

CMZ REGULATORY REQUIREMENTS AND OPTIONS

Clynda A. Case

ECY Shoreline Planner (CRO)

Shoreline Management Act and Implementing Guidelines (WAC)

- ▣ Shoreline Jurisdiction RCW 90.58.030 (2) (d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter

Shoreline Management Act and Implementing Guidelines (WAC)

- ▣ WAC 173-26-020 (7) "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.

Shoreline Management Act and Implementing Guidelines (WAC)

- ▣ WAC 173-26-020 (8) "Critical areas" as defined under chapter [36.70A](#) RCW includes the following areas and ecosystems:
 - (a) Wetlands;
 - (b) Areas with a critical recharging effect on aquifers used for potable waters;
 - (c) Fish and wildlife habitat conservation areas;
 - (d) Frequently flooded areas; and
 - (e) Geologically hazardous areas.

Shoreline Management Act and Implementing Guidelines (WAC)

- WAC 173-26-221(2)(a)(ii) Provide a level of protection to critical areas within the shoreline area that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

The provisions of this section and subsection (3) of this section, flood hazard reduction, shall be applied to critical areas within the shorelines of the state. RCW [36.70A.030](#) defines critical areas as:

"Critical areas" include the following areas and ecosystems:

(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."

The provisions of WAC [365-190-080](#) through [365-190-130](#), to the extent standards for certain types of critical areas are not provided by this section and subsection (3) of this section flood hazard reduction, and to the extent consistent with these guidelines are also applicable to and provide further definition of critical area categories and management policies.

Shoreline Management Act and Implementing Guidelines (WAC)

- ▣ WAC 173-26-221(2)(a)(ii) As provided in RCW [90.58.030](#) (2)(f)(ii) and [36.70A.480](#), as amended by chapter 321, Laws of 2003 (ESHB 1933), any city or county **may also include in its master program land necessary for buffers for critical areas, as defined in chapter [36.70A](#) RCW**, that occur within shorelines of the state

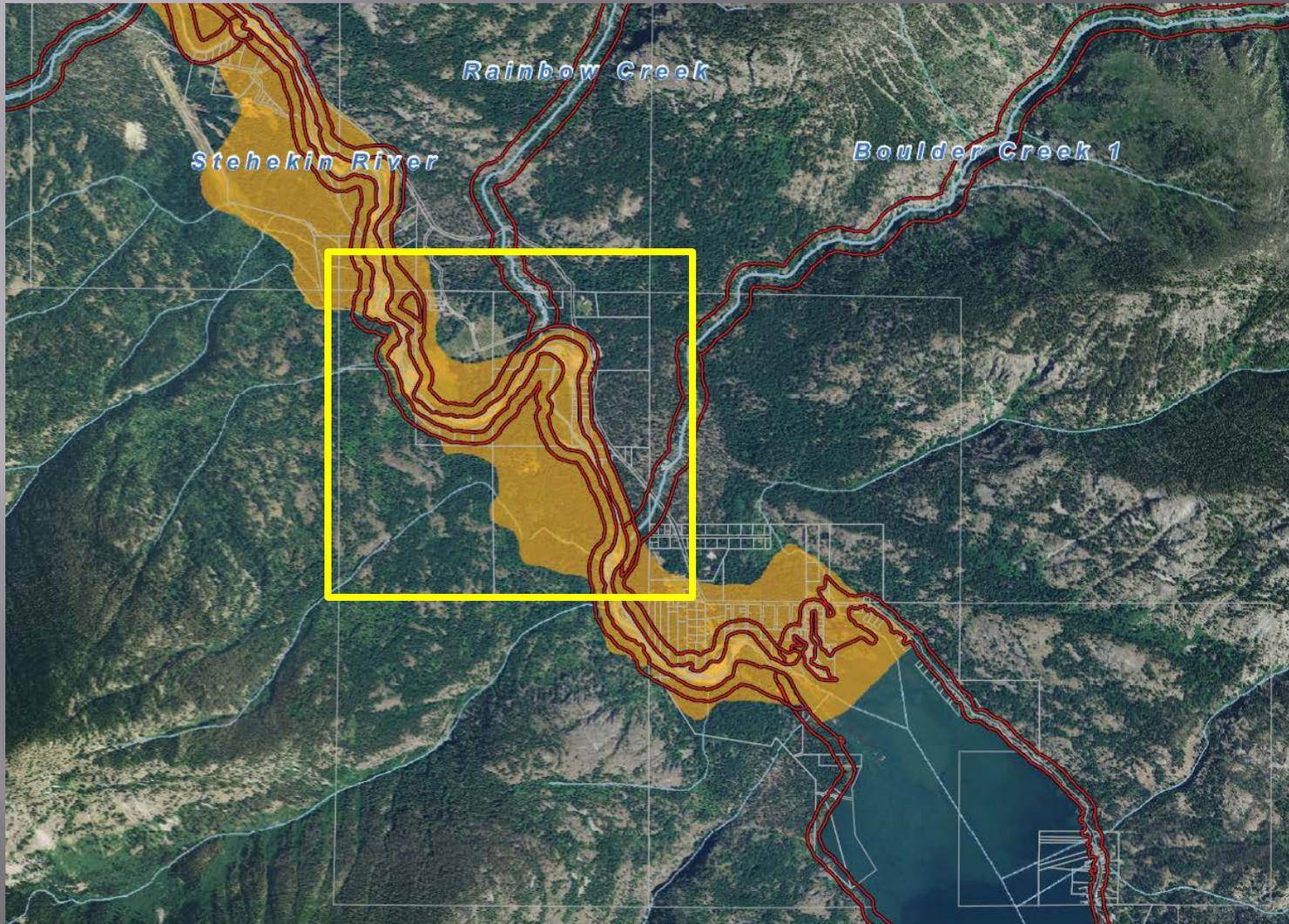
Shoreline Management Act and Implementing Guidelines (WAC)

