity, use of rock spillways, riprap, splash plates, or other demonstrably effective means.

f) Matting or approved temporary ground cover shall be used to control erosion until natural vegetative ground cover is successfully established.

6) Development, construction, and uses shall not directly or indirectly degrade surface water and groundwater through the introduction of nutrients, fecal coliform, toxins, and other biochemical substances.

7) Prior to the approval of development, construction, or uses within a designated stream corridor, any existing source of biochemical or thermal degradation identified as originating on the project property or on contiguous properties of the same ownership shall be corrected.

8) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk products, application schedules, and other protective methodology to minimize the surface and subsurface transfer of biochemical materials into the stream corridor.

9) Modifications to natural channel gradient, channel morphology, drainage patterns, and other stream features shall not permanently alter or obstruct the natural volume or flow of surface waters.

10) Development, construction, or uses within the stream corridor shall not alter or divert flood flows causing channel shift or erosion, increase or accelerate the flooding of upstream or downstream flood hazard areas, or otherwise threaten public or private properties.

11) Wells located within a stream corridor shall be protectively lined and installed in a deep aquifer with an acceptable minimum hydraulic continuity with either surface waters or a shallow aquifer.

12) Structures placed in close proximity to the outer edge of bends in stream channels identified as having a high potential to meander shall be located to minimize the hazard from stream undercutting and stream bank erosion stemming from potential future stream migration.

13) Adjacent communities and the Department of Ecology shall be notified prior to any alteration

or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Emergency Management Agency.

14) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

15) Development, construction, or uses within the hydrologically related critical area that would contribute to the degradation of the functions and values shall be avoided or mitigated using mitigation sequencing as outlined in section.03.10 (Mitigation Requirements).

16) Development shall not obstruct, cut off, or isolate stream corridor features.

17) Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon the rights of private ownership.

18) If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify the City of Union Gap, the Washington State Office of Archaeology and Historic Preservation and any affected Indian Tribes. Archaeological sites are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites and records), and development or uses that may impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit).

19) The provisions of CITATION (Flood Damage Prevention) and CITATION (Frequently Flooded Areas) shall also apply to the development of lots and the placement, construction, or installation of structures in floodways and floodplains.

20) Any portion of the vegetative buffer temporarily damaged or disturbed because of construction activities (excluding approved permanent use areas) shall be repaired at the completion of construction using reclamation standards in section05.18 (Reclamation).

21) Changing from an existing use or development which does not meet the provisions of this chapter to a new use shall be reviewed to ensure that the conversion will demonstrably reduce impacts to stream corridor and other hydrologically related critical area features.

22) Additional General Shoreline Standards. The requirements below shall apply to all activities within Shoreline jurisdiction.
    a. Individual projects or actions that, if continued as a pattern, would accumulatively result in the degradation or impairment of the Shoreline environment, shall be avoided.
    b. Individual projects or actions shall provide for no net loss of Shoreline ecological functions.
    c. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.
    d. Outdoor advertising signs must conform to size, spacing and lighting provisions of the Washington State Scenic Vistas Act of 1971, where applicable.
    e. There shall be a thirty-five (35) foot maximum building height for all structures, except that utility towers and poles, dams, concrete and asphalt batching plants, water treatment towers, wastewater treatment facilities and bridges are not

required to meet this standard, and specific height limitations for residential structures are as follows:

i. 25 feet above average grade level in the conservancy environment.

ii. 20 feet above average grade level in the natural environment.

iii. 25 feet above average grade level in the urban conservancy environment.

iv. 20 feet above average grade level in the floodway/channel migration zone.

f. New development within Shoreline jurisdiction shall be located and designed to:
   i. avoid the need for future shore stabilization, to the extent feasible.
   ii. avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
   iii. assure that subdivision lots created will not require shore stabilization in order for reasonable development to occur. The standards should be accomplished using geotechnical analysis of the site and shoreline characteristics, as provided in section .05.14(11) (Additional Shoreline Standards for Shore Stabilization).
   iv. setback new development on steep slopes or bluffs sufficiently to ensure that shore stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis, as provided in section .05.14(11) (Additional Shoreline Standards for Shore Stabilization).
   v. New development that would require shore stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

Article III - WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

17.33.05.07 Use Classifications

For purposes of this chapter, the components of any development, construction, or use requiring a critical area development authorization shall be classified as provided below and shall conform with the development standards applicable to the classification provided in 17.33.05.08 through 17.33.05.10 except for those listed in Section.03.02 (Minor Activities Allowed without a Permit or Exemption):

1) Water Oriented Uses are one of the following three (3) categories of uses:
   a. Water-dependent uses include dams, water diversion facilities, marinas, boat launching facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland crossings for roads and railroads, stream and wetland crossings for utilities, swimming beaches, fishing sites, in-water or on-land shore stabilization structures, livestock watering sites, and other uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations. This provision applies only to the specific portion of a project that is demonstrably dependent upon the water or shore.
   b. A Water-related use is one not intrinsically dependent on a waterfront location but

whose economic viability is enhanced by a waterfront location either because it requires large quantities of water, or because it provides services for water dependent uses and the proximity to its customers makes such services less expensive and/or more convenient. Examples would include thermal power plants, wastewater treatment plants, water processing and treatment plants, support services for fish hatcheries or aquaculture, fly shops and boat rental shops.

c. A Water enjoyment use is a recreational or other use that facilitates public access within Shoreline jurisdiction as a primary characteristic of the use or provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use; and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. Within Shoreline jurisdiction the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment in order to qualify as a water-enjoyment use within Shoreline jurisdiction. Examples include recreational uses orientated to the Shorelines water features, and restaurants with water viewing.

