



Public Services

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VERN M. REDIFER, P.E. - Director

February 11, 2010

Mr. Ted Sturdevant, Director
Washington State Department of Ecology
P. O. Box 47600
Olympia, WA 98504-76000

RECEIVED
FEB 12 2010

DEPARTMENT OF ECOLOGY - EASTERN REGIONAL OFFICE

Dear Mr. Sturdevant:

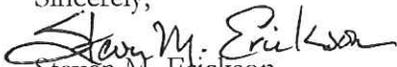
Thank you for your letter of December 18, 2009 granting conditional approval of the Yakima County Regional Shoreline Master Program. By resolution of the Board of County Commissioners on February 9, 2010, (Resolution 54-2010), Yakima County accepts and agrees to both the required changes and the recommended changes (Attachments B & C to your letter), with the exception of the following alternative proposals in the attached document – Exhibit 1.

Yakima County's requested edits are merely intended to clarify shoreline jurisdiction where it overlaps with upland wildlife habitat, and to correct references to a table and the appropriate version of Yakima County Code Title 16D (SMP), rather than YCC Title 16C, the Critical Areas Ordinance. We believe that the proposed changes are consistent with the purpose and intent of the changes originally proposed by Ecology.

Attached are two copies of Resolution 54-2010 and the proposed changes (Exhibit 1). We will await a written response from you to Exhibit B before taking further action on providing notice of adoption and sending two copies and a digital version of the approved Regional SMP.

Thanks to your staff and management team in Yakima, Spokane and Olympia who worked with our citizens, the Planning Commission and my staff to help bring the Regional Shoreline Master Program revision to a successful conclusion.

Sincerely,


Steven M. Erickson

Shoreline Administrative Official

c: Board of Yakima County Commissioners
Jeff Lewis, Central Regional Section Manager, SEA Program -Yakima
Doug Pineo, Eastern Regional Office – Spokane
Peter Skowlund, Ecology SEA Program – Olympia
Tom Tebb, Central Regional Director - Yakima
Gordon White, Ecology SEA Program Director – Olympia
Vern Redifer, P.E., Director of Public Services

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, national 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.

BOARD OF YAKIMA COUNTY COMMISSIONERS

IN THE MATTER OF ADOPTING VARIOUS)
CHANGES TO THE YAKIMA COUNTY)
COMPREHENSIVE PLAN AND YAKIMA)
COUNTY REGIONAL SHORELINE MASTER)
PROGRAM (SMP) AS MANDATED BY THE)
DIRECTOR OF THE WASHINGTON STATE)
DEPARTMENT OF ECOLOGY)

Resolution No. 54-2010

WHEREAS, the unincorporated areas of Yakima County have various streams, rivers and ponds that are subject to jurisdiction of the State of Washington Shoreline Management Act (SMA) of 1971; and,

WHEREAS, pursuant to RCW 90.58 and WAC 173-26, each County and city or town within the State of Washington having lands subject to the SMA must develop and adopt goals, policies and regulations designed to protect its lands subject to the SMA to be known as a Shoreline Master Program (SMP); and,

WHEREAS, the Board of Yakima County Commissioners finds that this update is best accomplished through the adoption of a regionally consistent SMP developed by Yakima County; and,

WHEREAS, on December 13, 2007 Yakima County adopted Ordinance 14, 2007 to enact the Regional SMP update codified as YCC Title 16D; and,

WHEREAS, pursuant to RCW 90.58 the SMP update is subject to the review and approval of the Director of the Washington State Department of Ecology; and,

WHEREAS, Yakima County, along with the cities and towns with Shoreline jurisdiction that adopted the Regional SMP (Mabton, Grandview, Wapato, Union Gap, Selah, Naches, Zillah and Toppenish) submitted the SMP to the Washington State Department of Ecology in August 2008; and,

WHEREAS, pursuant to its review responsibilities, the Washington State Department of Ecology held a properly advertised public hearing on September 3, 2008 at the Yakima Convention Center for the purpose of taking public testimony on the Regional SMP; and,

WHEREAS, RCW90.58 and WAC 173-26 vests the Director of the Washington State Department of Ecology with the authority to approve with conditions the Regional SMP , as part of the Statewide SMP; and,

WHEREAS, the Washington State Department of Ecology has prepared draft Findings and Conclusions approving the SMP update as outlined in "Attachment A"; and,

WHEREAS, the Washington State Department of Ecology has reviewed and approved the SMP update subject to the incorporation of several revisions as outlined in "Attachment B"; and,

WHEREAS, the Washington State Department of Ecology has reviewed and recommended certain changes to the SMP as outlined in "Attachment C" to clarify the relationship of the SMP to the Critical Areas Ordinance, YCC Title 16C; and,

