



# Public Services

128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
(509) 574-2300 · 1-800-572-7354 · FAX (509) 574-2301 · [www.co.yakima.wa.us](http://www.co.yakima.wa.us)  
VERN M. REDIFER, P.E., Director

July 10, 2018

Yakima County Public Services  
ATTN: Troy Havens (Water Resources Division)  
128 N. 2<sup>nd</sup> Street  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

**RE: SEP2018-00028/WET2018-00010; Shoreline Exemption for Naches Segment 2 Levee Setback**

Dear Mr. Havens,

We have received your submitted Shoreline Exemption request and have determined that your proposal, as described in that submittal, is exempt from the Substantial Development Permit requirements of the Yakima County Regional Shoreline Master Program. Your exemption is enclosed.

Additional permits and authorization from other public agencies may be required for this project. You are responsible for applying for and obtaining any additional permits (local, state, and/or federal) that may be required. If you have any questions, please contact Nate Paris, Environmental Project Planner, at (509) 574-2300.

Sincerely,

  
Thomas Carroll  
Planning Section Manager Long Range/Environmental

Encl.: Exemption from Shoreline Permit  
Attachment A: Shoreline Exemption Application

Copy: Eric Bartrand, Washington Department of Fish and Wildlife, Yakima  
Lori White, Washington Department of Ecology, Yakima  
Harold Maclean, Yakima County Assistant Building Official

G:\Development Services\Projects\2018\WET\WET18-010 Havens RLDP Levee Setback

*Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, nation origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.*

*If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.*

**EXEMPTION FROM  
YAKIMA COUNTY REGIONAL SHORELINE MASTER PROGRAM  
PERMIT REQUIREMENTS**

FILE No.: WET2018-00010

APPLICANT: Yakima County Public Services – Water Resources Division (Troy Havens)

PROPOSAL: Relocation of an approximately 500' section of the damaged Naches Segment 2 Levee 100' northeast to improve fish and wildlife habitat and reduce flood risk along the Naches River.

LOCATION: The project is located on the south side of Long Lane, approximately 340' west from the intersection of Long Lane and McCormick Road; approximately 2 miles northwest from the City of Yakima along the Naches River. Parcel Identification Number: 181306-11012.

**EXEMPTION CITATION:**

**WAC 173-27-040(p)**

A public or private project that is designed to improve fish or wildlife habitat for fish passage when all of the following apply:

- i. The project has been approved in writing by the department of fish and wildlife;
- ii. The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and
- iii. The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such a determination in a timely manner to provide it by letter to the project proponent.

**YCC 16D.03.07(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 nonconforming uses or facilities may also be subject to section 16D.03.26 (Nonconforming Uses and Facilities).

**FINDINGS:** This proposal is exempt from the substantial development permit requirements of the Yakima County Regional Shoreline Master Program because the setting back/replacement of the levee is authorized as "normal repair" due to the fact that the levee is being recycled and will be comparable in size, shape, configuration, location and external appearance and will improve fish and wildlife habitat in and along the Naches River.

**CONDITIONS:**

1. Site development shall substantially conform to the submittal material in File No. SEP2018-00028/WET2018-00010, and as conditioned in this exemption.
2. The applicant shall submit for and obtain final approvals on all necessary Building & Fire Safety Division permits relevant to the construction of the proposed structure(s) prior to occupancy. Contact the Yakima County Public Services Department: Building & Fire Safety Division at (509) 574-2300.
3. All work shall be completed within THREE YEARS of the date of this exemption.
4. The owners, their grantees and assignees in interest hereby agree to the terms of the Compliance, Extension, Expiration, and Reinstatement requirements as outlined YCC 16B.07.050.

This exemption should be retained as evidence of compliance with the Yakima County Regional Shoreline Master Program but shall not be construed to exempt the project from permits that may be necessary from other agencies.