- WAC 173-26-221(2) (c) **Standards.** When preparing master program provisions for critical areas, local governments should implement the following standards and use scientific and technical information, as provided for in WAC [173-26-201](#) (2)(a).
 - (ii) **Geologically hazardous areas.** Development in designated geologically hazardous areas shall be regulated in accordance with the following:
 - (A) Consult designation criteria for geologically hazardous areas, WAC [365-190-120](#).
 - (B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.
 - (C) Do not allow new development that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC [173-26-231](#).
 - (D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC [173-26-231](#) requirements and then only if no net loss of ecological functions will result.

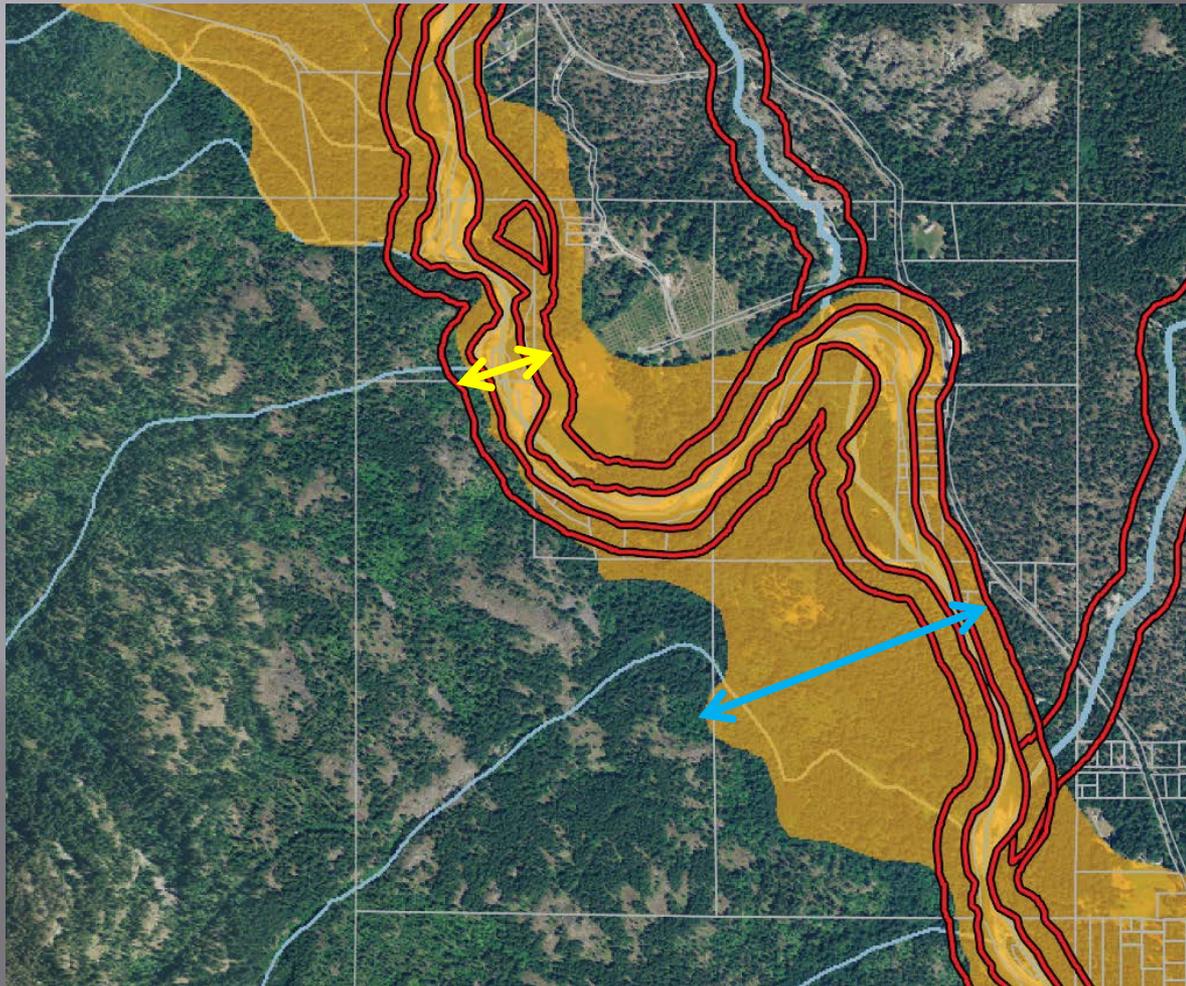
Shoreline Management Act and Implementing Guidelines (WAC)

- ▣ WAC 173-26-221(3) Flood Hazard Reduction (c) Standards. Master programs shall implement the following standards within shoreline jurisdiction:
 - (i) Development in flood plains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter [86.12 RCW](#), provided the plan has been adopted after 1994 and approved by the department. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