WHEREAS, the Director of the Washington State Department of Ecology mailed his findings and decision along with Attachments A, B and C on December 18, 2009 to Yakima County and the cities and towns that adopted the Regional SMP; and,

WHEREAS, on December 22, 2009, pursuant to Resolution 601-2009, the Board of Yakima County Commissioners provided notice of a public hearing to consider the Washington State Department of Ecology Director's decision at 10:30 am on January 19, 2010 for the purpose of taking public testimony concerning the Department of Ecology Director's required and recommended amendments to *Plan 2015* and the SMP in satisfaction of the SMA (RCW 90.58 and WAC 173-26); and,

WHEREAS, the Board of Yakima County Commissioners conducted its public hearing on January 19, 2010 and subsequently considered the matter at a scheduled study sessions on January 25, 2010; and,

WHEREAS, the Board of Yakima County Commissioners has carefully reviewed the changes to the Comprehensive Plan and YCC Title 16D to ensure that the proposed changes are acceptable; and,

WHEREAS, based on its review, the Board of Yakima County Commissioners finds and concludes that the adoption and incorporation of the amendments to the Regional SMP update required and recommended by the Washington State Department of Ecology will be in the in the public interest, provided certain edits are made to clarify the scope and extent of shoreline jurisdiction, and to correct references to tables and sections of the SMP; and,

WHEREAS, the Board of Yakima County Commissioners has determined that the changes proposed in attachments B and C are acceptable with the approval by the Department of Ecology of the Attached Exhibit 1 specified in Section 5 below; now, therefore,

BE IT HEREBY RESOLVED by the Board of Yakima County Commissioners as follows:

Section 1. Adoption by Reference of Findings of Fact. The document attached hereto as "Attachment A" and entitled Findings and Conclusions of Proposed Amendments to the Yakima County Regional Shoreline Master Program is hereby adopted by reference.

Section 2. Adoption of Required Changes. The documents attached hereto as "Attachment B" entitled "Required Changes to the submitted Yakima County Regional Shoreline Master Program, for achieving consistency with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions)" is hereby adopted as an amendment to official controls previously adopted by Yakima County under Ordinance 14-2007, except as except as provided in Section 5 below.

Section 3. Incorporation of Federal Emergency Management Agency (FEMA) maps. The Federal Emergency Management Agency has and will continue to refine and update its Floodplain and Floodway maps using best available data and special studies. Section 16D.10.03 is interpreted to mean that where a Shoreline stream floodplain and floodway location is updated by FEMA, or by a geomorphic study approved by Yakima County, the Shoreline Environment of Floodway/CMZ as provided in 16D.10.04 will be applied to the map at its revised location. Land within Shoreline jurisdiction, but outside the Floodway/CMZ will carry the Shoreline Environment designation prior to the map change.

Section 4. Adoption of Recommended Changes. The document attached hereto as "Attachment C" entitled "Recommended Changes to the submitted Yakima County Regional Shoreline Master Program are suggested for clarifying consistency with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions, specifically WAC 173-26-221) and the County's Critical Areas Ordinance (CAO), Yakima County Code, Title 16C" is hereby adopted as an amendment to official controls previously adopted by Yakima County under Ordinance 14-2007, except as provided in Section 5 below.

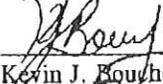
Section 5. Proposed Alternative Language RCW 90.58.090(2)(e)(ii) provides that Yakima County may choose to submit alternative language to changes required by the Washington State Department of Ecology, provided that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and RCW 90.58. The Board of Yakima County Commissioners has proposed alternative language contained in Exhibit 1 attached to this Resolution to clarify the scope and extent of shoreline jurisdiction, and to correct references to tables and sections of the Regional SMP. The Board finds and concludes that the alternative language meets the required test of consistency with the Shoreline Management Act, and hereby requests the Director of the Washington State Department of Ecology approve the alternative language modifying Attachments B and C.

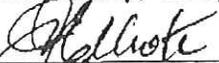
Section 6. Notice. Notice of the adoption of this Resolution shall be given as provided in RCW 90.58 and WAC 173.26.

Section 7. Effective Date. The revised Yakima County Regional Shoreline Master Program shall be effective at 12:01 a.m. on the date it is approved by the Washington Department of Ecology per RCW 90.58.090.

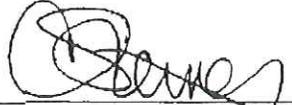
Done this 9th day of February, 2010


Michael D. Leita, Chairman


Kevin J. Bouchey, County Commissioner


J. Rand Elliott, County Commissioner
Constituting the Board of County Commissioners
for Yakima County, Washington

ATTEST:


Christina Steiner, Clerk of the Board