7/10/2018

Date

  
Thomas Carroll

Planning Section Manager Long Range/Environmental



# SHORELINE & CRITICAL AREAS

## Submittal Checklist

Yakima County Public Services

128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
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Form # PLN ENR 001-SC1-A  
 Revised 4/1/10  
**COPY**

(For staff use only)

APPLICANT: <u>Troy Havens</u>	PROJECT #: <u>N/A</u>
PHONE: <u>574-2315</u>	CASE #: <u>WET18-10</u>
PROJECT DESCRIPTION (from application form):	INTAKE: <u>JCL</u>
<u>NACHES SEGMENT 2 (NEAR SEEBACH)</u>	DATE: <u>5-31-18</u>

**NOTE:** Your application will not be placed on the review work list until all applicable items have been submitted.

**NOTE:** It is recommended that construction plans not be submitted until after Planning permits are obtained since your permit may be denied or changes may be require to the construction plans, resulting in wasted or additional consultant and permit fee costs.

### SEE INSTRUCTIONS ON PAGE 2

Required Items (supplied by applicant)	INTAKE STAFF COMMENTS (reviewed by Staff)	Intake Verification
1. <b>Pre-Application Meeting and Site Visit to review application materials with Planner</b>		<input type="checkbox"/>
2. <b>Complete Shoreline/Critical Areas Application Form</b> <ul style="list-style-type: none"> <li>Did the property owner of record sign? <u>YES</u> NO</li> <li>Is there a contact phone number listed? <u>YES</u> NO</li> </ul>	List other related applications (zoning, subdivision, etc.):	<input checked="" type="checkbox"/>
3. <b>Complete Shoreline/Critical Areas Questionnaires</b> <ul style="list-style-type: none"> <li>Is questionnaire for floodplains, wetlands, streams, and ponds needed? YES NO</li> <li>Is Geologic Hazards questionnaire needed? YES NO</li> <li>Are all questions answered? YES NO</li> <li>Did the property owner of record sign? YES NO</li> </ul>		<input checked="" type="checkbox"/>
4. <b>Determine if Special Review Criteria Responses are needed</b> <ul style="list-style-type: none"> <li>Is response for SMP Variance needed? YES NO</li> <li>Is response for SMP Conditional Use needed? YES NO</li> <li>Is response for CAO Adjustment needed? YES NO</li> </ul>		<input checked="" type="checkbox"/>
5. <b>Complete written description of the project.</b> ✓		<input checked="" type="checkbox"/>
6. <b>Proposed Mitigation for Shoreline/Critical Areas Impacts</b>		<input checked="" type="checkbox"/>
7. <b>Site Plan/Cross-Sections</b> <ul style="list-style-type: none"> <li>Are all Site Plan Requirements met? <u>YES</u> NO</li> <li>Are all structures shown? (see air photos) <u>YES</u> NO</li> <li>Are all Critical Areas present shown? <u>YES</u> NO</li> <li>Have reproducible copies been provided? <u>YES</u> NO</li> </ul>		<input checked="" type="checkbox"/>
8. <b>Staff consultation to determine if project is exempt from SEPA</b>	Exempt from SEPA? YES <u>NO</u> SEPA file #: <u>SEP18-028</u>	<input checked="" type="checkbox"/>
9. <b>Appropriate fees paid</b>		<input checked="" type="checkbox"/>

By signing this form you are certifying that the above information is attached and accurate.

Landowner/Representative Signature: [Signature] Date: 5/3/18

**NOTE:** Representatives must be listed on the Application Form, with their signature.



# SHORELINE EXEMPTION FORM

Form # PLN ENR 004-FL-A  
Revised 10/7/11  
**COPY**

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*(FOR STAFF USE ONLY)*

PROJECT #: N/A

CASE #: WE18-10

DATE: 5-31-18

REVIEWED BY: JCC

**RELATED FILES/COD:** SEP18

**PROPERTY INFORMATION**

Parcel Number(s):

A 181306-11012 Zone: RLDP

B \_\_\_\_\_ Zone: \_\_\_\_\_

C \_\_\_\_\_ Zone: \_\_\_\_\_

D \_\_\_\_\_ Zone: \_\_\_\_\_

E \_\_\_\_\_ Zone: \_\_\_\_\_

*Is there shared ownership of these parcels, or are multiple property owners parties to this development project?* YES  NO

Property Address: 80 Long Lane

Shoreline Environment: Rural, Floodway/CMZ

Have you completed your required pre-application meeting with natural resources staff?

