

FRANKLIN COUNTY ORDINANCE 08-2023
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

FRANKLIN COUNTY CODE CHAPTER 18.08 CRITICAL AREAS AMENDMENTS

WHEREAS, Washington State's Growth Management Act (GMA) requires all cities and counties to adopt regulations protecting "critical areas" in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water per RCW 36.70A.050; and

WHEREAS, all jurisdictions are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to a periodic update schedule per RCW 36.70A.130; and

WHEREAS, the GMA defines critical areas that must be designated and protected as wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas; and

WHEREAS, Franklin County's Critical Areas Ordinance is codified at Franklin County Code Chapter 18.08, and was last amended in February 2009 via Ord. No. 3-2009; and

WHEREAS, local governments must use Best Available Science (BAS) that is consistent with criteria established in WAC 365-195-900 through 365-195-925 when regulating critical areas; and

WHEREAS, the County has prepared an update to the BAS; and

WHEREAS, the proposed amendment was submitted to the State of Washington's Department of Commerce for a required 60-day review in compliance with RCW 36.70A.106; and the notice and documentation was accepted by Commerce on March 27, 2023; and

WHEREAS, the County's SEPA responsible official issued a threshold environmental determination, a Determination of Non-Significance (DNS) on May 11, 2023 and there were no appeals; and

WHEREAS, the County published a legal notice in the Franklin County Graphic on May 11, 2023 for a public hearing before the Planning Commission and providing notice of the environmental determination; and

WHEREAS, the Planning Commission took public testimony on the proposed amendment at a public hearing on June 20, 2023; and

WHEREAS, the Planning Commission reviewed the public testimony and written comments on the proposed code amendment, and adopted findings of fact; and

WHEREAS, on June 20, 2023 the Planning Commission recommended approval of the proposed amendments and forwarded it to the Board of County Commissioners for review and adoption; and

WHEREAS, the County finds that the proposed amendments are consistent with the 2018-2038 Franklin County Comprehensive Plan adopted via Ordinance No. 2021-07; and

WHEREAS, the County finds that the proposal is in accord with the goals and policies of the comprehensive plan including the county-wide planning policies; the effect of the code amendments will

NOT be materially detrimental, and that there is merit and value in the proposal for the community as a whole; and

WHEREAS, after considering all public comments and evidence, the Board of County Commissioners hereby determine that the proposed amendments comply with all applicable laws and rules and adopts the findings of fact as provided by the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1: ADOPTION: FCC Chapter 18.08 is hereby amended to read as set forth in **Exhibit 1** attached to this ordinance and incorporated herein by this reference.

SECTION 2: REQUIREMENTS FULFILLED: The Commission hereby finds that the review and evaluation required by RCW 36.70A.060 have occurred, as described in the recitals above.

SECTION 3: BAS ADOPTION: The Best Available Science as set forth in **Appendix A** attached to this ordinance is hereby adopted.

SECTION 4: The federal and state candidate species and species of local importance as set forth in **Appendix B** attached to this ordinance.

SECTION 5: MAPS. The Critical Area reference maps adopted via Ordinance No. 3-2009, are retained.

SECTION 6: EFFECTIVE DATE: This ordinance, being an exercise of a power specifically delegated to the Board is not subject to referendum, and shall take effect 5 days after passage and publication of an approved summary thereof consisting of the title.

SECTION 7: CORRECTIONS: The County Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's / clerical errors, references, ordinance numbering, section / subsection numbers and any references thereto.

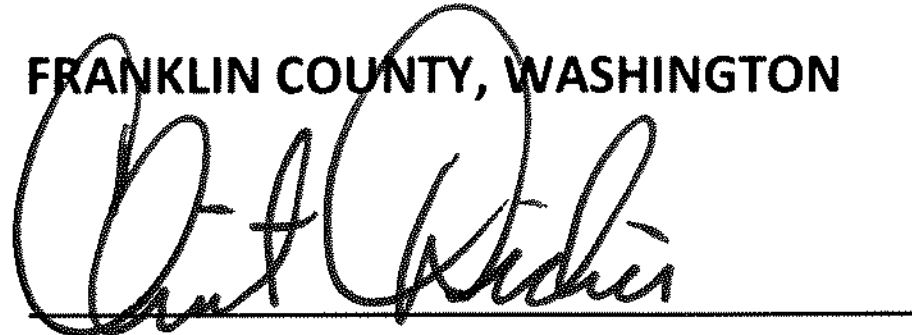
SECTION 8: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9: COPY TO COMMERCE: Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten days of adoption.

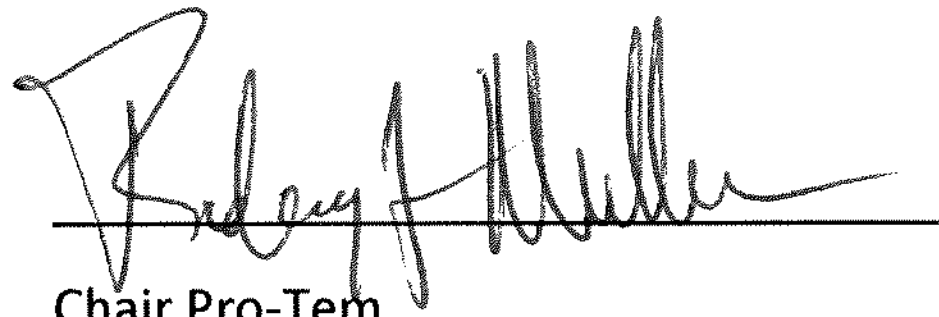
APPROVED AND ADOPTED this 4th day of October, 2023.

BOARD OF COUNTY COMMISSIONERS

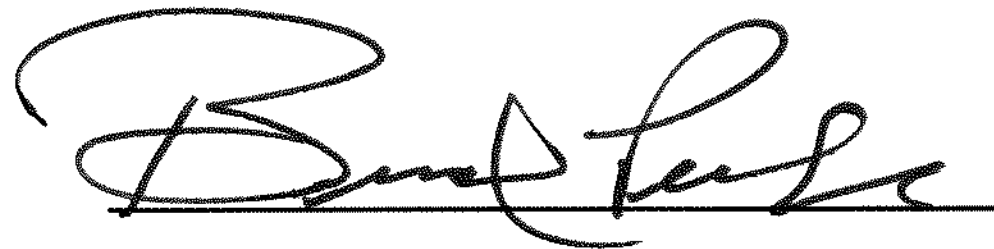
FRANKLIN COUNTY, WASHINGTON

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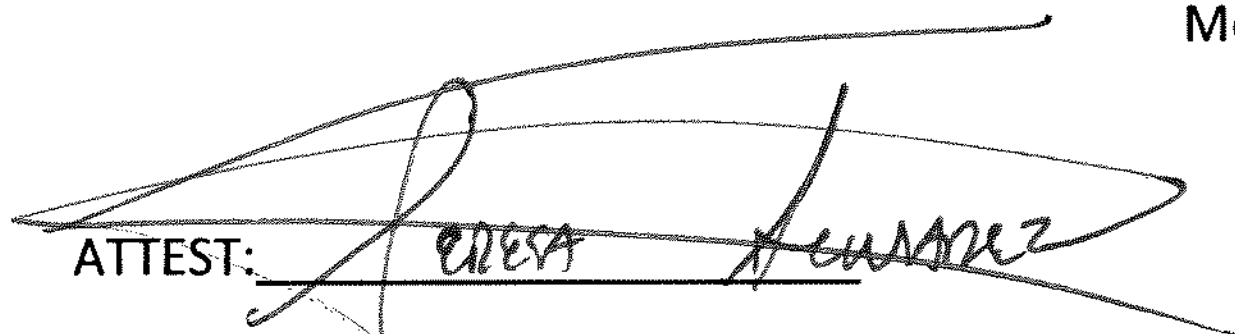
Chair

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Chair Pro-Tem

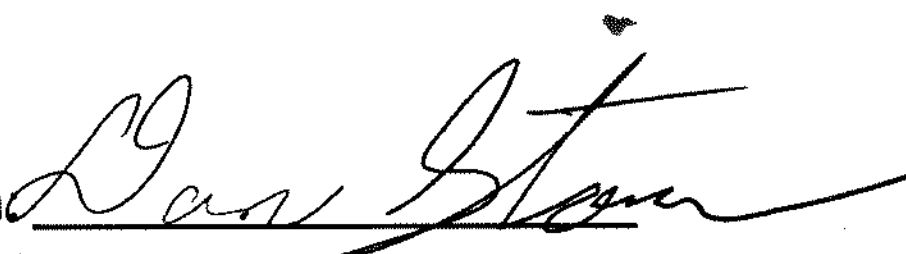
A handwritten signature in black ink, appearing to read "Brenda ...", written over a horizontal line.

Member

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ATTEST:

Clerk of the Board

Approved as to form 

FRANKLIN COUNTY ORDINANCE 08-2023

APPENDIX A

BEST AVAILABLE SCIENCE

A. BEST AVAILABLE SCIENCE RESOURCES: WETLANDS

1. MAPS

Franklin County Critical Area Map: Wetlands

USFWS National Wetland Inventory maps;

Areas identified as wetland areas within the project area on a Historical Franklin County Map, dated 1912 (H.C. Sawyer, Pasco, WA);

Areas identified as wetland areas within the project area on a United States Department of Agriculture, Bureau of Soils, Franklin County Soils Map, dated 1914;

Areas identified as wetland areas within the project area on Historical Metzger Maps, Franklin County, dated 1934 and 1963.

Columbia Basin Irrigation Project Topography and Retracement Maps from 1939-1943, as well as other pre-construction and construction maps developed for the Project.

2. IDENTIFICATION AND DELINEATION

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. US Army Corps of Engineers, Waterways Experiment Station, Vicksburg, Mississippi.

U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

<https://usace.contentdm.oclc.org/utils/getfile/collection/p266001coll1/id/7627>.

U.S. Army Corps of Engineers. 2020. National Wetland Plant List, version 3.5. U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH.
<http://wetland-plants.usace.army.mil/>.

United States Department of the Interior – Fish and Wildlife Service. National Wetlands

Inventory Maps.

<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>.

Web Soil Survey. Natural Resources Conservation Service, U.S. Department of Agriculture.

<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

United States Department of Agriculture, Natural Resources Conservation Service. 2018. Field Indicators of Hydric Soils in the United States, Version 8.2. L.M. Vasilas, G.W. Hurt, and J.F. Berkowitz (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053171.pdf.

United States Department of Agriculture, Natural Resources Conservation Service. Geospatial Data Gateway.

<https://datagateway.nrcs.usda.gov/>.

Anderson, P.S., S. Meyer, P. Olson, and E. Stockdale. Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State. Washington Department of Ecology Publication #16-06-029. Olympia, Washington.

3. CLASSIFICATION

Brinson, M. M. 1993. A Hydrogeomorphic Classification for Wetlands. Technical Report WRP DE-4. US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. August 1993.

Cowardin, L.M., Carter, V., Golet, F.C., and La Roe, E.T. 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, U.S. Fish and Wildlife Service, U.S. Department of the Interior. FWS/OBS-79/31. 103pp.

4. RATING SYSTEM

Hruby, T. 2014. Washington State Wetland Rating System for Eastern Washington: 2014 Update. Washington State Department of Ecology Publication #14-06-030. <https://apps.ecology.wa.gov/publications/documents/1406030.pdf>.

Washington Department of Natural Resources. Washington Wetlands of High Conservation Value. Webviewer. Washington Natural Heritage Program. <https://wadnr.maps.arcgis.com/apps/webappviewer/index.html?id=5cf9e5b22f584ad7a4e2aebc63c47bda>.