2) Non-water-oriented uses include any use not qualifying as uses in subsection (1) above.

17.33.05.08 Water-dependent Uses

The following provisions shall apply to water-dependent uses:

1) Structures shall be clustered at locations on the water's edge having the least impact to the surface water and shore.
2) Use areas and structures which require direct shore locations shall be located and constructed to minimize impacts to the shore area and the vegetative buffer specified in Section .05.11 (Vegetative Buffers).
3) Use areas and structures requiring direct shore locations shall minimize any obstruction or impairment of normal public navigation of the surface water.

17.33.05.09 Water-related Uses

The following provisions shall apply to the water-related uses:

1) Structures and use areas shall be located as far landward from the ordinary high-water mark or wetland edge as is possible and still preserve the essential or necessary relationship with the surface water.
2) Structures and use areas shall not be located within the vegetative buffer specified in Section .05.11 (Vegetative Buffers) except where existing development or the requirements associated with the use make such a location unavoidable.

17.33.05.10 Water-enjoyment and Non-water Oriented Uses

The following provisions shall apply to water enjoyment and non-water-oriented uses:

1) Structures and use areas shall be set back so as not to be located within the vegetative buffer specified in Section .05.11 (Vegetative Buffers).

2) Construction abutting the vegetative buffer specified in Section .05.11 (Vegetative Buffers) shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.

17.33.05.11 Vegetative Buffers

Establishment. There is hereby established a system of vegetative buffers that are necessary to protect the ecological functions and values of shorelines. The vegetative buffer for shoreline streams and lakes shall be 100 feet. For wetlands, based on a review of the best available science, buffers are listed in table 6-1.

1) Vegetative buffers shall be measured from the Ordinary High-Water Mark (OHWM) for streams, lakes, and ponds.
2) Buffer width may be reduced through the Variance permit process.
3) The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation is degraded, then no adjustment to the buffer width should be granted and re-vegetation should be considered. Where the use is being intensified, a degraded buffer should be re-vegetated to maintain the standard width.

Article IV Shoreline Modification Standards

17.33.05.12 Roads, Railroads, and Parking

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

1) Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor.
    a) Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
    b) Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor.
    c) Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.
2) Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade or shall be transported outside the corridor.
3) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood prone.
4) Spoil, construction waste, and other debris shall not be used as road fill or buried within the

stream corridor.

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

6) Natural stream channels and drainage ways shall be preserved through the use of bridges for crossings unless the use of culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainageways. Where bridges are not feasible, large, natural bottom culverts, multi-plate pipes and bottomless arches shall be used.

7) The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsection (1) and (2), and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.

8) Where fish, amphibian or other wildlife passage is present, culverts shall be designed and constructed to specifications provided through the Washington State Aquatic Habitat Guidelines or a comparable source of expertise.

9) At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water.

10) Roads must be designed and constructed using established flood resistant and design and construction methods when they may be subject to damage by flood waters.

11) Roads and bridges within floodways must meet the requirements of the City of Union Gap Municipal Code Chapter 14.28.

12) Additional Shoreline Standards for Roads, Railroads and Parking – the standards in this section only apply to new uses within Shoreline jurisdiction.
    a) Parking areas shall be located upland of the areas they serve.
    b) Owners of two or more adjoining uses, structures or parcels of land may utilize jointly the same parking area when the hours of operation do not overlap.
    c) A Conditional Use Permit for roads, railroads or parking areas must demonstrate through and engineering studies that a shoreline location is the most feasible of the available options.

17.33.05.13 Utility Transmission Lines and Facilities

The following provisions shall apply to the location, construction, or installation of utility transmission lines and facilities (such as those for wastewater, water, communication, natural gas, etc.) within a designated hydrologically related critical area:

1) Utility transmission lines and facilities shall be permitted within the stream corridor only where it is necessary to cross the corridor or where existing development, topography, and other conditions preclude locations outside the stream corridor. 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) Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy replacement or repair with minimal disturbance to the stream corridor.
3) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is greater, and for a similar depth below any associated floodway and floodplain to the maximum extent of potential channel migration as determined by hydrologic analysis.
4) Wherever possible, new aboveground installations shall use available, existing bridge and utility locations and stream corridor crossings as opposed to creating new locations and stream corridor crossings.
5) Aboveground electrical support towers and other similar transmission structures shall be located as far upland as is practical.
6) Transmission support structures shall be located clear of high flood velocities, located in areas of minimum flood depth which require the least floodproofing, and shall be adequately floodproofed.
7) Underground utility transmission lines shall be constructed so they do not alter, intercept, or dewater groundwater patterns that support streams, wetlands and hyporheic flow.
8) All new and replacement water supply systems and wastewater systems within a special flood hazard area must meet the requirements of FLOOD HAZARD CITATION HERE.
9) Utility transmission lines within the Floodway and the Floodway Fringe shall meet the standards of Flood Hazard Citation of City Code
10) 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 17.33.05.13, except those listed below. Utility service to projects outside Shoreline jurisdiction are subject to normal Shoreline permitting and are subject to all of the provisions in .05.13 (Utility Transmission Lines and Facilities), except those listed below.
    a. Where feasible utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive.
    b. New utility facilities shall be designed and located to preserve the natural landscape and minimize conflicts with present and planned land and shoreline uses, especially recreation, residential and public access.
    c. Expansion, updating, and maintenance of existing facilities is allowed but shall be designed to be located to avoid adverse impacts to shoreline resources as much as possible.
    d. Permit applications shall meet the following submittal review standards:
    e. Applications shall submit studies (social, economic, environmental,

engineering, etc.) to demonstrate that a shoreline location is the most feasible of the available options.

f. 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.

g. Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the Administrative Official to be insufficient for the protection or restoration of the Shoreline environment shall cause denial of the application.