Stehekin River – Lake Chelan



Entire CMZ mapped, only part of mapped CMZ falls under shoreline jurisdiction



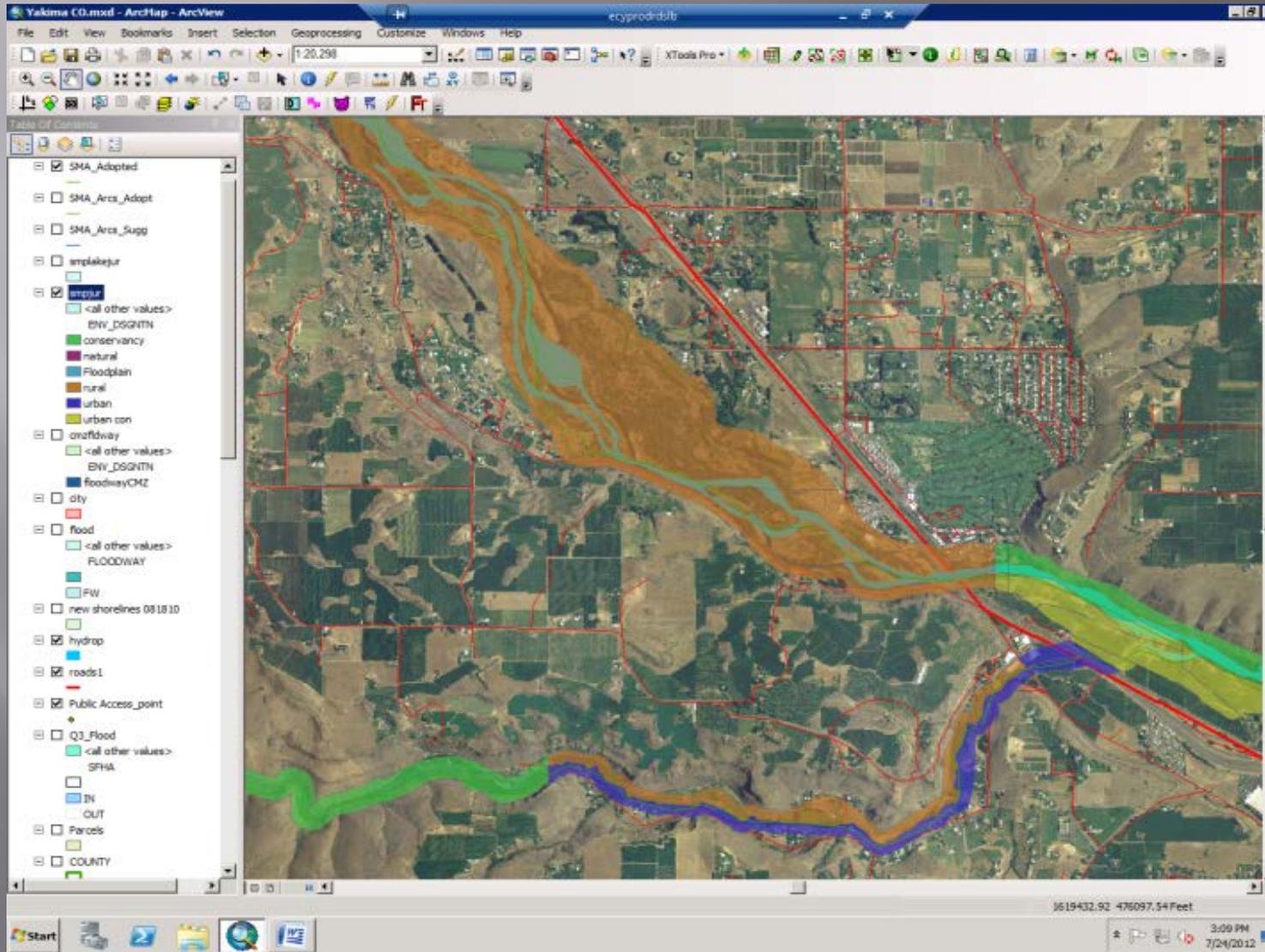
Upland portions of shoreline jurisdiction shown in red