5. FUNCTIONAL ASSESSMENT

Null, W.S., G. Skinner, and W. Leonard. 2000. Wetland functions characterization tool for linear projects. Washington State Department of Transportation, Environmental Affairs Office. Olympia. 29 pp.

Hruby, T., S. Stanley, T. Granger, T. Duebendorfer, R. Friesz, B. Lang, B. Leonard, K. March, and A. Wald. 2000. Methods for Assessing Wetland Functions – Volume II: Depressional Wetlands in the Columbia Basin of Eastern Washington, Part 1: Assessment Methods. Washington Department of Ecology Publication #00-06-47. <https://apps.ecology.wa.gov/publications/documents/0006047.pdf>.

Hruby, T. and S. Stanley. 2000. Methods for Assessing Wetland Functions – Volume II: Depressional Wetlands in the Columbia Basin of Eastern Washington, Part 2: Procedures for Collecting Data. Washington State Department of Ecology Publication #00-06-48. <https://apps.ecology.wa.gov/publications/documents/0006048.pdf>.

Semlitsch, R.D., and J.R. Bodie. 1998. Are small, isolated wetlands expendable? *Conservation Biology* 12:1129–1133.

6. MITIGATION

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. 2021. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 2). Washington State Department of Ecology Publication #21-06-003. <https://apps.ecology.wa.gov/publications/documents/2106003.pdf>.

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. 2006. Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1). Washington State Department of Ecology Publication #06-06-011b. <https://apps.ecology.wa.gov/publications/documents/0606011b.pdf>.

Hruby, T. 2012. Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington. Washington State Department of Ecology Publication #11-06-015. <https://apps.ecology.wa.gov/publications/documents/1106015.pdf>.

Hruby, T., K. Harper, and S. Stanley. 2010. Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington). Washington State Department of Ecology Publication #10-06-007. <https://apps.ecology.wa.gov/publications/documents/1006007.pdf>.

Washington Department of Transportation. June 1999. Mitigation Tools for Special Circumstances: Preservation of High Quality Wetlands. ESSB 6061 Wetland Pilot Project.

7. BUFFERS

Hruby, T. 2013. Update on Wetland Buffers: The State of the Science, Final Report, October 2013. Washington State Department of Ecology Publication #13-06-11. <https://apps.ecology.wa.gov/publications/documents/1306011.pdf>.

Environmental Law Institute. 2008. Planner's guide to wetland buffers for local governments. ISBN 978-58576-137-1. https://www.eli.org/sites/default/files/eli-pubs/d18_01.pdf.

Mayer, P.M., S.K. Reynolds Jr., M.D. McCutchen, and T.J. Canfield. 2007. Meta-analysis of nitrogen removal in riparian buffers. *Journal of Environmental Quality* 36:1172–1180.

McElfish, J.M., R.L. Kihlslinger, and S. Nichols. 2008. Setting buffer sizes for wetlands. *National Wetlands Newsletter* 30:6–10. https://www.ecosystemmarketplace.com/wp-content/uploads/archive/documents/Doc_456.pdf.

Houlahan, J.E., P.A. Keddy, K. Makkay, and C.S. Findlay. 2006. The effects of adjacent land use on wetland species richness and community composition. *Wetlands* 26(1):79–96. [https://link.springer.com/article/10.1672/0277-5212\(2006\)26\[79:TEOALU\]2.0.CO;2](https://link.springer.com/article/10.1672/0277-5212(2006)26[79:TEOALU]2.0.CO;2).

Polyakov, V., A. Fares, and M.C. Ryder. 2005. Precision riparian buffers for the control of nonpoint source pollutant loading into surface water: a review. *Environmental Review* 13:129–144.

Qiu, Z.Y. 2009. Assessing Critical Source Areas in Watersheds for Conservation Buffer Planning and Riparian Restoration. *Environmental Management* 44(5):968–980.

Richardson, J.S., R.J. Naiman, and P.A. Bisson. 2012. How did fixed-width buffers become standard practice for protecting freshwaters and their riparian areas from forest harvest practices? *Freshwater Science* 31(1):232–238. https://www.fs.fed.us/pnw/pubs/journals/pnw_2012_richardson001.pdf.

Semlitsch, R.D., and J.B. Jensen. 2001. Core habitat, not buffer zone. *National Wetlands Newsletter* July–August 2001:5–11. <http://www.lake.wateratlas.usf.edu/upload/documents/NWN%20Core%20Habitat%20Not%20Buffer%20Zone.pdf>.

Yuan, Y.P., R.L. Bingner, and M.A. Locke. 2009. A review of effectiveness of vegetative buffers on sediment trapping in agricultural areas. *Ecohydrology* 2(3):321–336.
<https://www.ars.usda.gov/ARUserFiles/35278/Yuan%20et%20al%202009%20Ecohydrology%202%20321-336.pdf>.

Zhang, X., X. Liu, M. Zhang, and R.A. Dahlgren. 2010. A review of vegetated buffers and a meta-analysis of their mitigation efficacy in reducing nonpoint source pollution. *Journal of Environmental Quality* 39:76–84.
<http://agis.ucdavis.edu/publications/2010/A%20Review%20of%20Vegetated%20Buffers%20and%20a%20Meta-analysis%20of%20Their%20Mitigation%20Efficacy%20in%20Reducing%20Nonpoint%20Source%20Pollution.pdf>.

8. GENERAL WETLAND RESOURCES

Sheldon, D., T. Hruby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale. 2005. *Wetlands in Washington State - Volume 1: A Synthesis of the Science*. Washington State Department of Ecology Publication #05-06-006.
<https://apps.ecology.wa.gov/publications/documents/0506006.pdf>.

Granger, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. 2005. *Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands*. Washington State Department of Ecology Publication #05-06-008.
<https://apps.ecology.wa.gov/publications/documents/0506008.pdf>.

Washington State Department of Ecology. 2022. *DRAFT Wetland Guidance for Critical Areas Ordinance (CAO) Updates – Western and Eastern Washington*. Shorelands and Environmental Assistance Program. Washington State Department of Ecology Publication #22-06-005.
<https://apps.ecology.wa.gov/publications/documents/2206005.pdf>

Washington State Department of Ecology. 2010. *Focus on Irrigation-Influenced Wetlands*. Shorelands and Environmental Assistance Program. Washington State Department of Ecology Publication #10-06-015. 36.
<https://apps.ecology.wa.gov/publications/documents/1006015.pdf>.

Washington State Department of Ecology. 2016. *Wetland Guidance for CAO Updates – Eastern Washington Version*. Shorelands and Environmental Assistance Program. Washington State Department of Ecology Publication #16-06-002.
<https://apps.ecology.wa.gov/publications/documents/1606002.pdf>.

Management Recommendations for Washington’s Priority Habitats and Species

(WDFW), as amended

Management Recommendations for Washington's Priority Habitats – Wetlands
(WDFW), as amended

B. BEST AVAILABLE SCIENCE RESOURCES: AQUIFER RECHARGE AREAS

Franklin County Critical Area Map: Aquifer Recharge Area

Soil Survey of Franklin County, WA. United States Soil Conservation Service.

Columbia Basin Groundwater Management Area Plan, as amended.

Columbia Basin Ground Water Management Area maps, as amended

Wellhead Protection Plan for the Cities of Connell, Kahlotus and Mesa, Franklin County, WA. 1996

2003 Irrigated Crop Lands data, Franklin Conservation District

South Columbia Basin Irrigation District, GIS Coverage for Main Water ways Centerline

Luzier, J. E. and R. J. Burt. 1974. Hydrology of Basalt Aquifers and Depletion of Ground Water in East-Central Washington," Water Supply Bulletin 33, State of Washington Department of Ecology, 53 p.

Shannon & Wilson, Inc. October 1996. Wellhead Protection Plan for the Cities of Connell, Kahlotus, and Mesa, Franklin County, Washington.

Ecology. 2021. Critical Aquifer Recharge Areas Guidance. Publication 05-10-028.

Available at: <https://apps.ecology.wa.gov/publications/documents/0510028.pdf>

Washington Department of Health. 2020. SWAP map website. Available at:

<https://fortress.wa.gov/doh/swap/index.html>.

US Bureau of Reclamation. 2012. Final Feasibility-Level Engineering Report, Continued Phased Development of the Columbia Basin Project – Enlargement of the East Low Canal and Initial Development of the East High Area, Odessa Subarea Special Study, Columbia Basin Project, Washington. Available at: .

<https://www.usbr.gov/pn/programs/eis/odessa/finaleis/engine.pdf>.

C. BEST AVAILABLE SCIENCE RESOURCES: FREQUENTLY FLOODED AREAS

Franklin County Critical Area Map: Frequently Flooded Areas

Flood Insurance Rate maps (FEMA), as amended;

Flood Boundary and Floodway maps (FEMA), as amended;

Flood Insurance Study for Franklin County, as amended

Franklin County Flood Damage Prevention Ordinance, 08-2004 as amended.

D. BEST AVAILABLE SCIENCE RESOURCES: GEOLOGICALLY HAZARDOUS AREAS

Franklin County Critical Area Map(s): Geologically Hazardous Area

a. Erosion and Landslide Hazard Area Map

b. Seismic Hazard Area

Soil Survey of Franklin County, WA. United States Soil Conservation Service.

Washington State Lidar Portal. Available at: <https://lidarportal.dnr.wa.gov/>

Washington State Department of Natural Resources, Open File Report 2004-20: Liquefaction Susceptibility and Site Class Maps of Washington State, By County

Washington State Geologic Information Portal. Available at: <https://www.dnr.wa.gov/geologyportal> (Landslide and geology layers)

E. BEST AVAILABLE SCIENCE RESOURCES: FISH AND WILDLIFE CONSERVATION AREAS

Washington State Department of Fish and Wildlife's Priority Habitat and Species Program;

Washington State Fish and Wildlife Priority Species maps, as amended;

Washington State Fish and Wildlife Habitat maps, as amended;

Washington State Department of Fish and Wildlife's WLRIS (Washington State Lakes and Rivers) GIS Coverage;

Washington State Department of Natural Resources, Natural Areas Program, Natural Area Preserves;

Washington State Department of Fish and Wildlife's Management Recommendations for Washington's Priority Habitats: Riparian.

Cullinan, T. 2001. Important bird areas of Washington. Audubon Washington. 170 pp. <https://www.audubon.org/important-bird-areas/state/washington>.

Fertig, W. 2021. 2021 Washington Vascular Plant Species of Conservation Concern. Natural Heritage Report 2021-04. Washington Natural Heritage Program. Washington State Department of Natural Resources, Olympia, WA. https://www.dnr.wa.gov/publications/amp_nh_vascular_ets.pdf?aynq16s.

U.S. Fish & Wildlife Service. Information for Planning and Consultation (IPaC). <https://ipac.ecosphere.fws.gov/>.

Washington Department of Fish and Wildlife. 2022. State Listed Species and State Candidate Species. Fish and Wildlife Commission, Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/sites/default/files/2022-04/StateListed%26amp%3BCandidateSpecies28Mar2022.pdf>.

1. SPECIES GUIDANCE

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Long-range planning: considering the shrub-steppe landscape. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/sites/default/files/publications/01334/wdfw01334.pdf>

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Management recommendations for Washington's priority habitats: managing shrub-steppe in developing landscapes. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/sites/default/files/publications/01333/wdfw01333.pdf>.

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Site-specific management: how to avoid and minimize impacts of development to shrub-steppe. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/sites/default/files/publications/01335/wdfw01335.pdf>.

Audubon Guide to North American Birds. Burrowing Owl.
<https://www.audubon.org/field-guide/bird/burrowing-owl>.