17.33.05.14 Shore Stabilization

The following provisions shall apply to shore stabilization projects:

1) Shore stabilization projects shall be allowed only where there is evidence of erosion which clearly represents a threat to existing property, structures, or facilities, and which stabilization will not jeopardize other upstream or downstream properties.
2) Stabilization projects shall be developed under the supervision of, or in consultation with, agencies or professionals with appropriate expertise.
3) Stabilization projects shall be confined to the minimum protective measures necessary to protect the threatened property.
4) The use of fill to restore lost land may accompany stabilization work, provided the resultant shore does not extend beyond the new ordinary high-water mark, finished grades are consistent with abutting properties, a restoration plan is approved for the area, and the fill material is in compliance with Section 17.33.05.16 (Filling).
5) Stabilization projects shall use design, material, and construction alternatives that do not require high or continuous maintenance, and which prevent or minimize the need for subsequent stabilization to other segments of the shore. Junk car bodies and other unsuitable debris are not to be used in shore stabilization projects.
6) Stream bank and lakeshore protection shall be accomplished using bioengineered (biotechnical) designs employing living plant materials as primary structural components of resistance to erosion and mass wasting, unless a report prepared by a qualified engineer experienced in soil bioengineering (biotechnical) and shoreline protection demonstrates that conventional structural armoring is the only feasible means of stabilizing the subject stream bank or lakeshore.
7) Applications to construct or enlarge dikes or levees shall meet the requirements of FLOOD HAZARD CODE CITATION HERE
8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore.
9) Breakwaters shall be constructed of floating or open pile designs rather than fill, riprap, or other solid construction methods.

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10) All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance, and repairs for the life of the project.
11) Additional Shoreline Standards for Shore Stabilization - The requirements below shall apply to all shore stabilization activities within Shoreline jurisdiction.

    a. Where feasible, dikes and levees shall be located outside of the floodway or channel migration zone of the river or stream in order to minimize any attendant increase in water stage and stream flow velocity over existing conditions.
    b. Rip-rapping and other shore stabilization measures shall be designed, located, and constructed in such a manner as to minimize the disruption of natural channel characteristics.
    c. Demonstration of necessity. New structural shore stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
        i. New or enlarged structural stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shore stabilization.
        ii. Erosion control structures in support of new non-water-dependent development, including single-family residences, when all the conditions below apply:
            (1) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage; and
            (2) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
            (3) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waives.
        iii. Erosion control structures in support of water-dependent development when all the conditions below apply:
            (1) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage; and
            (2) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
            (3) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

d. Erosion control structures to protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to the Model Toxics Control Act (70.105D RCW) shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that demonstrates that nonstructural measures such as planting vegetation, or installing on-site drainage improvements, is not feasible or not sufficient.
e. An existing shore stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion. For purposes of this section standards on shore stabilization measures, "replacement" means the construction of a new structure to perform a shore stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shore stabilization measures shall be considered new structures under paragraph (g) above.
    i. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shore stabilization structure.
    ii. Soft shore stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

17.33.05.15 Dredging and Excavation

The following provisions shall apply to dredging and excavation within a designated hydrologically related critical area:

1) Dredging in surface waters shall be allowed only where necessary because of existing navigation needs, habitat restoration or improvement maintenance or construction of water- dependent uses.
2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.
3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.
4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.
5) Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage.
6) Dredging and excavation shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
7) Dredge spoils are also considered fill and shall not be deposited within the stream except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
8) Additional Shoreline Standards for Dredging and Excavation - The requirements below shall apply to all dredging and excavation activities within Shoreline jurisdiction.

a. All applications for Substantial Development Permits that include dredging shall supply a dredging plan that includes the following information:
   i. The quantity of material to be removed.
   ii. The method of removal.
   iii. Location of spoil disposal sites and measures that will be taken to protect the environment around them.
   iv. Plans for the protection and restoration of the shoreline environment during and after dredging operations.
b. A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a Substantial Development permit.

17.33.05.16 Filling

The following provisions shall apply to filling activities within shorelines:

1) Fill within surface waters or wetlands shall be allowed only where necessary in conjunction with water-dependent uses, or an approved reclamation plan under Section 17.33.06.23 (Reclamation).
2) Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a manner consistent with the policies of this chapter.
3) Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods.
4) Fill in floodplains shall meet the requirements of chapter Flood Hazard Plan Code Citation).
5) Pile or pier supports shall be preferred over fill for water-dependent uses and facilities.
6) Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
7) Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
8) Fill shall be stabilized with native vegetation where appropriate to prevent erosion, migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless technical consultation with other regulating agencies indicates alternative means are required.
9) Projects that propose fill shall make every effort to acquire fill onsite (also known as compensatory storage) where appropriate.
10) Fill should not obstruct, cut off, or isolate stream corridor features.
11) Additional Shoreline Standards for Fill - The requirements below shall apply to all filling activities within Shoreline jurisdiction.

a. Fill projects shall be evaluated for effects on total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat.
b. Applications shall include a reclamation plan that provides for re-vegetation and protection of shoreline areas from erosion and siltation. A re-vegetation or erosion protection plan judged by the Administrative Official to be insufficient for the protection or restoration of the Shoreline environment shall cause denial of a Substantial Development Permit.