Cashmere Draft SMP

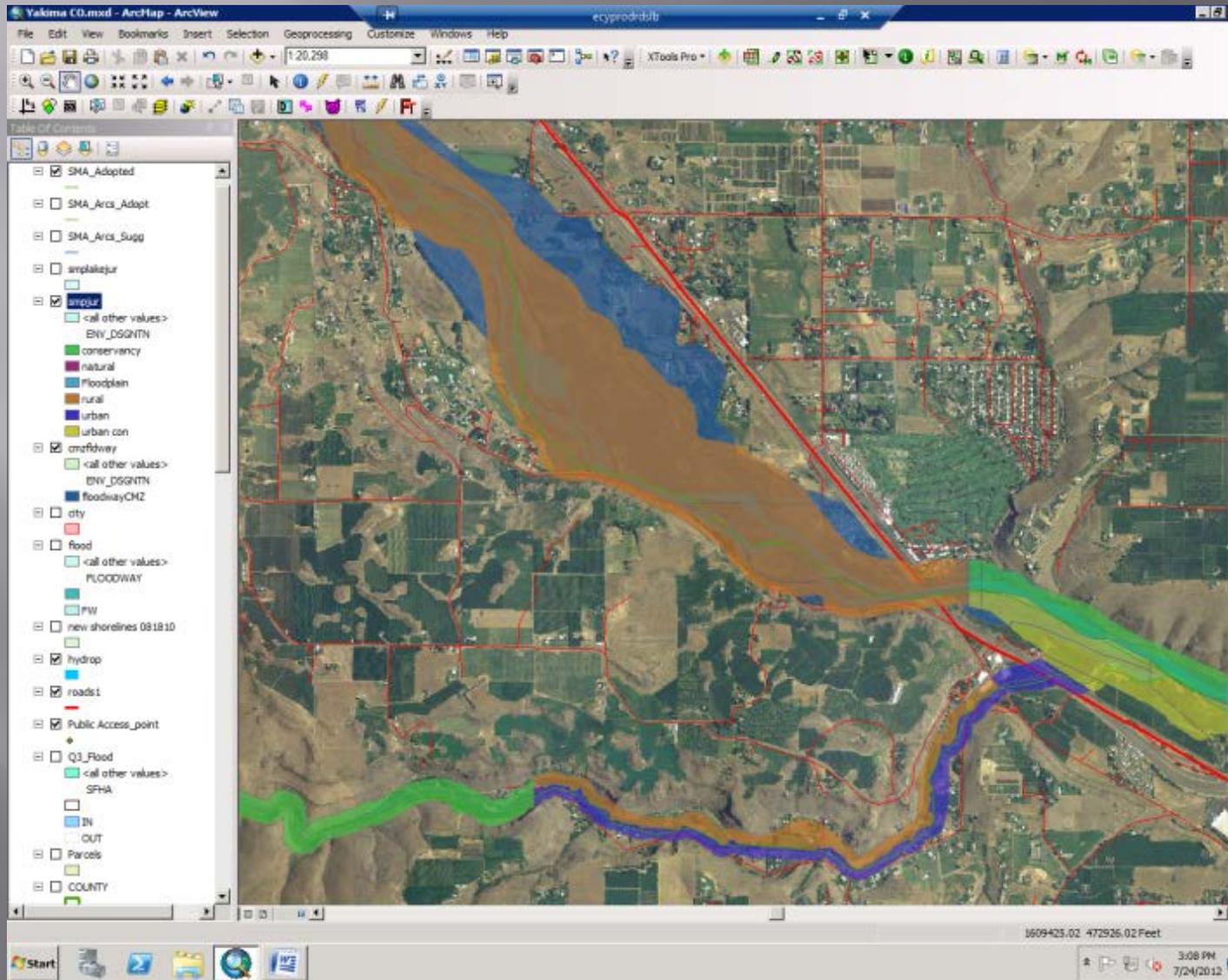
City of Cashmere Draft SMP Language

- A. **Channel migration zone (CMZ) Maps.**
1. Channel migration zone maps prepared consistent with WAC 173-26-221(3)(b) are included in Appendix F of this SMP. These maps provide complete coverage of shoreline waterbodies in Chelan County that have potential for channel migration within shoreline jurisdiction. The responsible local government shall utilize these maps in shoreline application reviews.
 2. Applicants for shoreline development or modification may submit a site-specific channel migration zone study if they do not agree with the mapping in Appendix F.
- C. **Documentation.** Documentation of alternate channel migration zone boundaries must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. (based on WAC 173-26-221(3)(b) and comments by U.S. Fish and Wildlife Service)
- D. **Uses and activities authorized in floodway or CMZ.** The following uses and activities may be authorized in shoreline jurisdiction where appropriate and/or necessary within the channel migration zone (CMZ) or floodway: (WAC 173-26-221(3)(c)(i))
1. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 3. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
 4. Mining when conducted in a manner consistent with Section 5.13 Mining, and the shoreline environment designation.
 5. Bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs and the long-term maintenance or repair costs are not significantly different between options inside or outside of the floodway or channel migration zone. For the purposes of this section