Audubon Guide to North American Birds. Ferruginous Hawk.
<https://www.audubon.org/field-guide/bird/ferruginous-hawk>.

Audubon Guide to North American Birds. Greater Sage-Grouse.
<https://www.audubon.org/field-guide/bird/greater-sage-grouse>.

Audubon Guide to North American Birds. Prairie Falcon.
<https://www.audubon.org/field-guide/bird/prairie-falcon>.

Audubon Guide to North American Birds. Sagebrush Sparrow.
<https://www.audubon.org/field-guide/bird/sagebrush-sparrow>.

Baldwin, R.F., A.J.K. Calhoun, and P.G. deMaynadier. 2006. Conservation Planning for Amphibian Species with Complex Habitat Requirements: A Case Study Using Movements and Habitat Selection of the Wood Frog *Rana sylvatica*. *Journal of Herpetology* 40:443–454.

Bash, J., C. Berman, and S. Bolton. 2001. Effects of turbidity and suspended solids on salmonids. Center for Streamside Studies, University of Washington, Seattle, Washington.

Bauer, D.M., P.W.C. Paton, and S.K. Swallow. 2010. Are wetland regulations cost effective for species protection? A case study of amphibian metapopulations. *Ecological Applications* 20:798–815.

Berg, L. and T.G. Northcote. 1985. Changes in territorial, gill-flaring, and feeding behavior in juvenile coho salmon (*Oncorhynchus kisutch*) following short-term pulses of suspended sediment. *Canadian Journal of Fisheries and Aquatic Sciences* 42:1410–1417.

Betts, B.J. 1990. Geographic distribution and habitat preferences of Washington ground squirrels (*Spermophilus washingtoni*). *Northwestern Naturalist* 71:27-37.
http://www.fsl.orst.edu/rna/Documents/publications/Boardman_geographic%20distribution%20and%20Ground%20Squirrels.pdf.

Betts, B.J. 1999. Current status of Washington ground squirrels in Oregon and

Washington. *Northwestern Naturalist* 80:35-38.

Bjornn, T.C. and D.W. Reiser. 1991. Habitat requirements of salmonids in streams. In *Influences of forest and rangeland management on salmonid fishes and their habitats*. W.R. Meehan, (ed.) American Fisheries Society Special Publication 19. Bethesda, MD.

Bried, J.T., and G.N. Ervin. 2006. Abundance patterns of dragonflies along a wetland buffer. *Wetlands* 26:878–883.

Buffler, S., C. Johnson, J. Nicholson, and N. Mesner. 2005. Synthesis of design guidelines and experimental data for water quality function in agricultural landscapes in the Intermountain West. US Department of Agriculture Forest Service/UNL Faculty Publications. Paper.

Bolton, S. and Shellberg, J. 2001. White Paper: Ecological issues in floodplains and riparian corridors. Center for Streamside Studies, University of Washington. 150 pp.

Carrasquero, J. 2001. White Paper. Over-water structures: Freshwater issues. Herrera Environmental Consultants. 116 pp.

Conway, C.J., L.A. Ellis, V. Garcia, and M.D. Smith. 2005. Population ecology and habitat use of burrowing owls in eastern Washington: 2004 annual report. Wildlife Research Report #2005-02. USGS Arizona Cooperative Fish and Wildlife Research Unit, Tucson, Arizona.

Conway, C.J., V. Garcia, M.D. Smith, L.A. Ellis, and J.L. Whitney. 2006. Comparative demography of burrowing owls in agricultural and urban landscapes in southeastern Washington. *Journal of Field Ornithology* 77:280–290.

Conway, C.J, A. Marcias-Duarte. 2015. Distributional Changes in the Western Burrowing Owl (*Athene cunicularia hypugaea*) in North America from 1967 to 2008. *Journal of Raptor Research* 49(1):75-83.

Crawford, J.A. and R. Semlitsch. 2007. Estimation of core terrestrial habitat for stream-breeding salamanders and delineation of riparian buffers for protection of biodiversity. *Conservation Biology* 21:152–158.

Crozier, L.G., A.P. Hendry, P.W. Lawson, T.P. Quinn, N.J. Mantua, J. Battin, R.G. Shaw, and R.B. Huey. 2008. Potential responses to climate change in organisms with complex life histories: Evolution and plasticity in Pacific salmon. *Evolutionary Applications*, 1(2):252–270.

Crozier, L.G., M.D. Scheuerell, and E.W. Zabel. 2011. Using Time Series Analysis to Characterize Evolutionary and Plastic Responses to Environmental Change: A Case Study

of a Shift Toward Earlier Migration Date in Sockeye Salmon. *The American Naturalist*, 178(6):755–773.

Cushman, S.A. 2006. Effects of habitat loss and fragmentation on amphibians: A review and prospectus. *Biol. Conserv.* 128(2):231–240.

Dechant, J.A., M.L. Sondreal, D.H. Johnson, L.D. Igl, C.M. Goldade, A.L. Zimmerman, and B.R. Euliss. 1999 (revised 2002). Effects of management practices on grassland birds: Ferruginous Hawk. Northern Prairie Wildlife Research Center, Jamestown, ND. 23 pages. <https://pubs.usgs.gov/unnumbered/93879/report.pdf>.

Dobler, F.C., Eby, J., Perry, C., Richardson, S., and Vander Haegen, M. 1996. Status of Washington's shrub steppe ecosystem: Extent, ownership, and wildlife/vegetation relationships.

Eigenbrod, F., S. Hecnar, and L. Fahrig. 2009. Quantifying the road-effect zone: threshold effects of a motorway on anuran populations in Ontario, Canada. *Ecology and Society* 14(1):24. <https://www.ecologyandsociety.org/vol14/iss1/art24/>.

Ervin, G.N. 2009. Relationship of wetlands vegetation and land cover as an indicator of ecologically appropriate wetland buffer zones. Report on Northern Gulf Institute project: Watershed Modeling Improvements to Enhance Coastal Ecosystems, subtask W5b – Correlation of buffer zone characteristics with water quality.

Ford, M.J., (editor). 2011. Status review update for Pacific salmon and steelhead listed under the Endangered Species Act: Pacific Northwest. U.S. Department of Commerce. NOAA Technical Memorandum NMFS-NWFSC-113. 281 p.

Fuller, M., N. Detenbeck, P. Leinenbach, R. Labiosa, and D. Isaak. 2018. Riparian Shade Controls on Stream Temperature Now and in the Future across Tributaries of the Columbia River, USA. Society for Freshwater Science (SFS) Annual Meeting, Detroit, MI, May 20 - 24, 2018.

https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NHEERL&dirEntryId=340900

Germaine, S.S., W.M. Vander Haegen, M.S. Schroeder, and W. Chang. 2007. Reptile Use of Shrubsteppe and Conservation Reserve Program Habitats in Eastern Washington, USA. (DRAFT). Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/sites/default/files/publications/01276/wdfw01276.pdf>.

Gamble, L.R., K. McGarigal, C.L. Jenkins, and B.C. Timm. 2006. Limitations of regulated buffer zones for the conservation of marbled salamanders. *Wetlands* 26(2):298–306.

Good, T.P., Waples, R.S., and Adams, P. 2005. Updated status of federally listed ESUs of

West Coast salmon and steelhead. U. S. Department of Commerce. p. 597.

Hallock, M. and Mongillo, P.E. 1998. Washington State Status Report for the Pygmy Whitefish. Washington Department of Fish and Wildlife.

<https://wdfw.wa.gov/sites/default/files/publications/00222/wdfw00222.pdf>.

Harper, E., T.A.G. Rittenhouse, and R. Semlitsch. 2008. Demographic consequences of terrestrial habitat loss for pool breeding amphibians: predicting extinction risks associated with inadequate size of buffer zones. *Conservation Biology* 22:1205–1215.

Haug, E.A., B.A. Millsap, and M.S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*). No. 61 in A. Poole and F. Gill, editors. *The birds of North America*. Academy of National Science and American Ornithologists' Union, Philadelphia, Pennsylvania.

Henning, B.M. and A.J. Remsberg. 2009. Lakeshore vegetation effects on avian and anuran populations. *American Naturalist* 161:123–133.

<https://bioone.org/journals/the-american-midland-naturalist/volume-161/issue-1/0003-0031-161.1.123/Lakeshore-Vegetation-Effects-on-Avian-and-Anuran-Populations/10.1674/0003-0031-161.1.123.short>.

Homan, R.N., B.S. Windmiller, and M. Reed. 2004. Critical thresholds associated with habitat loss for two vernal pool-breeding amphibians. *Ecological Applications* 14(5):1547–1553.

<https://ase.tufts.edu/biology/labs/reed/documents/pub2004HomanEA.pdf>.

Howell, P., K. Jones, D. Scarnecchia, L. LaVoy, W. Kendra, and D. Ortmann. 1985. Stock assessment of Columbia River anadromous salmonids. Report to Bonneville Power Admin., Project 83-335, Portland, OR.

Isaak, D.J, S. Wollrab, D. Horan, and G. Chandler. 2012. Climate change effects on stream and river temperatures across the northwest U.S. from 1980-2009 and implication for salmonid fishes. *Climate Change* 113: 499-524.

ISAB (Independent Scientific Advisory Board). 2007. Climate change impacts on Columbia River basin fish and wildlife. Northwest Power and Conservation Council, Portland, Oregon.

IWJV. 2013. 2013 Implementation Plan – Strengthening Science and Partnerships, Chapter 4: Waterfowl. Intermountain West Joint Venture, Missoula, Montana.

Johnson, D.H., D.C. Gillis, M.A. Gregg, J.L. Rebholz, J.L. Lincer, and J.R. Belthoff. 2013. Users guide to installation of artificial burrows for Burrowing Owls. Version 2.0. Tree Top Inc., Selah, Washington.

<https://wdfw.wa.gov/sites/default/files/publications/01199/wdfw01199.pdf>.

Knutson, K.L. and Naef, V.L. 1997. Management recommendations for Washington's priority habitats: Riparian. Washington Department of Fish and Wildlife. 181 pp.
https://salishsearestoration.org/images/e/e4/Knutson_%26_Naef_1997_riparian_management_recommendations.pdf.

Larson, E.M., J. M. Azerrad, and Nordstrom, N., editors. 2004. Management recommendations for Washington's priority species, Volume IV: Birds. Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00026/wdfw00026.pdf>.

Larson, E.M., editor. 1997. Management recommendations for Washington's priority species, Volume III: Amphibians and Reptiles. Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00025/wdfw00025.pdf>.

Larson, E.M., Rodrick, E., and Milner, R, editors. 1995. Management recommendations for Washington's priority species, Volume I: Invertebrates. Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00024/wdfw00024.pdf>.

Lawson, P.W., E.A. Logerwell, N.J. Mantua, R.C. Francis, and V.N. Agostini. 2004. Environmental factors influencing freshwater survival and smolt production in Pacific Northwest coho salmon (*Oncorhynchus kisutch*). *Canadian Journal of Fisheries and Aquatic Sciences*, 61(3):360–373.

Leinenbach, P., G. McFadden, and C. Torgersen. 2013. Effects of Riparian Management Strategies on Stream Temperature. US Environmental Protection Agency, Seattle, Washington, US Geological Survey, Seattle, Washington, Bureau of Land Management, Portland, Oregon. January 17.

Leonard, W.P., H.A. Brown, L.L.C. Jones, K.R. McAllister, and R.M. Storm. 1996. The Trailside Series: Amphibians of Washington and Oregon. Seattle Audubon Society: Seattle.

Lusch, E. 1985. Comprehensive Guide to Western Gamefish. Portland: Frank Amato Publications.