17.33.05.17 Commercial Mining of Gravels

The following provisions shall apply to the commercial mining of gravels within shorelines:

1) Prior to the authorization of a commercial gravel mining operation, the project proponent shall provide maps to scale which illustrate the following:
   a. The extent to which gravel excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation; and
   b. The location, extent, and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation; and
   c. The description, location, and extent of any proposed subsequent use that would be different than existing uses.
2) The operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value.
3) Any surface mining allowed within the floodway shall meet the standards FLOOD HAZARD CODE CITATION HERE
4) Except where authorized by the City of Union Gap in consultation with the State Department of Fish and Wildlife and Department of Ecology, the following shall apply:
   a. The excavation zone for the removal of gravels shall be located a minimum of one hundred feet upland from the ordinary high-water mark (OHWM) of the stream channel.
   b. Equipment shall not be operated, stored, refueled, or provided maintenance within one hundred feet of the OHWM.
   c. Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within one hundred feet of the OHWM.
5) Mining proposals shall be consistent with the Washington Department of Natural Resources Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).
6) Additional Shoreline Standards for Industrial Mining of Gravels. The requirements below shall apply to all mining activities within Shoreline jurisdiction.
   a. Applicants shall submit a mining and reclamation plan to the Administrator describing the proposed site, quantity of material to be removed, method of removal, and measures that will be taken to protect lakes and streams from siltation and

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sedimentation. A surface mining plan or a reclamation plan judged by the Administrative Official to be insufficient for protection or restoration of the shoreline environment shall cause denial of a Substantial Development Permit.

b. Mining processing activities and stockpiles shall be sited in such a manner to avoid damage or loss resulting from flooding.
c. Mining processing activities shall utilize existing and/or new vegetation where necessary to minimize visual and noise impacts.
d. New mining and associated activities shall assure that proposed subsequent use of the mined property is consistent with the provisions of the environment designation and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

17.33.05.18 Reclamation

The following guidelines shall apply to the reclamation of disturbed sites resulting from development activities within a designated hydrologically related critical area:

1) Development, construction, or uses shall include the timely restoration of disturbed features to a natural condition or to a stabilized condition that prevents degradation within the stream corridor.
2) Large-scale projects or projects extending over several months shall be phased to allow reclamation of areas where work or operations have been completed.
3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season, and other seasonal variables that influence restoration and recovery.
4) Topography shall be finished to grades, elevations, and contours consistent with natural conditions in adjacent and surrounding areas.
5) Where existing development and construction prevent the return of a site to its natural condition, sites may be finished to conditions comparable to surrounding properties provided suitable protective measures are used to prevent stream corridor degradation.
6) Cut-and-fill slopes shall be stabilized at, or at less than the normal angle of repose for the materials involved.
7) The replacement or enhancement of vegetation within wetlands and required vegetative buffers shall use naturally occurring, native plant species. In other parts of the stream corridor, naturally occurring, native plant species shall be used, unless a showing of good cause acceptable to the Administrative Official is provided, in which case self-maintaining or low-maintenance plant species compatible with native vegetation shall be preferred over non-native and high-maintenance species.

Article V
SHORELINE USE DEVELOPMENT STANDARDS

17.33.05.19 Forest Practices - The following provisions shall apply to Forest Practices, as defined, within Shoreline jurisdiction.

1) All federal forest practices or non-federal forest practices meeting the criteria below shall qualify for the exemption from development standards provided in 16D.03.13(2)(a). All forest practices qualifying for this provision shall demonstrate compliance by providing a copy of the federal approval or state Forest Practices Permit. Other forest practices must conform to all applicable development standards.
   a. harvest/treat at least 5 acres of forestland, or supporting such an operation; and
   b. all harvesting w/in 200' of OHWM of Shoreline of Statewide Significance uses methods meeting RCW 90.58.150 (selective harvest), as amended; and
   c. activities are not associated with a Conversion Option Harvest; and
   d. approved under a forest practices permit; and
   e. not associated with a harvest under a Class IV–General application to convert forest land to non-forestry use.
2) Non-federal forest practices NOT meeting criteria (a), (b), or (c) above are designated as a Conditional Use.
3) Non-federal forest practices NOT meeting criteria (d) above (Class 1 forest practices, activities not requiring DNR review, etc.) shall be reviewed as separate uses or activities.
4) Non-federal forest practices NOT meeting criteria (e) above shall be reviewed as a new proposed use.

Commented [JW8]: This whole section needs to be reviewed in the light of 16D.03.13(2)(a and b being removed

17.33.05.20 Commercial and Community Services – The following provisions apply to any development, construction, or use of land for commercial and commercial service purposes within Shoreline jurisdiction.

1) 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.
2) Water oriented commercial and community services uses shall be designed to facilitate public access to and enjoyment of nearby shoreline areas.
3) Application for new commercial or community services shall demonstrate either:
   a. How the use qualifies as a water-oriented use and how facilities function as such, or;
   b. That a 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 and ecological restoration, or;

c. That a non-water-oriented use is setback from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.

4) Boating facilities, marinas and extended mooring sites shall:
   a. comply with the health, safety, and welfare standards of State and local agencies for such facilities; and
   b. be so located and designed as not to obstruct or cause danger to normal public navigation of water bodies; and
   c. be restricted to suitable locations; and
   d. avoid or mitigate for aesthetic impacts; and
   e. mitigate special impacts of live-aboard vessels; and
   f. mitigate impacts to existing public access and navigation; and
   g. provide documentation of ownership or authorization to use associated water areas; and
   h. demonstrate that state and local regulations will be met. Agencies responsible for such regulations shall be consulted as to the viability of the proposed design; and
   i. submit an operations and site plan demonstrating:
      i) location and design of fuel handling and storage facilities to minimize accidental spillage and protect water quality; and
      ii) proper water depth and flushing action for any area considered for overnight or long-term moorage facilities; and
      iii) adequate facilities to properly handle wastes from holding tanks; and
      iv) that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, and access; and
      v) adequate access, parking, and restroom facilities for the public. Such facilities should be located away from the immediate water's edge.

