

ORDINANCE NUMBER 1-2012

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY,
WASHINGTON:**

**IN THE MATTER OF COUNTY PLANNING – TEXT CHANGE TO THE FRANKLIN
COUNTY DEVELOPMENT REGULATIONS (CRITICAL AREAS ORDINANCE 3-
2009).**

APPLICANT: Franklin County, 1016 North 4th Avenue, Pasco, WA 99301.

WHEREAS, on January 4, 2012 the Clerk of the Board did set this date for a public hearing to consider the positive recommendation of the Franklin County Planning Commission to amend the Franklin County Development Regulations (Critical Area Ordinance 3-2009).

WHEREAS, at the public hearing the Board has found as follows:

1. The County Planning Commission, after public hearing and consideration on **TC 2011-02** did recommend approval of said text change.
2. The Updated Critical Areas Regulations are consistent with the requirements and intent included in HB 1886 known as the Voluntary Stewardship Program.
3. The Updated Critical Areas Regulations are consistent with the requirements of the Growth Management Act – RCW 36.70A including the requirements for agricultural activities.
4. The Updated Critical Areas Regulations are consistent with the requirements of RCW 36.70A.050 regarding the guidelines to classify agriculture, forest, and mineral lands and critical areas.
5. The Updated Critical Areas Regulations are consistent with the requirements of the WAC 365-190 regarding the minimum guidelines for the protection of critical areas.
6. The Updated Critical Areas Regulations to include best available science references including the Field Office Technical Guides developed by NRCS.
7. The Updated Critical Areas Regulations are consistent with the Franklin County Comprehensive Plan (2008).
8. The Updated Critical Areas Regulations and associated maps have been developed in a process that is consistent with RCW 36.70A.
9. All Notifications of the Public Hearings were posted as per County Ordinances and State law.

WHEREAS, it appears to be in the public use and interest to approve said text change.

NOW, THEREFORE, BE IT ORDAINED that the text change be implemented in accordance with the Franklin County Development Regulations (Critical Areas Ordinance 3-2009) and be amended to read as follows:

1.070 DEFINITIONS

For the purposes of this title, the following words and phrases shall have the indicated meanings unless the context clearly indicates otherwise:

1. **"Agriculture" means the tilling of soil, raising of crops, livestock and horticulture for commercial purposes and all those activities normally and routinely involved in the production of crops, horticulture or livestock.**
1. **"Agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 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, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.**

1.120 ALLOWABLE USES AND ACTIVITIES

The following are exemptions to provisions of this chapter; however, the listed exemptions may not be exempted from other state or federal regulations or permit requirements. **Exempt activities shall avoid impacts to critical areas. Exempt activities shall use reasonable methods (reasonable methods include best management practices) to avoid potential impacts to critical areas. To be exempt from this Chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.**

- K. Existing and on-going agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, particularly as advocated by the Natural Resources Conservation Service (**NRCS Field Office Technical Guides for Franklin County, WA**), including the raising of crops or the grazing of livestock.

1. **Wetlands: Existing and ongoing agricultural activities do not include removing trees, diverting or impounding water, excavation, ditching,**

draining, culverting, filling, grading, and similar activities that introduce new adverse impacts to wetlands or other aquatic resources. Conversion of wetlands that are not currently in agricultural use, regardless of their wetlands rating, to a new agricultural use should be subject to the same regulations that govern new development.

2. Fish and Wildlife Habitat Conservation Areas: Existing and ongoing agricultural activities do not include tree cutting, road building, new agriculture, grazing, clearing, earth moving, mining, filling, burning, or construction of buildings or other facilities in fish and wildlife habitat conservation areas.

**APPENDIX A
FRANKLIN COUNTY, WASHINGTON
CRITICAL AREAS ORDINANCE**

BEST AVAILABLE SCIENCE RESOURCES: MISCELLANEOUS

**Field Office Technical Guides (FOTOG), Natural Resource Conservation Service
for Franklin County, WA.**

SIGNED AND DATED THIS 4th DAY OF JANUARY 2012.


**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**


CHAIRMAN


CHAIR PRO TEM

ATTEST:


CLERK OF THE BOARD


MEMBER