Mantua, N., I. Tohver, and A.F. Hamlet. 2009. Impacts of climate change on key aspects of freshwater salmon habitat in Washington State. In Washington Climate Change Impacts Assessment: Evaluating Washington's future in a changing climate. Climate Impacts Group, University of Washington, Seattle, Washington.

Martin, D.J. 1973. Selected aspects of burrowing owl ecology and behavior. *Condor*

75:446–456.

Martin, T.G., S. McIntyre, C.P. Catterall, and H.P. Possingham. 2006. Is landscape context important for riparian conservation? Birds in grassy woodland. *Biological Conservation* 127:201–214.

McAllister, K.R., W.P. Leonard, D.W. Hays, and R.C. Friesz. 1999. Washington State Status Report for the Northern Leopard Frog. Wildlife Management Program, Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00378/wdfw00378.pdf>.

McElhany, P., M.H. Ruckelshaus, M.J. Ford, T.C. Wainwright, and E.P. Bjorkstedt. 2000. Viable salmonid populations and the recovery of evolutionarily significant units. NOAA Technical Memorandum, NMFS NWFSC 42. U.S. Department of Commerce, National Marine Fisheries Service.

Miller, A.M., and S.W. Golladay. 1996. Effects of spates and drying on macroinvertebrate assemblages of an intermittent and a perennial prairie stream. *Journal of the North American Benthological Society* 15:670-689.

Mutafov, D.T. 1992. Does the labeling restriction on carbofuran containers help protect burrowing owls? *Blue Jay* 50:201–203.

NMFS (National Marine Fisheries Service). 2005. Final assessment of NOAA Fisheries' critical habitat analytical review teams for 12 evolutionarily significant units of West Coast Salmon and Steelhead. NOAA, Portland, OR.

Norris, E., J. Nugent, and J. Wilde. 2020. Burrowing Owl Conservation Report: 2020. Mission Support Alliance. Prepared for the U.S. Department of Energy.
https://www.hanford.gov/files.cfm/HNF-65376_-_Rev_001.pdf

NWFSC (Northwest Fisheries Science Center). 2015. Status review update for Pacific salmon and steelhead listed under the Endangered Species Act: Pacific Northwest.

PFMC (Pacific Fishery Management Council). 2014. Appendix A to the Pacific Coast Salmon Fishery Management Plan, as modified by Amendment 18 to the Pacific Coast Salmon Plan: Identification and description of essential fish habitat, adverse impacts, and recommended conservation measures for salmon. Pacific Fishery Management Council, Portland, OR. September 2014. 196 p. + appendices.

Quinn, T., G.F. Wilhere, and K.L. Krueger, technical editors. 2020. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications. Habitat Program, Washington Department of Fish and Wildlife, Olympia.
<https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf>.

Rentz, R., A. Windrope, K. Folkerts, and J. Azerrad. 2020. Riparian Ecosystems, Volume 2: Management Recommendations. Habitat Program, Washington Department of Fish and Wildlife, Olympia.

<https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>.

Richter, K.O., D.W. Kerr, and B.J. Earle. 2008. Buffer-only wetland protection: implications for pond-breeding amphibians. *Urban Herpetology*. J.C. Mitchell and R.E.J. Brown, Society for the Study of Amphibians & Reptiles. pp. 489–504.

Rittenhouse, T., and R. Semlitsch. 2007. Distribution of amphibians in terrestrial habitat surrounding wetlands. *Wetlands* 27:153–161.

Rodgers, J.A.J., and S.T. Schwickert. 2003. Buffer zone distances to protect foraging and loafing waterbirds from disturbance by airboats in Florida. *Waterbirds* 26(4):437–443.

Rodrick, E. and Milner, R., editors. 1991. Management recommendations for Washington's priority habitats and species. Wildlife Management, Fish Management, and Habitat Management Divisions, Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/sites/default/files/publications/00032/wdfw00032.pdf>.

Rooney, R.C., S.E. Bayley, I.F. Creed, and M.J. Wilson. 2012. The accuracy of land cover-based wetland assessments is influenced by landscape extent. *Landscape Ecology* 27(9):1321–1335.

Scheuerell, M.D., and J.G. Williams. 2005. Forecasting climate-induced changes in the survival of Snake River spring/summer Chinook salmon (*Oncorhynchus tshawytscha*). *Fisheries Oceanography* 14:448–457.

Schmutz, J.K. 1987. The effect of agriculture on ferruginous and Swainson's hawks. *Journal of Range Management* 40:438–330.

Servizi, J.A. and D.W. Martens. 1991. Effect of temperature, season, and fish size on acute lethality of suspended sediments to coho salmon (*Oncorhynchus kisutch*). *Canadian Journal of Fisheries and Aquatic Sciences* 48:493–497.

Sherman, P. W. 2000. Distribution and behavior of Washington ground squirrels (*Spermophilus washingtoni*) in Central Washington. Unpublished report, Cornell University, Ithaca, NY. 13 pp.

Semlitsch, R.D. 2007. Differentiating migration and dispersal processes for pond-breeding amphibians. *Journal of Wildlife Management* 72:260–267.

Sibley, D.A. 2000. *The Sibley Guide to Birds*. The National Audubon Society. New York:

Alfred A. Knopf.

Spence, B.C., G.A. Lomnický, R.M. Hughes, and R.P. Novitzki. 1996. An Ecosystem Approach to Salmonid Conservation. Prepared by ManTech Environmental Research Services, Inc., Corvallis, Oregon, for National Marine Fisheries Service, Publication TR-4501-96-6057, Portland, Oregon (December 1996). 356 pp.

Stebbins, R.C. 1966. The Peterson Field Guide Series: A Field Guide to Western Reptiles and Amphibians. Boston: Houghton Mifflin Company.

Stinson, D.W. 2020. Periodic status review for the Greater Sage-grouse in Washington. Washington Department of Fish and Wildlife, Olympia, Washington.
<https://wdfw.wa.gov/sites/default/files/publications/02173/wdfw02173.pdf>.

Suter, G.W., II, and J.L. Jones. 1981. Criteria for golden eagle, ferruginous hawk and peregrine falcon nest site protection. *Raptor Research* 15:12–18.

Thoms, C. and Corkran, C. 2006. Amphibians of Oregon, Washington, and British Columbia: A Field Identification Guide, Revised and Updated. Canada: Lone Pine Publishing.

Trenham, P.C., and H.B. Shaffer. 2005. Amphibian upland habitat use and its consequences for population viability. *Ecological Applications* 15:1158–1168.

Upper Columbia Salmon Recovery Board. 2007. Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan. National Marine Fisheries Service. National Oceanic and Atmospheric Administration. <https://repository.library.noaa.gov/view/noaa/15990>

USFWS, 2014a. Endangered and Threatened Wildlife Plants; Determination of Threatened Status for the Western District Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*). Final Rule. Federal Register Vol. 79 No 192 (3 October 2014): 59992-600038 Sacramento, California: USFWS. October 2014.

USFWS, 2014b. Endangered and Threatened Wildlife Plants; Critical Habitat Designation for the Western U.S. Distinct Population of the Yellow Billed Cuckoo; Proposed Rule. Federal Register Vol. 79 No 92 (15 August 2014): 48548-48657. Sacramento, California: USFWS. August 2014.

Wade, A.A., and D.M. Theobald. 2010. Residential Development Encroachment on US Protected Areas. *Conservation Biology* 24(1):151–161.

Washington Department of Fish and Wildlife. Washington Ground Squirrel.
<https://wdfw.wa.gov/species-habitats/species/urocitellus-washingtoni>.

Washington Department of Fish and Wildlife. Loggerhead Shrike.
<https://wdfw.wa.gov/species-habitats/species/lanius-ludovicianus>.

Washington Department of Fish and Wildlife. Sagebrush sparrow.
<https://wdfw.wa.gov/species-habitats/species/artemisiospiza-nevadensis>.

Washington Department of Fish and Wildlife. Yuma myotis.
<https://wdfw.wa.gov/species-habitats/species/myotis-yumanensis>.

Washington Department of Fish and Wildlife. 1996. Washington state recovery plan for the ferruginous hawk. Washington Department of Fish and Wildlife, Olympia, Washington.
<https://wdfw.wa.gov/sites/default/files/publications/01336/wdfw01336.pdf>.

Washington Department of Fish and Wildlife. 2016. Washington State Mule Deer Management Plan. Wildlife Program, Washington Department of Fish and Wildlife, Olympia, WA, USA. 144 p.
<https://wdfw.wa.gov/sites/default/files/publications/01755/wdfw01755.pdf>.

Washington Department of Fish and Wildlife, Confederated Colville Tribes, Spokane Tribe of Indians, USDA-APHIS Wildlife Services, and U.S. Fish and Wildlife Service. 2019. Washington Gray Wolf Conservation and Management 2018 Annual Report. Washington Department of Fish and Wildlife, Ellensburg, WA, USA.

Weston, M.A., M.J. Antos, and H.K. Glover. 2009. Birds, buffers, and bicycles: a review and case study of wetland buffers. *The Victorian Naturalist* 126:79–86.

White, C.M., and T.L. Thurow. 1985. Reproduction of ferruginous hawks exposed to controlled disturbance. *Condor* 87: 14–22.

Wiles, G.J. and K.S. Kalasz. 2017. Status Report for the Yellow-billed Cuckoo in Washington. Washington Department of Fish and Wildlife, Olympia, WA. 32+ivpp. May 2017.
<https://wdfw.wa.gov/publications/01881/wdfw01881.pdf>.

Whitaker, J.O., Jr. 1980. *The Audubon Society Field Guide to North American Mammals*. Alfred A. Knopf, Incorporated.

Yensen, E. and P.W. Sherman. 2003. Ground-dwelling squirrels of the Pacific Northwest. Boise, ID.
<https://idfg.idaho.gov/sites/default/files/ground-squirrels-of-the-pacific-northwest-yensen-shermann-by-permission.pdf>.

Zabel, R.W., M.D. Scheuerell, M.M. McClure, and J.G. Williams. 2006. The interplay

between climate variability and density dependence in the population viability of Chinook salmon. *Conservation Biology* 20(1):190-200.

2. NATURALLY OCCURRING PONDS (UNDER 20 ACRES)

Ribeiro, R., M.A. Carretero, N. Sillero, G. Alarcos, M. Ortiz-Santaliestra, M. Lizana, and G.A. Llorente. 2011. The pond network: can structural connectivity reflect on (amphibian) biodiversity patterns? *Landscape Ecology* 26(5):673–682.

3. WATERS OF THE STATE

Washington, State of. WAC 222-16-030 defines water types and a water typing system.

4. WATER, INCLUDING LAKES, PONDS, STREAMS, AND RIVERS WHERE FISH HAVE BEEN RELEASED

Local governments should consult with the local tribal entity and the Washington Department of Fish and Wildlife for the latest finfish release information.

Northwest Indian Fisheries Commission
6730 Martin Way E.
Olympia, WA 98512
(360) 438-1180

Columbia River Intertribal Fisheries Commission
729 N.E. Oregon, Suite 200
Portland, OR 97232
(503) 238-0667

Washington Department of Fish and Wildlife, Fish Program
600 Capital Way N.
Olympia, WA 98501-1091
(360) 902-2700

Washington Department of Fish and Wildlife. 2019. Statewide Trout and Kokanee Stocking Plan.
<https://wdfw.wa.gov/sites/default/files/publications/02060/wdfw02060.pdf>.

Kraig E., and T Scalici,. May 2018 Washington State Sport Catch Report 2016 Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/02002/wdfw02002.pdf>.