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

1) Facilities and structures shall be designed and screened with vegetation to minimize degradation of shoreline aesthetic qualities.
2) Industries which have proven to be environmentally hazardous shall be discouraged from locating along the shorelines.
3) Industrial uses and redevelopment of industrial uses shall provide for environmental cleanup and restoration in degraded or contaminated locations.
4) Application for new industrial activities shall demonstrate either:
   a. How the use qualifies as a water-oriented use and how facilities function as such; or
   b. That a 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 and ecological restoration,

or;

c. That a non-water-oriented use is setback from the OHWM or wetland edge by either a public right-of-way or by 100 feet or more of a separate parcel.

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

1) Developers in the Urban, Natural and Urban Conservancy environments shall ensure that utility lines including electricity and communications will be underground, except where the presence of bedrock or other obstructions makes undergrounding impractical. Above ground lines in existence at the time of adoption of the Master Program shall be undergrounded during normal replacement processes.

Commented [JW9]: Check with individual city to make sure they have these environments.

2) Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall allow for pedestrian access to such water bodies for residents of upland lots within the subdivision.

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

4) Subdivisions within the jurisdiction of the Master Program shall maintain an overall project density of one dwelling unit per one-half acre. Subsequent re-subdivision of any portion of the property contained in the original plat to increase density above that specified herein is prohibited.

Commented [JW10]: Check with Jurisdiction.

17.33.05.23 Recreation - The following provisions apply to any development, construction, or use of land for recreational purposes within Shoreline jurisdiction.

1) Recreational activities in the Urban and Rural Environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.

Commented [JW11]: Check to see if city has theses environments.

2) No permanent structures are allowed in the natural environment.

Commented [JW12]: Check to see if city has theses environments.

3) The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.

4) Access to recreational areas should emphasize both areal and linear access. Linkage of shoreline parks and public access points by means of linear access should be encouraged.

5) Different uses within a specific recreational facility must be compatible with each other.

6) Commercial components of the use that are not explicitly related to the recreational operation must also conform to the Commercial use standards of section .05.20 (Commercial and Commercial Services).

17.33.05.24 Agriculture - For Shoreline purposes, WAC 173-26-020 (Definitions) and WAC173-26-241(3)(a) (Agriculture) shall determine the need for shoreline review for agricultural activities. To

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summarize, existing agricultural activities, including maintenance, repair, and replacement of existing facilities, may continue as they historically have and may include changes in crops. New agricultural activities on land not currently in agricultural use are subject to shoreline review. New facilities (roads, buildings, etc.) are subject to shoreline review, or exemption when applicable. The following provisions apply to any development, construction, or use of land for agricultural purposes.

1) Confinement feeding operations shall meet the following standards:
   a. Applicants shall submit a proposed site plan that indicates:
      i. Maximum number and type of livestock to be kept on the site; and
      ii. Existing and proposed contour of the land and topographic features; and
      iii. Groundwater profiles, streams, and drainage ways; and
      iv. Soil types; and
      v. Existing and proposed building locations; and
      vi. Waste disposal facilities including: Site runoff storage ponds, location of manure stockpiles, holding tanks and ponds, ultimate manure disposal sites; and
      vii. Other use areas such as feed storage, animal movement routes and animal pens.
   b. A site plan judged by the Administrative Official to be insufficient for the protection of the shoreline environment shall cause denial of the application.
2) New agricultural activities and facilities shall utilize best management practices established by the USDA Natural Resources Conservation Service or other similar agency.

17.33.05.25 Aquaculture - The following provisions apply to any development, construction, or use of land for aquacultural purposes within Shoreline jurisdiction.

1) All structures located within water bodies shall not preclude navigability of those waters at any time and shall be clearly marked to provide no hazard to navigation on those waters.
2) Aquaculture facilities shall avoid significant conflict with water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities.

17.33.05.26 Piers and Docks - The following provisions apply to any development, construction, or use of land for piers and docks within Shoreline jurisdiction.

1) Pier and dock construction shall be the minimum size necessary to meet the needs of the use.
2) New pier or dock construction, excluding docks accessory to single-family residences must demonstrate that a specific need exists to support the intended water-dependent or public access use.
3) New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.
4) Docks, piers, and any other over-water structures for similar purpose, are prohibited in free-flowing streams and rivers in Yakima County. Bridge and trestle piers, flow measuring gauges, and existing irrigation diversion facilities are excluded from the prohibition in this section.