YES  NO

**PROJECT DESCRIPTION:**

The Naches Segment 2 Levee Setback Project (the Project) is located in the floodway and floodplain of the Naches River, within the City of Naches and Yakima County on the parcel listed above. The purpose of the Project is to setback a segment of levee that received damage, while activating floodplain area (and floodplain forming processes) to improve fish and wildlife habitat and to reduce flood risk to the community by lowering flood heights and reducing flood velocities and damages. The Project involves removal and setback reconstruction of approximately 500 lineal feet of an existing earthen levee.

**APPLICABLE EXEMPTION (refer to Shoreline (WAC 173-27-040) Exemption Brochure):**

WAC 173-27-040(p) A public or private project that is designed to improve fish or wildlife habitat of fish passage. The U.S. Army Corps of Engineers is the lead entity for all state and federal permits and consultations.

WA



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FORM 1-11-12 NR 004-F1-A  
Revised: 10/7/11  
**COPY**

## APPLICANT INFORMATION

The property owner(s), by signing this form, (a) formally submits this application for review, (b) hereby states as true that they are the owner(s) of the property that is the subject of this application, (c) has reviewed the proposal as presented in the application, and (d) wishes to pursue the change(s) in land use.

Property Owner: David Stiles Day Phone: ( ) \_\_\_\_\_

Company (if any): \_\_\_\_\_ Owner of Above Parcel(s) A

Address: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

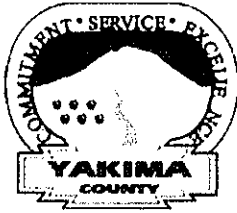
Property Owner: REPRESENTATIVE - TROY HAVENS Day Phone: (509) 574 2315

Company (if any): Yakima County Justice Ser. Owner of Above Parcel(s) A

Address: 128 N. 2nd St. - Yakima State: WA ZIP: 98901

Signature: [Signature] Date: 5/3/18

If there are **additional property owners**, provide an attachment in the same format and with the same declaration. An additional owner sheet is available upon request.  
**If the proposal does not qualify for an exemption, an Environmental and Natural Resources Planner will contact you regarding which permits are required.**



# SHORELINE EXEMPTION FORM

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Form # PLNENR 004-F1-A  
Revised 10/7/11

# COPY

## APPLICANT INFORMATION

The property owner(s), by signing this form, (a) formally submits this application for review, (b) hereby states as true that they are the owner(s) of the property that is the subject of this application, (c) has reviewed the proposal as presented in the application, and (d) wishes to pursue the change(s) in land use.