5. STATE NATURAL AREAS PRESERVES AND NATURAL RESOURCES CONSERVATION AREAS

Washington Department of Natural Resources. Updated annually. State of Washington natural heritage plan. Washington Natural Heritage Program. Available at: <https://www.dnr.wa.gov/NHPdata>. Washington Department of Natural Resources. Washington Natural Heritage Program. All Features: https://www.dnr.wa.gov/publications/amp_nh_trs.pdf?6g1aec.

Washington Department of Natural Resources. 1992. State of Washington natural resources conservation areas: Statewide management plan. 33 pp.

Natural area preserves publications area available through Natural Areas Program, Washington Department of Natural Resources. For a list of individual region Natural Areas managers in seven statewide offices, consult the Washington Department of Natural Resources website at <https://www.dnr.wa.gov/>. Additional information about Natural Areas Preserves and Natural Resource Conservation Areas is available by contacting:

Natural Areas Program
Lands and Resources Division
Washington Department of Natural Resources
P.O. Box 47016
Olympia, WA 98504-7016
(360) 902-1340

6. STATE LISTED HABITAT

The Priority habitats of Washington State that may be present within the Franklin County area include:

Aspen stands
Biodiversity Areas and corridors
Inland dunes
Eastern steppe
Shrub steppe
Riparian
Freshwater wetlands and fresh deepwater
Instream
Caves
Cliffs
Snags and logs
Talus

F. BEST AVAILABLE SCIENCE RESOURCES: MISCELLANEOUS

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

Critical Area Assistance Handbook: A Handbook for Reviewing Critical Areas Regulation, Department of Commerce, Washington State, 2018

Model Code Recommendations for Designating and Protecting Critical Areas, Community Trade and Economic Development, Washington State, 2002

WAC Chapter 365-190 and WAC 365-190-080 Critical Areas

Washington State Lidar Portal. Available at: <https://lidarportal.dnr.wa.gov/>.

Franklin County Shoreline Master Program, as amended;

Franklin County Comprehensive Plan, as amended;

Franklin County Development Regulations (Zoning Ordinance), as amended

Previously completed maps in the vicinity of a permit application.

Previously completed special reports conducted in the vicinity of a permit application.

FRANKLIN COUNTY ORDINANCE _____

APPENDIX B

FEDERAL / STATE CANDIDATE SPECIES AND SPECIES OF LOCAL IMPORTANCE

PRIORITY SPECIES: The following list comprises the identified species listed as endangered, threatened, or sensitive by the Federal or State Governments, *as amended*.

- American White Pelican
- Ferruginous Hawk
- Sharp Tailed Grouse
- Sandhill Crane
- Common Loon
- Chinook Salmon
- Coho Salmon
- Rainbow Trout/ Steelhead/ Inland Redband Trout
- Bull Trout
- Sockeye Salmon
- Yellow-Billed Cuckoo

IMPORTANT SPECIES: The following list comprises the identified species listed as candidate, monitor, or locally important species as designated by the Federal or State Governments and/or Franklin County, as amended.

- Bald Eagle
- Black-necked Stilt
- Black-tailed Jackrabbit
- Burrowing Owl
- California Floater Mussel
- Columbia Pebblesnail
- Columbia River Tiger Beetle
- Forster's Tern
- Golden Eagle
- Grasshopper Sparrow
- Great Blue Heron
- Great Egret
- Juniper Hairstreak
- Leopard Dace
- Loggerhead Shrike
- Mountain Sucker
- Ord's Kangaroo Rat
- Osprey
- Prairie Falcon
- Peregrine Falcon
- Western Racer
- River Lamprey

Sage Thrasher
Sagebrush Sparrow
Sagebrush Lizard
Sagebrush Lizard
Shortface Lanx
Striped Whipsnake
Swainson's Hawk
Townsend's Ground Squirrel
Townsend's Big-eared Bat
Washington Ground Squirrel
Western Bumble Bee
Western Grebe
White-tailed Jackrabbit
Woodhouse's Toad
Westslope Cutthroat

PRIORITY HABITATS: The following list comprises the identified habitats listed as Priority by the Federal or State Governments, as amended.

Aspen Stands
Caves
Cliffs/Bluffs
Grebe Species
Inland Dunes
Instream Habitat
Juniper Savannah
Riparian Zones
Rural Natural Open Space
Eastside Steppe
Shrub-Steppe
Talus
Urban Natural Open Space
Waterfowl Concentrations
Wetland

PC MEETING SUMMARY

TC 2023-02

Franklin County – Review & Update to FCC 18.08, Critical Areas Ordinance (CAO)

FACT SHEET/STAFF SUMMARY
Meeting before the Franklin County Planning Commission

Case file: TC 2023-02 [update to Franklin County Code (FCC) 18.08] and SEPA 2023-06.

PC Meeting Date: June 20, 2023

See the staff report for the application details, description, explanation of public notice, etc.

SUMMARY OF THE PUBLIC HEARING:

The request to update Franklin County Code (FCC) 18.08 "Critical area/Resource Area Protection Standards" went before the Planning Commission on June 20, 2023. There were no public comments received before the hearing and no public comments during the public hearing regarding the proposal.

Staff consultant provided a presentation and PowerPoint regarding the proposal. Time was allowed for clarification by the Planning Commission. *(See Staff Report and draft minutes)*

As proposed, the application is to update FCC Ch. 18.08 in order to incorporate updated guidance and Best Available Science to ensure compliance with the Growth Management Act (GMA), and to increase usability of the codes. At the June 20, 2023 meeting, the Planning Commission discussed the proposal, the comments made, the record as provided, and findings of fact. A motion was made for a recommendation that the Franklin County Board of Commissioners approve the request for the rezone of the properties, regarding Application TC 2023-02, seconded, and approved, with the suggested sixteen (16) findings of fact, as provided below.

Findings of Fact – Planning Commission: The Planning Commission (with assistance from Planning Staff) made and entered the following findings from the record, and conclusions thereof:

Suggested Findings of Fact:

1. Washington State's Growth Management Act requires all cities and counties in to adopt regulations protecting "critical areas" in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water per RCW 36.70A.050.
2. The Franklin County Critical Areas Ordinance is codified at Franklin County Code Chapter 18.08 and was last amended in February 2009 via Ord. No. 3-2009.
3. Franklin County is in the process of adopting updates to its Development Regulations, as part of the periodic update process, required under RCW 36.70A.130(5)(c).
4. The purpose of the proposed changes to Chapter 18.08 of the Franklin County Code is to implement the goals and policies of the Comprehensive Plan, to be in compliance with the Growth Management Act (GMA), and to review and update the County's critical areas regulations.

5. The County finds that the proposal is in accord with the goals and policies of the comprehensive plan including the county-wide planning policies.
6. The County finds that the effect of the proposal will NOT be materially detrimental.
7. The County finds that there is merit and value in the proposal for the community as a whole.
8. The 60-day notice of intent to adopt was filed with the State of Washington Department of Commerce on March 27, 2023.
9. The County completed environmental review under SEPA and issued a threshold Determination of Non-Significance (DNS) on May 11, 2023.
10. A project notice of proposed amendments, environmental review, and the public hearing was published in the Franklin County Graphic on May 11, 2023.
11. Interested parties and the Franklin County incorporated cities have had the opportunity to review and comment on the proposed updates to Title 16 of the Franklin County Code.
12. *[RESERVED FOR COMMENTS RECEIVED – IF ANY]*
13. The Planning Commission held a public hearing on June 6, 2023.
14. Following completion of the public hearing before the County's Planning Commission, the Board of County Commissioners will have an opportunity to approve the updated critical areas ordinance in a public meeting.
15. *[RESERVED FOR PLANNING COMMISSION RECOMMENDATION]*
16. *[RESERVED FOR BOCC]*

Suggested Motion: "I move that the Board of County Commissioners adopt the recommendation of the Planning Commission and approve TC 2023-02, based upon the sixteen (16) written findings of fact."

PC MEETING MINUTES

TC 2023-02

Franklin County – Review & Update to FCC 18.08, Critical Areas Ordinance (CAO)

ITEM #1 – TC 2023-02 / SEPA 2023-06 (Critical Areas Ordinance)

Proposal is to amend Chapter 18.08 "Critical Area/Resource Area Protection Standards" or Critical Area Ordinance (CAO) of the Franklin County Code.

APPLICANT: Franklin County

REPRESENTATIVE: Emily Weimer of AHBL, Inc.

OPEN PUBLIC HEARING:

Commissioner Gutierrez declared the public hearing to be open at 7:13PM.

STAFF REPORT:

- Mr. Braaten explained the Critical Area Ordinance (CAO) and when the CAO is supposed to be updated. Further explained that there are similarities between the Shoreline Master Program (SMP) and the CAO, like the shorelines and floodplains. However, the CAO covers things like slide hazards, slopes, aquifer recharge areas, etc.
- Emily Weimer of AHBL presented at 7:15PM. Presentation lasted approximately 12 minutes.

COMMISSIONER QUESTIONS FOR STAFF/REPRESENTATIVE:

- No questions from the Commissioners regarding this agenda item.

PUBLIC COMMENTS:

- No public comments were made for, against, or neutral regarding this agenda item.

STAFF FINAL COMMENTS:

- No final comments from staff for this agenda item.

CLARIFICATION OF PUBLIC STATEMENTS:

- No clarification of public statements was needed by the audience.

CLOSING PUBLIC HEARING ITEM:

- Commissioner Gutierrez closed the public hearing portion of this item at 7:28 PM.

PLANNING COMMISSION DISCUSSION (before motion):

- No discussion amongst the Planning Commission prior to the motion.

Commissioner Gutierrez entertained a motion.

Commissioner Harpster made a motion to forward to the Board of County Commissioners a positive recommendation of TC 2023-02/SEPA 2023-06 with the sixteen (16) adopted findings of fact.

Commissioner Kniveton seconded the motion.

PLANNING COMMISSION FURTHER DISCUSSION (after motion):

- No further discussion amongst the Commissioners after the motion was made.

ITEM UNDER REVIEW FROM JUNE 20, 2023 PC MEETING

ROLL CALL VOTE:

Mike Corrales:	Absent
Melinda Didier:	Disconnected (meeting was put on hold for approximately 4 minutes) Yes (call-in)
Mike Vincent:	Absent
Layton Lowe:	Absent
Peter Harpster:	Yes
Manny Gutierrez:	Yes
Stacy Kniveton:	Yes (call-in)

The motion has been approved for TC 2023-02 / SEPA 2023-06 at 7:37PM.

The portions of the meeting minutes regarding Planning Commission meeting Item #2 and #3 is being EXCLUDED, as they address an item that has already been heard by the Board of County Commissioners at an earlier date, which is subject to the Washington State Appearance of Fairness Doctrine.

PC STAFF REPORT

TC 2023-02

Franklin County – Review & Update to FCC 18.08, Critical Areas Ordinance (CAO)

Agenda Item #1

STAFF REPORT

TC 2023-02/SEPA 2023-06

Franklin County – Ch. 18.08 Critical Areas Ordinance

FACT SHEET / STAFF REVIEW

Public Hearing (Legislative) before the Franklin County Planning Commission

Casefile: TC 2023-02 (SEPA 2023-06)

Hearing Date: June 6, 2023

Applicant: Franklin County Planning and Building Department

Suggested Recommendation: Positive recommendation of the proposed amendments to Franklin County Code Chapter 18.08 "CRITICAL AREA/ RESOURCE AREA PROTECTION STANDARDS"

Suggested Motion: I move to forward to the Board of County Commissioners recommendation to approve the proposed amendments to FCC 18.08 "CRITICAL AREA/ RESOURCE AREA PROTECTION STANDARDS" based on the prepared Findings of Fact.