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Permit Report

CITY OF UNION GAP

10/27/2020 to 01/22/2021

Time: 13:39:30 Date: 01/22/2021

Building Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0201.BP0046	PRESCO TELECOMMUNICATIONS 1401 UDKIN RD 19133213008	VERIZON PROPOSES TO: REMOVE (6) ANTENNAS, REMOVE (1) OVP BOX, REMOVE (6) 7/8" COAX AND REMOVE (1) 1.43" HYBRID CABLE INSTALL (6) ANTENNAS, (6) RADIOS, (1) OVP BOX, (1) 12X24 HYBRIFLEX CABLE, AND INSTALL MOUNT MODIFICATIONS	20,000.00	10/27/2020	555.57	555.57
Contractor	PRESCO TELECOMMUNICATIONS INC					
2020.0213.BP0047	F&M CONSTRUCTION CO, 1615 W AHTANUM RD 19120623404	ADDITION/ BUMP-OUT TO HOUSE NEWLY PURCHASED ROBOTIC WELDER EQUIPMENT	47,577.60 Sq. Ft.: 720	11/17/2020	1,053.66	1,053.66
Contractor	F&M CONSTRUCTION CO,					
2020.0226.BP0048	WIRELESS CONSTRUCTION SER' 2310 RUDKIN RD 19133242031	T-MOBILE PROPOSES TO REPLACE SUPPORT RAIL; REMOVE (12) ANTENNAS, (8) RRUS AND (4) TMAS; AND INSTALL (4) ANTENNAS, (4) RRUS, AND (1) HYBRID CABLE ON EXISITING TOWER. T-MOBILE ALSO PROPOSES TO REMOVE (3) CABINETS, (3) BASEBAND UNITS (2) SUNBRACKS, AND (2) RRUS; RELOCATE (3) BASEBAND MODULES; AND INSTALL (2) CABINETS, (9) BASEBAND MODULES, AND (1) JUNCTION BOX; AND UPGRADE TO 200A SERVICE WITHIN EXISTING COMPOUND.	35,000.00	12/07/2020	837.23	837.23
Contractor	WIRELESS CONSTRUCTION SERVICES CORP,					
2020.0232.BP0049	ELLENSBURG SOLAR LLC, 1320 AHTANUM RD 18120241407	ROOF MOUNTED SOLAR ARRAY- A'S TILE AND GRANITE LLC	16,700.00	12/22/2020	486.47	486.47
Contractor	ELLENSBURG SOLAR LLC,					
2020.0235.BP0050	LEO'S CONCRETE CONSTRUCTIC 19120632405	OFFICE ADDITION TO AN EXISTING WAREHOUSE	527,696.00 Sq. Ft.: 4300	12/23/2020	5,495.36	5,495.36
Contractor	LEO'S CONCRETE CONSTRUCTION LLC,					
2020.0237.BP0051	ELLIOTT & SONS CONSTRUCTION 18133641598	3 SEPERATE BUILDINGS ALL STORAGE	1,145,168.00 Sq. Ft.: 20080	12/29/2020	10,014.97	10,014.97
Contractor	ELLIOTT & SONS CONSTRUCTION INC, ELLIOTT RON					

Building Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2021.0001.BP0001	ARTEAGA CONSTRUCTION LLC, 1811 LAKEATA AVE 19133212502	NEW RESIDENTIAL TRI-PLEX	358,332.59 Sq. Ft.: 3499	01/06/2021	3,990.18	3,990.18
Contractor	ARTEAGA CONSTRUCTION LLC,					
2021.0008.BP0002	R & D CONSTRUCTION & LANDSC 3211 MAIN ST 19120531402	COVERED PATIO FOR OUTDOOR SEATING- JEAN'S COTTAGE INN	22,500.00 Sq. Ft.: 1500	01/15/2021	624.68	624.68
Contractor	R & D CONSTRUCTION & LANDSCAPING LLC,					
Totals:	**8**		**2,172,974.19**		**23,058.12**	**23,058.12**
		Sq. Ft.	**30,099**			

Class Three

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0145.C30001	DIGITAL DESIGN AND DEVELOPM 1811 LAKEATA AVE 19133212502	TRI-PLEX IN R-2 ZONING		01/06/2021	2,851.73	2,851.73
Contractor	TBD,					
Totals:	**1**				**2,851.73**	**2,851.73**

Demolition Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0234.DP0004	ALVAREZ MIGUEL 1017 LOWER AHTANUM RD 18120123029	DEMO 31X32 OLD HOUSE		12/22/2020	33.35	33.35
Contractor	ALVAREZ MIGUEL					
2020.0050.DP0002	ARTEAGA ROBERTO 1811 LAKEATA AVE 19133212502	DEMO PERMIT FOR HOME ON PROPERTY		01/06/2021	33.35	33.35
Contractor	ARTEAGA ROBERTO					

Demolition Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
Totals:	**2**				**66.70**	**66.70**

Fire Alarm Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0202.FA0008	GUARDIAN SECURITY SYSTEMS I 2900 SUTHERLAND DR 19120624408	UPGRADING FIRE CELL COMMUNICATOR- LIBERTY WORKS LLC		10/27/2020	295.68	295.68
Contractor	GUARDIAN SECURITY SYSTEMS INC,					
2020.0224.FA0009	GUARDIAN SECURITY SYSTEMS I 2028 RUDKIN RD 19133213002	UPGRADING CELL COMMUNICATOR ON FIRE ALARM SYSTEM- DOBBS PETERBILT		12/02/2020	295.68	295.68
Contractor	GUARDIAN SECURITY SYSTEMS INC,					
Totals:	**2**				**591.36**	**591.36**

Foundation Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0227.FD0005	MLM ENTERTAINMENT LLC, 18120112451	3 GREENHOUSES 90X132 EACH FOOTING/FOUNDATION ONLY ~PERMIT ACCIDENTLY ISSUED AS A GRADING PERMIT 2020.0207.GD0002		12/08/2020		
Contractor	MLM ENTERTAINMENT LLC,					
Totals:	**1**					

Fence Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0219.FP0012	SANDALL LINDA 4002 3RD ST 19120822497	NEW 4FT FENCE FOR FRONT YARD (INCLUDES PART 4 FT VINYL FENCE AND 6 FT VINYL FENCE BESIDE NEIGHBORS FENCE		11/24/2020	26.85	26.85
Contractor	ABSOLUTE FENCING LLC,					

Fence Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0220.FP0013	BUNDY ROBERT 2103 S 4TH AVE 18133644438	CHAINLINK FENCING AT ROAD FROM NORTH TO SOUTHEND OF THE PROPERTY WITH A NEW DRIVEWAY ROLLING GATE		11/25/2020	26.85	26.85
Contractor	BUNDY ROBERT					
Totals:	**2**				**53.70**	**53.70**