**Property Owner:** Margaret Hiebert Day Phone: 509 91665918

Company (if any): \_\_\_\_\_ Owner of Above Parcel(s) A

Address: \_\_\_\_\_ State: wa ZIP: 98908

Signature: Margaret Hiebert (Peggy) Date: 5-6-18

**Property Owner:** Steven Stiles Day Phone: ( )

Company (if any): \_\_\_\_\_ Owner of Above Parcel(s) A

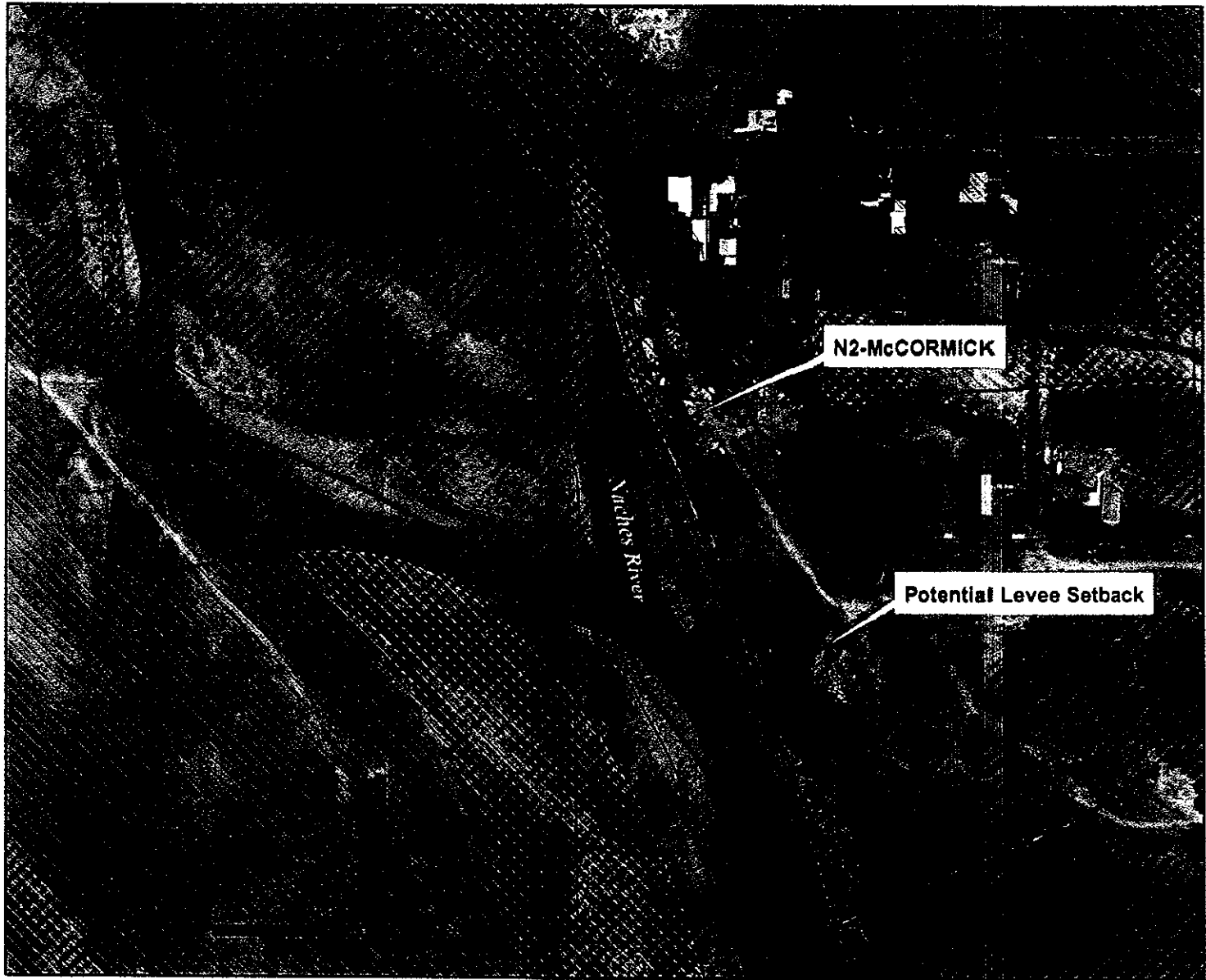
Address: 1200 Keller Rd, Pasco WA State: WA ZIP: 98947

Signature: *[Signature]* Date: 5-13-18

If there are **additional property owners**, provide an attachment in the same format and with the same declaration. An additional owner sheet is available upon request.  
If the proposal does not qualify for an exemption, an Environmental and Natural Resources Planner will contact you regarding which permits are required.

**Naches Levee N2  
Levee Setback  
Critical Areas**

- ■ ■ Levee Setback
- Naches Levee
- 100 Year Flood Extent
- Zone AE
- Floodway
- Parcels
- Potential Wetlands
- Stream Type-2006 CAO
- 1



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