ATTACHMENTS:

1. Proposed amendments to Chapter 18.08 (redlined)
2. DNS and SEPA Checklist
3. Commerce Critical Areas Checklist
4. Draft Ordinance (includes Best Available Science in Appendix A)

DESCRIPTION:

The County Commissioners passed Ordinance 2021-07 adopting the 2018-2038 Franklin County Comprehensive Plan and the County is now in the process of adopting updates to its Development Regulations as part of the periodic update process, required under RCW 36.70A.130(5)(c).

Staff proposed updates of Franklin County Code 18.08 "CRITICAL AREA/ RESOURCE AREA PROTECTION STANDARDS" which incorporates updated guidance and Best Available Science (per a review by consultants) to ensure compliance with the Growth Management Act (GMA), and to increase useability of the codes. Chapter 18.08 was last amended via Ordinance #1-2012 in January 2012.

The proposed amendments were prepared by the City's Planning Consultant AHBL and are largely based on a checklist provided by the Washington State Department of Commerce that outlines regulations that protect critical areas. The update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The County also considers comments from stakeholders and the public, as well as Ecology and other reviewers.

Under the state Growth Management Act (GMA), local governments are required to use the best available science in their policies and regulations on critical areas. The best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through 365-195-925. A

technical consultant (Herrera Environmental, a sub-consultant to AHBL) prepared an update to the County's Best Available Science (BAS). The BAS is included in the Critical Areas adoption ordinance. The draft prepared BAS is included in Appendix A of the prepared ordinance.

No changes are proposed to any maps maintained by the County pertaining to Critical Areas, and no field work or reconnaissance was completed.

The proposed redlined Chapter 18.08 is included under **Attachment 1**. A summary of the proposed amendments (not an exhaustive list) is provided below:

Article I: General Provisions

- **18.08.010 Purpose:** We added several goals in order to align with state law and to strengthen the Chapter.
- **18.08.020 Authority and Applicability:** We added a clarification that existing and congoing agricultural activities that are covered in Franklin County's Voluntary Stewardship Program (VSP) are exempted from Chapter 18.08 to the extent allowed in the VSP.
- **18.08.030 Relationship to other Regulations:** We added a clarification that the applicant is responsible for complying with compliance with other federal and state regulations, including Army Corps of Engineers Section 404 permits, to assist applicants in knowing what their responsibilities are.
- **18.08.070 Definitions:** We added several definitions, including "Adjacent," "anadromous fish," "bank," "priority habitat," "riparian," "stream," "waters of the state;" we removed several definitions, including "critical resources," and "dwelling."
- **18.08.070 Definitions and various:** We combined and refined all definitions and qualifications for a qualified professional throughout the code and placed it in the definitions.
- **18.08.090 General Review Process and Report Requirements:** We amended several sections to: require a qualified professional to map unmapped wetland, geologically hazardous and/or fish and wildlife habitat conservation areas; require the critical areas report to demonstrate that impacts are unavoidable, and no other feasible alternative exists; and consider the cumulative impacts to facilitate the goal of no net loss. The no net loss requirements comply with WAC 365-196-830(4)

Article II: Wetlands

- **18.08.202 Regulated Activities:** We added this new section to specify what activities are regulated if they occur in a wetland or its buffer, including excavating, filling, draining of water table, etc.
- **18.08.204 Activities Allowed in Wetlands:** We added this new section allowing specific activities in wetlands that do not trigger a Critical Areas report per FCC 18.08.120, and which do not result in the loss to the functions and values of a wetland. Examples include some conservation / preservation activities, harvesting of wild crops, existing and ongoing agricultural activities, drilling for utilities, and removal of non-native invasive plant species.
- **18.08.206 Activities Allowed in Wetland Buffers:** We added this new section allowing specific activities within the wetland buffer, including wells and necessary appurtenances associated with a single-family dwelling, trails, and underground utility lines.
- **18.08.200 Classification, Rating, and Delineation:** We amended this section to specify what the Washington State Wetlands Rating System for Eastern Washington is, and further added information about how the manual classifies wetlands into categories.

- **18.08.240 Critical Area Report/ Wetland Management and Mitigation Plan:** We changed the listed Washington state guidance for mitigation planning as a requirement instead of an encouragement to align with the County's legal obligations to protect wetlands. We added exceptions to the no net loss function of wetland management plans.
- **Table 18.08.240(E) Mitigation Ratios for Eastern Washington:** We added onto the mitigation ratios based on the category and type of wetland impacts and the proposed action, based on Ecology guidance.
- **18.08.240(I) Wetland Buffer Reductions:** We added this new section to allow reductions of wetland buffers by wetland type, with criteria.

Article III Critical Aquifer Recharge Areas

- **18.08.290 Definitions:** We amended the definition of a "Critical Aquifer Recharge Area" to align with the WAC and added a definition of "Hydrologic soil groups" by type.
- **18.08.300 Classification and Designation:** We amended the designated wellhead protection area definition to align with WAC; we added information about the County's mapping as well as the Department of Health's Source Water Assessment Program web map.
- **18.08.312 Activities and Uses Allowed in Critical Aquifer Recharge Areas:** We added this new section allowing certain activities, including construction and on-site domestic septic systems meeting certain requirements.
- **18.08.314 Critical Areas Report – Additional Requirements for Critical Aquifer Recharge Areas:** We added this new section outlining requirements for a Critical Areas Report specific to the CARA, including requirements by a qualified professional and a hydrogeologic assessment.
- **18.08.320 Management Standards:** We removed items A through C pertaining to guidance as that language is more appropriate in a Comprehensive Plan. We added prohibited activities and uses in CARAs based on Ecology guidance, including wood treatment facilities, landfills, and facilities that treat or dispose of dangerous waste. We added a table citing State and Federal regulations that affect a project.

Article IV: Frequently Flooded Areas

Article V: Geologically Hazardous Areas

- **18.08.430 Definitions:** We amended the definition of a "geologically hazardous area" to align with the WAC; we added the definition of "critical facilities" per the RCW.
- **18.08.440 Classification and Designation:** We added: a reference to the Washington State Geologic Information Portal as a data source; criteria for seismic hazard areas; and that critical facilities should be located outside a geologically hazardous areas to the extent possible.

Article VI: Fish and Wildlife Habitat Conservation Areas

- **18.08.500 Definitions:** We amended the definition of "fish and wildlife conservation areas" to align with the RCW; we added that fish and wildlife conservation areas include state priority habitats and areas associated with state priority species defined and listed by the State Department of Fish and Wildlife.
- **18.08.510 Identification and Classification:** We added provisions in which a riparian habitat should be increased.
- **18.08.555 Development Standards- Mitigation:** We added this section to meet the no net loss requirement in WAC 365-196-830(4) which adds specifications for mitigation.

- **18.08.560 Management Standards:** We added this section to address what kind of conditions of approval the County can apply to proposals within or adjacent to a habitat conservation area; the section addresses anadromous fish as required in WAC 365-196-830.

PROCESSING HISTORY:

On May 11, 2023, County staff sent the proposed changes to Chapter 18.08 to technical review agencies and stakeholders for an initial review. The group includes the County Engineer; County Assessor/GIS, County E-9111 the Benton-Franklin Health District; representatives from Fire Districts #1, 2, 3, 4, 5; the Franklin PUD; BBEC; the County Building Official; Franklin Irrigation District; South Columbia Irrigation District; U.S. Bureau of Reclamation; WSDOT; the City of Pasco; City of Connell, and more.

Department of Commerce 60-day Notice of Intent to Adopt Amendment: Staff sent a draft version of the proposed amendments to the Department of Commerce on March 27, 2023 and the 60-day period concluded on May 26, 2023. This process was completed as required. Two comments were received from State agencies (WDFW and DNR). Staff reviewed the comments and incorporated relevant suggested changes into the draft.

SEPA Review: The proposal has been reviewed under the requirements of the State Environmental Policy Act along with the Environmental Checklist and other information. A determination was made as to the environmental impacts of the proposal and a Notice of Application and a SEPA Determination of Nonsignificance (DNS) was issued for the proposal (Franklin County File # 2023-02 SEPA 2023-06) on May 11, 2023 (SEPA register 202302180). The comment period for the determination and environmental impacts of the proposal concluded on May 25, 2023. No comments were received as of the date of this report. The DNS and SEPA checklist are included under **Attachment 2**.

PROPOSED ADOPTION PROCESS:

Planning Commission Public Hearing: The Planning Commission is asked to hold a public hearing on the proposed amendments in order to receive public comment on the proposal and to formalize the record for the item. The public was notified of the Planning Commission Public Hearing as required by FCC 14.60.040 and a notice was published in the Franklin County Graphic on May 11, 2023.

Following a public hearing, the Planning Commission will forward its written recommendation on the application to the Board of County Commissioners (BOCC).

Board of County Commissioners' Review: The BOCC will have the opportunity to review the recommendation of the Planning Commission and additionally may hold additional hearing(s) on the proposed changes, if desired, to receive any further public comment on the document. The BOCC will review the record and may adopt the changes by Adoption of an Ordinance.

SUGGESTED FINDINGS OF FACT:

1. Washington State's Growth Management Act requires all cities and counties in to adopt regulations protecting "critical areas" in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water per RCW 36.70A.050.
2. The Franklin County Critical Areas Ordinance is codified at Franklin County Code Chapter 18.08 and was last amended in February 2009 via Ord. No. 3-2009.

3. Franklin County is in the process of adopting updates to its Development Regulations, as part of the periodic update process, required under RCW 36.70A.130(5)(c).
4. The purpose of the proposed changes to Chapter 18.08 of the Franklin County Code is to implement the goals and policies of the Comprehensive Plan, to be in compliance with the Growth Management Act (GMA), and to review and update the County's critical areas regulations.
5. The County finds that the proposal is in accord with the goals and policies of the comprehensive plan including the county-wide planning policies.
6. The County finds that the effect of the proposal will NOT be materially detrimental.
7. The County finds that there is merit and value in the proposal for the community as a whole.
8. The 60-day notice of intent to adopt was filed with the State of Washington Department of Commerce on March 27, 2023.
9. The County completed environmental review under SEPA and issued a threshold Determination of Non-Significance (DNS) on May 11, 2023.
10. A project notice of proposed amendments, environmental review, and the public hearing was published in the Franklin County Graphic on May 11, 2023.
11. Interested parties and the Franklin County incorporated cities have had the opportunity to review and comment on the proposed updates to Title 16 of the Franklin County Code.
12. *[RESERVED FOR COMMENTS RECEIVED – IF ANY]*
13. The Planning Commission held a public hearing on June 6, 2023.
14. Following completion of the public hearing before the County's Planning Commission, the Board of County Commissioners will have an opportunity to approve the updated critical areas ordinance in a public meeting.
15. *[RESERVED FOR PLANNING COMMISSION RECOMMENDATION]*
16. *[RESERVED FOR BOCC]*

RECOMMENDED ACTION

Staff suggests that the Planning Commission hold a legislative public hearing on the proposed ordinance and following the hearing, Staff recommends the Planning Commission recommend to the Board of County Commissioners that the changes be approved via adoption of the ordinance.

SUGGESTED MOTION

"I move to accept the staff report and the proposed ordinance; adopt the suggested findings of fact in the report; and forward the proposed ordinance to the Board of County Commissioners with a recommendation of Approval."