Fire Plan Review

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0214.FR0006	F&M CONSTRUCTION CO, 1615 W AHTANUM RD 19120623404	ADDITION/ BUMP-OUT TO HOUSE NEWLY PURCHASED ROBOTIC WELDER EQUIPMENT		11/17/2020	158.32	158.32
Contractor	F&M CONSTRUCTION CO,					
2020.0236.FR0007	LEO'S CONCRETE CONSTRUCTIC 19120632405	OFFICE ADDITION TO AN EXISTING WAREHOUSE		12/23/2020	192.48	192.48
Contractor	LEO'S CONCRETE CONSTRUCTION LLC,					
2020.0238.FR0008	ELLIOTT & SONS CONSTRUCTIOI 18133641598	STORAGE BLDGS		12/29/2020	1,429.67	1,429.67
Contractor	ELLIOTT & SONS CONSTRUCTION INC, ELLIOTT RON					
Totals:	**3**				**1,780.47**	**1,780.47**

Fire Sprinkler Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0212.FS0006	INLAND FIRE PROCTECTION 19120632405	UNDERGROUND SECTION & REMOTE FDC SECTION FOR CLEAR CREEK CAMPUS- NO FIRE SPRINKLER HEADS AT THIS TIME		11/17/2020	293.70	293.70
Contractor	INLAND FIRE PROCTECTION					

Fire Sprinkler Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
Totals:	**1**				**293.70**	**293.70**

Grading Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0206.GD0001	TTC CONSTRUCTION INC, 1236 AHTANUM RIDGE BUSINESS PARK 19120631407	GRADING PERMIT ONLY	2,500.00	11/02/2020	164.00	164.00
Contractor	TTC CONSTRUCTION INC,					
2020.0207.GD0002	MLM ENTERTAINMENT LLC, 18120112451	3 GREENHOUSES 90X132 EACH FOOTING/FOUNDATION ONLY ~PERMIT ACCIDENTLY ISSUED AS A GRADING PERMIT BY PERMIT TECH	80,000.00	11/02/2020	1,432.47	1,432.47
Contractor	MLM ENTERTAINMENT LLC,	PERMIT NUMBER 2020.0227.FD0005~JV				
Totals:	**2**		**82,500.00**		**1,596.47**	**1,596.47**

Manufactured Home

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0216.MH0011	PLSVCS LLC, SHOVAL BEN 103 LADWIG LN 19120823466	KARON'S, 1965, 60X10, SERIAL # 5171		11/23/2020	187.93	187.93
Contractor	PLSVCS LLC, SHOVAL BEN					
2020.0217.MH0012	PLSVCS LLC, SHOVAL BEN 103 LADWIG LN 19120823466	KARON'S, 1965, 60X10, SERIAL # 5172		11/23/2020	187.93	187.93
Contractor	PLSVCS LLC, SHOVAL BEN					
2020.0218.MH0013	PLSVCS LLC, SHOVAL BEN 103 LADWIG LN 19120823466	KARON'S, 1965, 60X10, SERIAL # 5173		11/23/2020	187.93	187.93
Contractor	PLSVCS LLC, SHOVAL BEN					

Manufactured Home

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0230.MH0014	JORGE'S CONSTRUCTION LLC, 104 HORT ST 19120821016	2021 4R 27'X68' FLEETWOOD MAKE WAVERLY CREST 28 683W MODEL		12/16/2020	295.32	295.32
Contractor	JORGE'S CONSTRUCTION LLC,					
2021.0005.MH0002	LOPEZ JAMIE 2802 SOUTH 5TH AVE 18120134401	2020 FLEETWOOD MOD # 28563W/ SER # FLE210 OR 2021172 A/B 27X56/ 1568 SQ FT ON LOT # 25		01/11/2021	295.32	295.32
Contractor	LOPEZ JAMIE					
2021.0004.MH0001	LOPEZ JAMIE 2802 SOUTH 5TH AVE 18120134401	2020 FLEETWOOD MOD # 28523P SER # FLE210 OR 2021178 A/B 27X52, LOT # 45		01/11/2021	295.32	295.32
Contractor	LOPEZ JAMIE					
Totals:	**6**				**1,449.75**	**1,449.75**

Mechanical Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0200.MP0028	RIDDCO INC, 1236 HTANUM RD 18120241404	500 GAL PROPANE TANK- TITAN ELECTRIC		10/27/2020	126.25	126.25
Contractor	RIDDCO INC,					
2020.0209.MP0029	ABSOLUTE COMFORT TECHNOLC 2551 MAIN ST 19133234022	FOR JUST SPORTS IN THE VALLEY MALL		11/12/2020	42.42	42.42
Contractor	ABSOLUTE COMFORT TECHNOLOGY, LLC,					
2020.0221.MP0030	J & K WOOD AND PELLET STOVE 2905 S 3RD ST 19120523482	WOOD/PELLET STOVE		11/25/2020	42.42	42.42
Contractor	J & K WOOD AND PELLET STOVE INSTALLATION,					

Mechanical Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0222.MP0031	BRUCE MECHANICAL INC., 1 MARTIN LANE 18113521003	FOR HARRAH SCHOOL		11/30/2020	879.33	879.33
Contractor	BRUCE MECHANICAL INC.,					
2020.0229.MP0032	BRIAN DOW HEAT & AIR LLC, 4105 S 2ND ST 19120823424	GAS FIREPLACE		12/16/2020	42.42	42.42
Contractor	BRIAN DOW HEAT & AIR LLC,					
2021.0006.MP0001	ALLARD ENTERPRISES, 2802 SOUTH 5TH AVE 18120134401	120 GAL PROPANE TANK ON LOT # 54		01/11/2021	126.25	126.25
Contractor	ALLARD ENTERPRISES,					
2021.0009.MP0002	ALL SEASONS HEATING & AIR CO 2415 S 14TH ST 19133231401	PUT A PRESSURE TEST ON EXISTING GAS LINE TO GET A METER SET-PLATOS CLOSET		01/21/2021	36.25	36.25
Contractor	ALL SEASONS HEATING & AIR CONDITIONING,					
Totals:	**7**				**1,295.34**	**1,295.34**