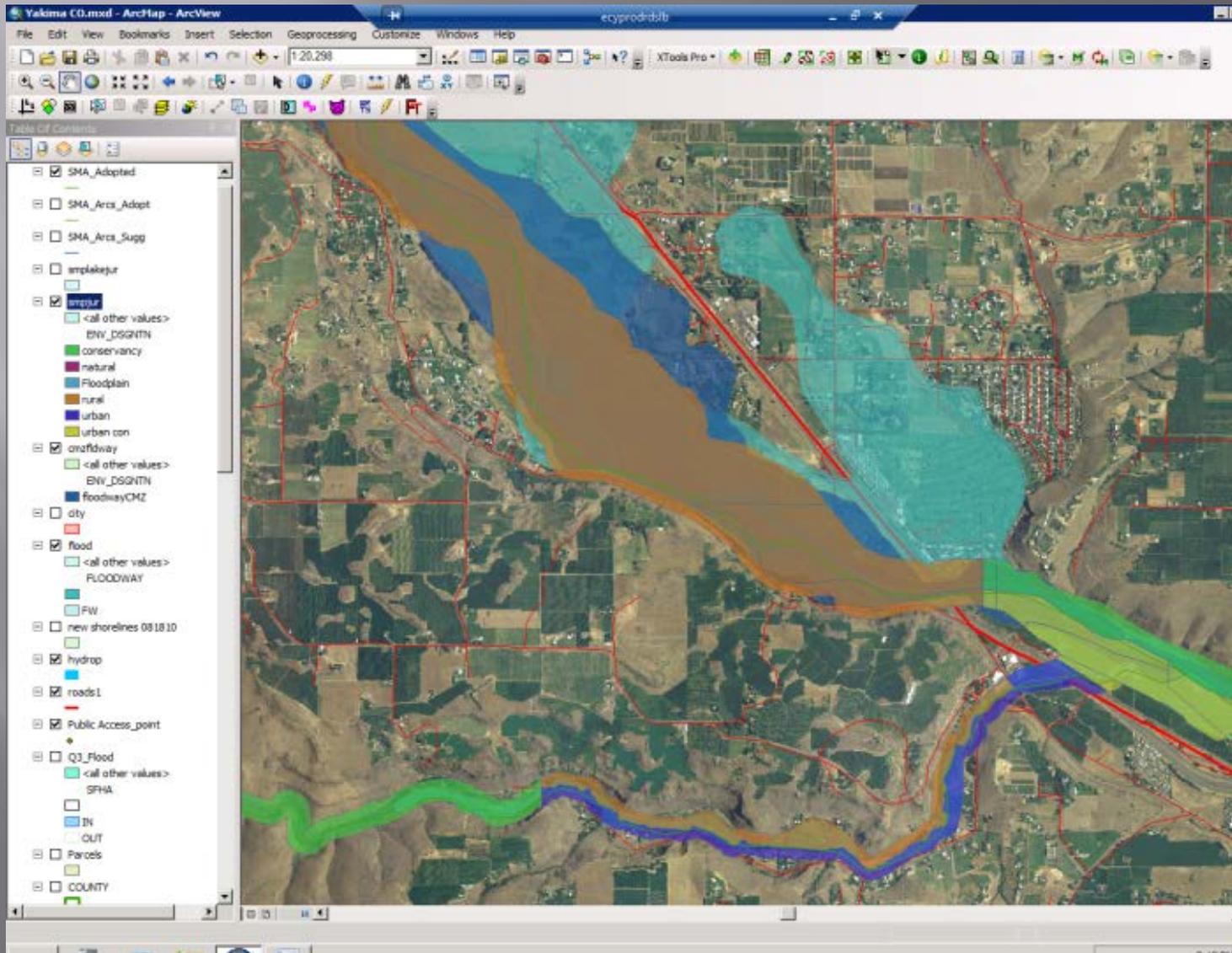
Naches River -



Naches River -



Naches River - Gleeed



Yakima County SMP

▣ 16D.10.03 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 Yakima County for areas that are subject to these regulations, are listed below. Yakima County has developed maps to generally depict the extent of Shoreline jurisdictional boundaries for all Shorelines within the county. 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 173-22, 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:

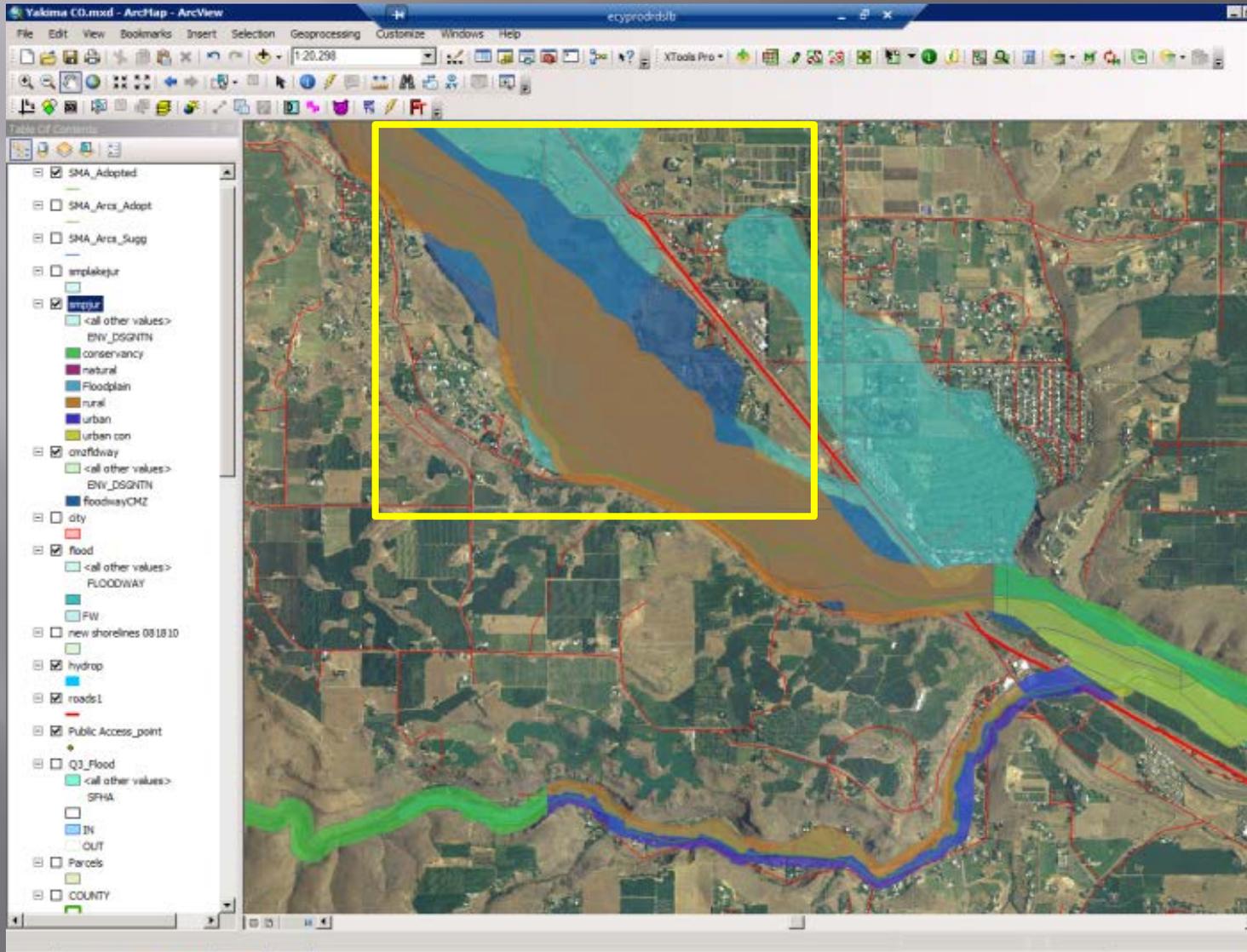
Yakima County SMP

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

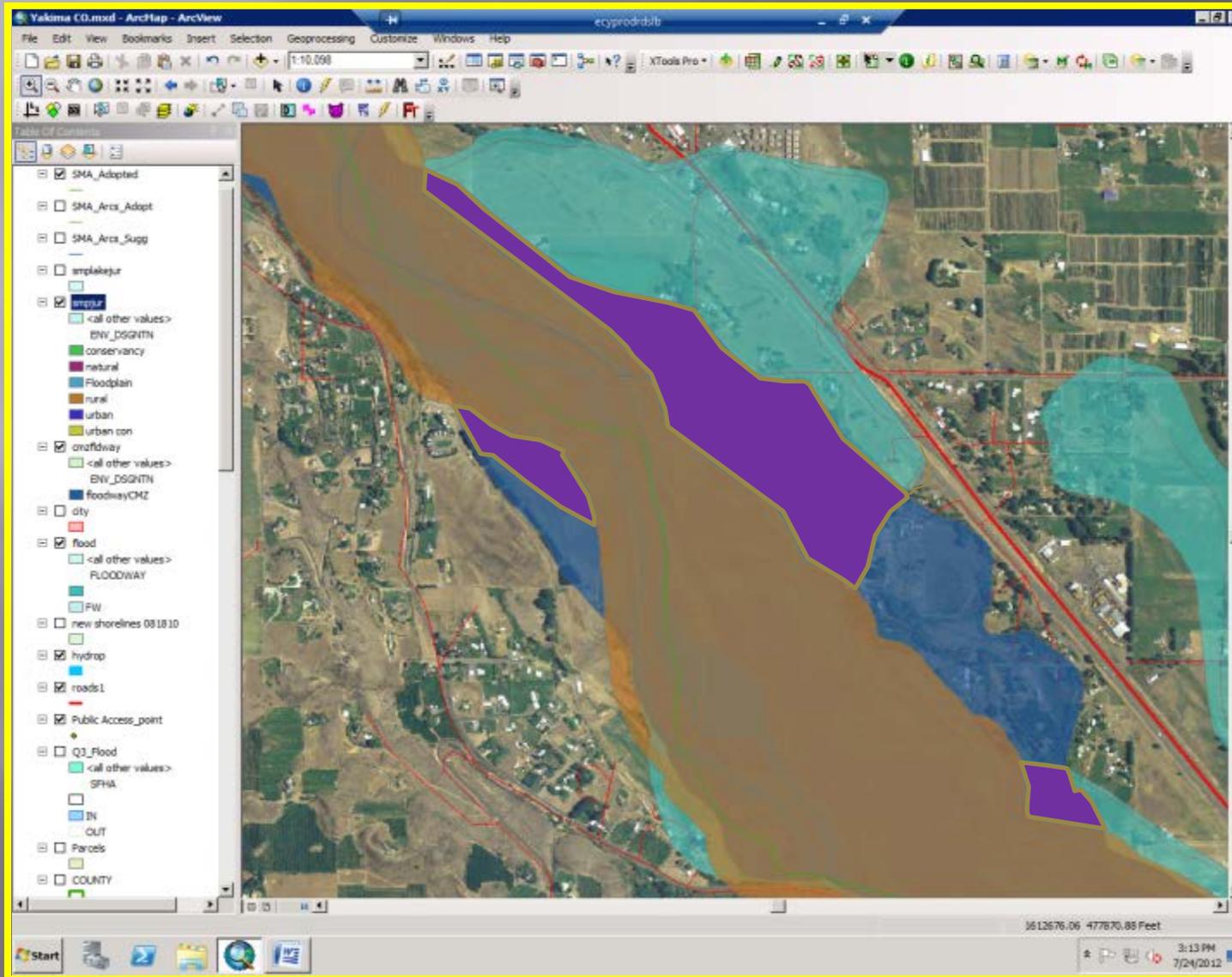
Yakima County SMP

- ▣ 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.
- ▣ 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).

Naches River - Gleeed



Naches River -



Yakima County SMP

- ▣ **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 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 county's shorelines that are constrained by severe biophysical limitations.

Yakima County SMP

- ▣ **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 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 county's shorelines that are constrained by severe biophysical limitations.

Yakima County SMP

Make sure to check Table 10-1 -- the Use Chart.

Activity	Environments					
	Urban	Rural	Conservancy	Natural	Floodway / CMZ	Urban Conserv.
S = Substantial Development C = Conditional Use X = Prohibited N/A = Not Applicable Review section 16D.01.05 (Applicability) to see if this Title applies to the project. Review section 16D.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 16D.03.26 Non-Conforming Uses and Facilities.						
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
ARCHEOLOGICAL						
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 Also see Section 16D.03.07 for common exemptions.						
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/Infirmit Relative (or equivalent uses listed in the zoning ordinance)	S	S	S	X	X	X