Agenda Item #1

PUBLIC-AGENCY NOTICE/RESPONSE MATRIX

TC 2023-02/SEPA 2023-06

Franklin County – Ch.18.08 Critical Areas Ordinance



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

NOTICE OF OPEN RECORD PUBLIC HEARING & SEPA DETERMINATION

NOTICE IS HEREBY GIVEN that there has been proposed to the Franklin County Planning Commission amendments to Chapter 18.08 "CRITICAL AREA/RESOURCE AREA PROTECTION STANDARDS" of the Franklin County Code. These regulations help to preserve the natural environment, maintain fish and wildlife habitat, and protect drinking water, as required by State law. **File #: TC 2023-02/SEPA 2023-06.**

NOTICE IS FURTHER GIVEN that the proposal will be considered by the Franklin County Planning Commission during a meeting on **Tuesday, June 6, 2023**, at 7:00 pm in the **Commissioners Meeting Room of the Franklin County Courthouse, 1016 N. 4th Ave., Pasco, WA 99301** and all concerned may appear and present any support for or objections to the proposal. During the meeting, the Planning Commission will conduct a legislative public hearing to gather public input and to review the proposed code changes. All interested parties are invited to participate in the hearings; comments may be made verbally or in writing. The Planning Commission's role is to make a recommendation to the Franklin County Board of County Commissioners for (the legislative body).

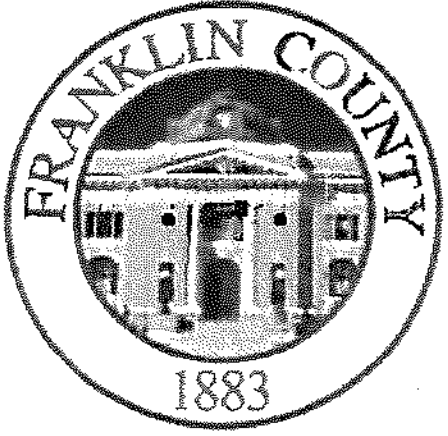
NOTICE IS FURTHER GIVEN that the proposal is subject to environmental review. Franklin County is the lead agency for the proposal under the State Environmental Policy Act (SEPA) and reviewed the proposed non-project action for probable adverse environmental impacts and issued a determination of non-significance (DNS) for this proposal on May 11, 2023. The Comment period for the DNS concludes at 5:00 pm on May 25, 2023. The environmental checklist and related file information is available to the public upon request and will be sent to agencies with jurisdiction, the Washington State Department of Ecology, and others having an interest in the proposal.

You may provide written comments on the proposed Code Amendments. Send written comments by mail to the Franklin County Planning and Building Department at 502 W Boeing St., Pasco, Washington 99301 or by email at planninginquiry@franklincountywa.gov. Written comments must be received by 5:00 pm, May 25, 2023 in order to be included in the staff report to the Planning Commission for their public hearing. Comments received later will still be included in future meeting reports or provided at the public hearing.

How to Watch/Participate Online: You can watch the proceeding on YouTube Live, by going to the Franklin County, WA agenda page at <https://www.franklincountywa.gov/AgendaCenter/Planning-Commission-2>. To participate online, more information will be posted to the agenda page, by the Friday proceeding the meeting.

Appeals: You may appeal the threshold determination by submitting an appeal to the address below within 10 days of issuance. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. All comments or appeals are to be directed to the Franklin County Planning & Building Department, 502 W. Boeing St., Pasco, WA 99301. More information on the appeal process is contained in Franklin County Code (FCC) 18.04.280.

DATE OF ISSUANCE: MAY 11, 2023



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

AGENCY COMMENTS (TC 2023-02/SEPA 2023-06)

DATE: May 11, 2023

RE: TC 2023-02

TO: County Engineer
Benton-Franklin Health Dist.
Fire Code Official
Assessor/GIS
County E-911
WSDOT

Irr. Dist.(FCID X SCBID X)
Fire Dist. # 1, 2, 3, 4, 5
Elec.Utility (PUD X BBEC X)
County Building Official
Bureau of Reclamation
City of Pasco

FROM: Derrick Braaten, Planning & Building Director

CC: Craig Erdman, Mike Gonzales, Rebeca Gilley, Derrick Braaten

Agency Representative:

Enclosed is a copy of a proposed Text Change Amendment (TC) application. The TC is a request to amend FCC Chapter 18.08, Critical Areas Ordinance (CAO), to reflect the results of the mandated review and update to the CAO, as required following the 10-year review and update to the County's Comprehensive Plan.

We would appreciate your review and comments **within (10) working days of the above listed date, if possible.** If it will take longer to review the TC, please contact this office at (509) 545-3521.

Sincerely,

Derrick Braaten
Planning & Building Director

See attached for additional information

REPLY:

Signed: _____
Title: _____

Date: _____

Critical Areas Chapter 18.08 Amendment

Compiled 5/9/23

DNR – Tricia Sears 3/21/23 email	On page 7, the definition of qualified professional notes they should be licensed as appropriate for the subject. It does not specifically state which kind of licensure is appropriate for which subject. Nor does it say they should be licensed in WA. In other parts of the provisions, you have various language about licensing. On page 39 it talks about licensed engineer or geologist, but does not say they need to be licensed in WA. On page 40 it says they do need to be licensed in WA. Suggest adding a table and/ or some further clarifying language about the qualifications needed/appropriate for the subject/which type of critical areas report.	"Qualified Professional" means an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on or, someone who would qualify as an expert in their field. For wetlands, a qualified professional should shall be a professional wetland scientist with at least two years full time work experience as a wetlands professional wetland professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans. means a Washington state licensed professional with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience. (a) A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species. (b) A qualified professional for a geological hazard must be a professional geotechnical engineer or geologist licensed in the State of Washington. (c) A qualified professional for critical aquifer recharge areas must be a professional geologist with a specialty in hydrogeology licensed in the State of Washington. Removed specific qualifications and replaced with "qualified professional as specified in Section 18.08.070": 18.08.090(C)(2), 18.08.090(D)(2), 18.08.230(A), 18.08.240(A), 18.08.314(A), 18.08.320(I), 18.08.450(C)(2), 18.08.460(A)(1)&(2), 18.08.550(B),
"	On page 8, you refer to the Geologic Information Portal, that's great! Perhaps you would consider also listing it in the geologically hazardous area section with some of the maps you list there.	18.08.440 Classification and designation. A. Data sources are available from Franklin County that are used in the mapping of characteristics of geologically hazardous areas, as well as the Washington State

		<u>Geologic Information Portal. Available at: https://www.dnr.wa.gov/geologyportal</u> <u>[Landslide and Geology layers]</u>
WDFW – Elizabeth Torrey Letter dated April 13, 2023	18.08.080(5): We suggest modifying the definition for the term "Anadromous Fish". Our suggested changes read as follows: "Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults. migrate to the ocean to mature in the marine environment until returning to freshwater to spawn. In Franklin County, these include Pacific salmon species, steelhead, and Pacific lamprey."	Changed as recommended.
" "	18.08.080(x): We suggest adding a definition for the term "Bank (of a water body)". Suggested wording is as follows: "Bank" means any land surface landward of the ordinary high water line next to a body of water and constrains the water except during floods. The term "bank" also includes all land surfaces of islands within a body of water that are below the flood elevation of the surrounding body of water.	Changed as recommended: 18.08.070(9)
" "	18.08.080(x): We suggest adding a definition for the term "Priority Habitat". Example language as follows: "Priority habitat" means a habitat type or elements with unique or significant value to one or more species as classified by the	Changed as recommended: 18.08.070(44)

	state Department of Fish and Wildlife. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (e.g., shrubsteppe, juniper savanna). A priority habitat may also be described by a successional stage (e.g., old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat feature (e.g., talus slopes, caves, snags) of key value to fish and wildlife.	
" "	18.08.080(x): We suggest adding a definition for the term "Priority species". Example language as follows: "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species include State Endangered, Threatened, Sensitive, and Candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable.	Changed as recommended: 18.08.070(45)
" "	18.08.080(x): We suggest adding a definition for the term "Riparian". Example language as follows: "Riparian" areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).	Changed as recommended: 18.08.070(48)
" "	18.08.080(x): We suggest adding a definition for the term "Riparian Management Zone". Suggested wording for this definition is: "Riparian management zone(s)" or "RMZ(s)" is a scientifically based description of the area adjacent to	No action. This may be further discussed in future updates. Washington's RMZ guidance is new and we recommend waiting to see how it is integrated with other local CAO's.

	rivers and streams (see "riparian") based on the site potential tree height conceptual framework. It is the area that has the potential to provide full ecological function for bank stability, shade, pollution removal, contributions of detrital nutrients, and recruitment of large woody debris.	
" "	18.08.080(x): We suggest adding a definition for the term "Stream or Water Type". Suggested wording is: "Stream or Water Types" are fully defined in WAC 222-16-030. An abbreviated definition is provided below, but the full WAC definition is adopted and applies: "Type S Water" means all designated "shorelines of the state". "Type F Water" means streams other than Type S Waters that contain fish habitat or are diverted for certain kinds of domestic use or for use by fish hatcheries. "Type Np Water" means streams that are perennial nonfish habitat streams. "Type Ns Water" means streams that are seasonal, nonfish habitat streams, which are physically connected by an above-ground channel system to Type S, F, or Np Waters.	Changed as recommended: 18.08.070(50)
" "	18.08.080(x): We suggest adding a definition for the term "Waters of the State". Suggested wording is: "Waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030.	Changed as recommended: 18.08.070(58)
" "	18.08.090(2): WDFW suggests adding a Critical Areas Identification Checklist or similar product to assist County Planning staff in identifying Fish and Wildlife Habitat Conservation Areas. We have included an example of a FWHCA Identification Checklist at the end of this letter. The reason behind this request is that in many instances, Critical Areas such as Shrubsteppe habitat may not be mapped on parcels which it nonetheless occurs. This checklist will guide users through identifying these features.	No action.

"	18.08.500(E): WDFW strongly recommends adding a definition under the term "Fish and Wildlife Habitat Conservation Areas." Suggested wording is: "State priority habitats and areas associated with state priority species defined and listed by the State Department of Fish and Wildlife in the Priority Habitats and Species List."	Revised as suggested.
"	18.08.510(A): See above comment for section 090(2).	Revised as suggested.

"	18.08.510(A): The Growth Management Act requires jurisdictions to "designate and protect" their critical areas to provide for no net loss of ecosystem functions and values. It is not clear whether the "identification and classification" of your Fish and Wildlife Habitat Conservation Areas meets this standard. We refer to you the Department of Commerce's Critical Areas Checklist for applicable statutory references.	In 18.08.010 Purpose we added under (C) <i>Goals: Provide for no net loss of critical area functions and values;</i> In 18.08.090(D) Critical Area Report Requirements: we added (2)(e): Consider the cumulative impacts of the proposed action that includes past, present, and reasonably foreseeable future actions to facilitate the goal of no net loss of critical areas. Such impacts shall include those to wildlife, habitat, and migration corridors; water quality and quantity; and other watershed processes that relate to critical area condition, process, and/or service We added this new section to address no net loss requirement in WAC 365-196-830(4) 18.08.555 Development standards- Mitigation A. Mitigation for alterations to fish and wildlife habitat conservation areas shall be consistent with the Washington State Department of Fish and Wildlife and other state or federal agencies' management recommendations and guidance documents for best practices mitigation. B. Mitigation shall be required to the level or extent necessary to achieve no net loss of critical area functions and values. C. Proposed mitigation for impacts within fish and wildlife habitat conservation areas may be conditioned by the county on a case-by-case basis using recommendations provided by Washington Department of Fish and Wildlife For Type S Water, we removed the number and replaced with: "See FCC Chapter 18.16 Shoreline Master Program" We raised Type Ns from 25' to 50' <u>The County should consider amending buffer widths.</u>
"	18.08.510(A)(4): WDFW commends Franklin County for increasing the widths of the Riparian Management Zones on Type S and Type Np watercourses. However, we are concerned that the other watercourse types have experienced decreases, including Type F watercourses which appears to have dropped from 150' to 100'. The buffers for Type Np and Type Ns also do not reflect current Best Available Science, which indicate that in the Columbia Plateau ecoregion, riparian buffers should be no less than 100 feet as measured from the OHWM or Channel	