Plumbing Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0208.PP0021	Burke Plumbing, 2203 LANDON AVE 19133133028	Sewer Line Repair		11/05/2020	44.75	44.75
Contractor	Burke Plumbing,					
2020.0223.PP0022	1ST CHOICE PLUMBING & REPAIF 4006 S 3RD ST 19120822495	REPLACE WATER LINE FROM METER TO HOUSE GROUND PIPING WILL RUN LINE TO HOUSE		12/02/2020	42.75	42.75
Contractor	1ST CHOICE PLUMBING & REPAIR,					

Plumbing Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0225.PP0023	ABSOLUTE DRAIN & SEPTIC INC, 2904 S 5TH ST 19120614462	REPLACE WATER SERVICE FROM METER TO HOUSE		12/03/2020	42.75	42.75
Contractor	ABSOLUTE DRAIN & SEPTIC INC,					
2020.0233.PP0024	BARRAGAN LIZANDRO 19133133468			12/22/2020	244.15	244.15
Contractor	BARRAGAN LIZANDRO					
Totals:	**4**				**374.40**	**374.40**

Roofing Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0203.RO0020	CONTINUOUS GUTTER & ROOF L 2806 5TH ST 19120614422	ROOFING- REMOVE & REPLACE		10/29/2020	36.03	36.03
Contractor	CONTINUOUS GUTTER & ROOF LLC,					
2020.0204.RO0021	NIFTY REMODELING LLC, 3505 S 2ND ST 19120533409	COMPOUND ROOF REPLACEMENT		10/29/2020	36.03	36.03
Contractor	NIFTY REMODELING LLC,					
2020.0210.RO0022	ALL PRO ROOFING TECHNOLOGI 9 W COURT ST 19120533452	RESIDENTIAL REROOF		11/12/2020	36.03	36.03
Contractor	ALL PRO ROOFING TECHNOLOGIES LLC,					
2020.0215.RO0023	CONTINUOUS GUTTER & ROOF L 3808 MAIN ST 19120822439	REMOVE AND REPLACE ROOF, SAME FOR SAME		11/23/2020	36.03	36.03
Contractor	CONTINUOUS GUTTER & ROOF LLC,					

Roofing Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2021.0007.RO0001	GEISS MICHAEL 2612 S 1ST AVE 18120142006	RESIDENTIAL REROOF		01/14/2021	36.03	36.03
Contractor	GEISS MICHAEL					
Totals: 5					**180.15**	**180.15**

SEPA Review Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0211.SE0007	LAND DEVELOPMENT CONSULTA 2 E VALLEY MALL BLVD 19120522039	PARCEL # 191205-22039, 191205-22038, 191205-22008, 5200 SQ FT CONVENIENCE STORE & FUEL CANOPY, CIRCLE K		11/12/2020	618.48	618.48
Contractor	LAND DEVELOPMENT CONSULTANTS, PIERCE JUSTIN					
Totals: 1					**618.48**	**618.48**

Sign Permit

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0205.SI0010	DO-SI-DO ESPRESSO, BINGEL BF 2004 S 14TH ST 19133223029	4'H7'W SIGN 1/2 IN THICKNESS HELD UP BY (2) 4'X4' POSTS REACHING 10' IN HEIGHTH. ATTACHED TO POSTS BY LAG BOLTS. CEMENT FOOTING		10/29/2020	78.70	78.70
Contractor	DO-SI-DO ESPRESSO, BINGEL BRITTANY					
2020.0231.SI0011	SIGNCRAFT LLC, 2551 MAIN ST 19133234022	REMOVAL OF EXISTING BUILDING SIGNS AND REPLACING WITH NEW CUSTOMER APPROVED SIGNS AND COLOR SCHEME- RITE AID		12/21/2020	239.80	239.80
Contractor	SIGNCRAFT LLC,					
Totals: 2					**318.50**	**318.50**

Short Plat Exemption

Permit Type:

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid

Permit Type: Short Plat Exemption

Permit Number	Name	Description	Valuation	Date Issued	FeeTotal	Total Paid
2020.0228.SX0002	G.S. LONG CO. INC., 602 W VALLEY MALL BLVD 19120611006	BOUNDARY LINE ADJUSTMENT, 191206-11006, 191206-11026, 191206-11012		12/10/2020	134.24	134.24
Contractor	G.S. LONG CO. INC.,					
Totals:	**1**				**134.24**	**134.24**

Report Summary

Permit Type:	Total Qty.	Total Valuation	Total Fees	Jan. Qty.	Jan. Valuation	Jan. Fees
Building Permit	8	2,172,974.19	23,058.12	2	380,832.59	4,614.86
Class Three	1		2,851.73	1		2,851.73
Demolition Permit	2		66.70	1		33.35
Fence Permit	2		53.70			
Fire Alarm Permit	2		591.36			
Fire Plan Review	3		1,780.47			
Fire Sprinkler Permit	1		293.70			
Foundation Permit	1					
Grading Permit	2	82,500.00	1,596.47			
Manufactured Home	6		1,449.75	2		590.64
Mechanical Permit	7		1,295.34	2		162.50
Plumbing Permit	4		374.40			
Roofing Permit	5		180.15	1		36.03
SEPA Review Permit	1		618.48			
Short Plat Exemption	1		134.24			
Sign Permit	2		318.50			
	48	2,255,474.19	34,663.11	9	380,832.59	8,289.11