	Migration Zone, so as to fully protect aquatic ecosystems from deleterious nutrient/pollutant input. Where native riparian vegetation extends >100 feet from the OHWM or Channel Migration Zone, wider buffers are needed to maintain full riparian ecosystem functionality. Specifically, we are referring to Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (WDFW, 2020) and Riparian Ecosystems, Volume 2: Management Recommendations (WDFW, 2020). A web map is available here to assist planners in administering their code. The documents referenced above can be referenced here, with a related new checklist for CAOs available here.	
" "	We recommend your CAO fully reflect statute and rule 1 with respect to the Voluntary Stewardship Program, especially concerning participating and non-participating watersheds. In addition, please ensure your CAO has language pertaining to "new" agricultural activities. Specifically, for "new" agricultural activities, the county CAO applies to initial installation and construction. Moving forward, the county VSP work plan applies to subsequent agricultural activities within that same footprint. For examples, see Thurston, Chelan, and Yakima counties.	In 18.08.020 Authority and Applicability we added: E. Franklin County opted into the Voluntary Stewardship Program (VSP) as an alternative regulatory protection of critical areas on agricultural lands per WAC 365-191-010. (1) The provisions and standards of this title will not apply to agricultural activities prior to July 22, 2011, defined as 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 (RCW 36.70A.703(1) and RCW 90.58.065). (2) If the approved work plan by the Washington State Conservation Commission fails to meet goals, benchmarks, or receive adequate funding, the provisions and policies of this title will apply to agricultural activities (RCW 36.70A.735).

Critical Areas Checklist

A Technical Assistance Tool from Growth Management Services – updated November 2022

Name of city or county: Franklin	
Staff contact, phone, and e-mail address:	
Prepared by Nicole Stickney, AHBL nstickney@ahbl.com (509) 380-5883	
INSTRUCTIONS This checklist is intended to help local governments update their development regulations, pursuant to the schedule in RCW 36.70A.130(5) (updated in 2022). We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates. This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to A Guide to the Periodic Update Process Under the Growth Management Act – Fully Planning Counties & Cities, 2022 and Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act, August, 2016 and WAC 365-196-610 (updated in 2015). Bold items are a GMA requirement or may be related requirements of other state or federal laws. <u>Underlined</u> items are links to Internet sites and may include best practices or other ideas to consider. Commerce WAC provisions are advisory under Commerce’s statutory mandate to provide technical assistance, RCW 43.330.120 which states that the Department of Commerce “...<i>shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.</i>” If you have questions, call GMS at (360) 725-3066. Updates to Commerce WAC – Revisions to the Commerce WAC relating to critical areas have been provided in a table with dates of changes on the Growth Management Act Periodic Update web site. The table can be used with this checklist to determine what changes have been made since the last update of your critical areas regulations.	Contents Instructions.....1 Overall Requirements.....2 Wetlands.....3 Critical Aquifer Recharge Areas.....4 Frequently Flooded Areas.....5 Geologically Hazardous Areas.....6 Fish and Wildlife Habitat Conservation Areas.....7 Designating and Protecting Waters of the State.....8 Anadromous Fisheries.....8 Reasonable Use Exceptions.....8 Agricultural Activities.....9 Forest Practices Regulations.....9 Good Ideas.....9

How to fill out the checklist Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question: Is this item addressed in your current Critical Areas Ordinance (CAO)? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce Growth Management Services Web page or contact one of the Commerce planners assigned to your region.	
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CRITICAL AREAS Regulations protecting critical areas are required by RCW 36.70A.060(2) and RCW 36.70A.172(1) WAC 365-195-900 through 925 provide guidelines. Guidance can also be found in Commerce’s Critical Areas Handbook (Updated June, 2018); the Minimum Guidelines WAC 365-190-080 – 130; Best Available Science, Chapter 365-195 WAC; and Procedural Criteria, WAC 365-196-485 and WAC 365-196-830, and on Growth Management’s Critical Areas webpage.	
Regulations required to protect critical areas	Addressed in current plan or regulations? If yes, note where
OVERALL REQUIREMENTS The CAO includes best available science to clearly designate and protect all critical areas that might be found within the jurisdiction. 1. Designation of Critical Areas RCW 36.70A.170(1)(d) required all counties and cities to designate critical areas. RCW 36.70A.170(2) requires that counties and cities consider the Commerce Minimum Guidelines pursuant to RCW 36.70A.050. RCW 36.70A.050 directed Commerce to adopt the Minimum Guidelines to classify critical areas. WAC 365-190-080 through 130 (updated in 2010) provide guidance on defining or “designating” each of the five critical areas. WAC 365-190-040 (updated in 2010) outlines the process to classify and designate natural resource lands and critical areas. 2. Definition of Critical Areas RCW 36.70A.030(6) provides definitions for critical areas. Sections (6) regarding fish and wildlife habitat conservation areas; (14) regarding geologically hazardous areas; and (31) regarding wetlands were updated in 2010. WAC 365-190-030 (updated 2010) provides definitions in the Minimum Guidelines.	

3. Protection of Critical Areas RCW 36.70A.060 (2) required counties and cities to adopt development regulations that protect the critical areas required to be designated under RCW 36.70A.170. RCW 36.70A.172(1) requires the inclusion of best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. <u>WAC 365-196-830</u> (updated 2017) provides guidance on protection of critical areas.	Was BAS documented in the record for the review and updates to the critical areas regulations? ☒ Yes ☐ No Location in Text:
4. Inclusion of Best Available Science RCW 36.70A.172(1) requires inclusion of the best available science (BAS). <u>Chapter 365-195 WAC</u> outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. <u>WAC 365-195-915</u> provides criteria for including BAS in the record.	FCC 18.08.060
5. No net loss of critical area functions and values is a requirement for development regulations in <u>WAC 365-196-830(4)</u>. If development regulations allow harm to critical areas, they must require compensatory mitigation of the harm.	Do your regulations address no net loss and require compensatory mitigation? ☒ Yes ☐ No Location in Text: FCC 18.08.090(D)(2)(g) Table 18.08.240(E) (Wetlands)

WETLANDS DEFINITION The definition of wetlands is consistent with RCW 36.70A.030(31) (updated in <u>2012</u>).	Is the wetland definition consistent with RCW 36.70A.030(21)? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.210
WETLANDS DELINEATION Wetlands are delineated using the approved federal wetland delineation manual and applicable regional supplements in accordance with <u>WAC 173-22-035</u> (updated in 2011).	Are wetlands delineated using the approved Federal Wetland Delineation

See Ecology's Wetland Delineation page and WAC 365-190-090 (updated in 2010) for additional assistance.	Manual and Regional Supplements? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.220
WETLANDS PROTECTION Policies and regulations protect the functions and values of wetlands. RCW 36.70A.172(1) Counties and cities are encouraged to make their actions consistent with the intent and goals of "protection of wetlands", Executive Order 89-10 as it existed on September 1, 1990. WAC 365-190-090(3) recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see: • 2014 Updates to the Washington State Wetland Rating Systems • Washington State Wetland Rating System for Western Washington • Washington State Wetland Rating System for Eastern Washington For other resources and guidance on protecting wetlands, go to Ecology's Local Wetland Regulations: Growth Management Act technical assistance and see: • Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington (2022)	Do the regulations use a rating system to determine wetlands protection? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.220

CRITICAL AQUIFER RECHARGE AREAS Policies and regulations protect the functions and values of critical aquifer recharge areas. RCW 36.70A.172(1). Policies and regulations protect the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1) and WAC 365-196-485(1)(d). The following references also relate to protection of groundwater resources: RCW 90.44 – Regulation of Public Groundwaters RCW 90.48 – Water Pollution Control RCW 90.54 – Water Resources Act of 1971 RCW 36.36.020 - Creation of aquifer protection area (1988) WAC 365-190-100 Critical Aquifer Recharge Areas (2010) WAC 173-100 Groundwater Management Areas and Programs (1988) WAC 173-200 Water Quality Standards for Groundwaters of the State of Washington (1990)	If groundwater is used for potable water, do regulations protect the quality and quantity of ground water? ☒ Yes ☐ No ☐ N/A Location in text: FCC Chapter 18.08 Article III
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<u>WAC 365-196-735</u> Consideration of state and regional planning provisions (list) (2010) The <u>Critical Aquifer Recharge Areas Guidance Document</u> (updated 2021) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management. Also, consider the following: • Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology's guidance on <u>Critical Aquifer Recharge Areas</u>. • Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology's Stormwater Manual for Western Washington (updated in 2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See <u>Stormwater Management and Design Manuals</u> on Ecology's web page. • For additional guidance on LID resources, see Commerce's <u>Incentivizing low-impact development</u> guidebook.	Are the critical aquifer recharge regulations consistent with current mapping of these critical areas? ☒ Yes ☐ No ☐ N/A Location in text: FCC Chapter 18.08 Article III
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FREQUENTLY FLOODED AREAS Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1) <u>WAC 365-196-830</u> provides: "Protection' in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety." <u>WAC 365-190-110</u> (updated in 2010) directs counties and cities to consider the following when designating and classifying frequently flooded areas: (a) Effects of flooding on human health and safety, and to public facilities and services; (b) Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in <u>RCW 36.70A.110</u>; (c) The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out; (d) The potential effects of tsunamis, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change; (e) Greater surface runoff caused by increasing impervious surfaces.	Are frequently flooded areas designated and regulated using FEMA and Ecology guidance? ☒ Yes ☐ No ☐ N/A Location in Text: FCC Chapter 18.08, Article IV
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Classification of and regulations for frequently flooded areas should not conflict with the FEMA requirements for the National Flood Insurance Program (NFIP). See Ecology's Frequently Flooded areas: Critical Areas Ordinance webpage and 44 CFR 60.

Communities that are located on Puget Sound or the Strait of San Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the NFIP Biological Opinion (BiOp) for Puget Sound. The biological opinion required changes to the implementation of the NFIP in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:

- 1) a model ordinance;
- 2) a programmatic Checklist; or
- 3) on a permit by permit basis as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the option of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community's biological opinion compliance strategy.

Additional resources:

RCW 86.12 Flood Control by Counties

RCW 86.16 Floodplain Management

RCW 86.26 State Participation in Flood Control Maintenance

RCW 86.16.041 Floodplain Management Ordinance and Amendments

WAC 173-158-070 Requirements for construction in Special Flood Hazard Areas

Are you utilizing your CAO as part of a programmatic response to the BiOp?

☒ Yes

☐ No

☒ N/A

Location in Text:

Does not apply

DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS The definition of geologically hazardous areas is consistent with <u>RCW 36.70A.030(14)</u> (updated 2012) and <u>WAC 365-190-120(1)</u>. "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.	Is the geologically hazardous areas definition consistent with RCW 36.70A.030(14)? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.430
PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1) <u>WAC 365-196-830</u> (2010) provides: "Protection" in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety." Geologically hazardous areas are designated, and their use is regulated or limited consistent with public health and safety concerns. <u>RCW 36.70A.030(14)</u> provides a definition (updated in 2012) and <u>WAC 365-190-120</u> describes the different types of hazardous areas (2010): • Geologically hazardous areas include: • <u>seismic hazards</u> • <u>tsunami hazards</u> • <u>landslide hazards</u> • areas prone to erosion hazards • <u>volcanic hazards</u> • <u>channel migration zones</u> • areas subject to differential settlement from coal mines or other subterranean voids. The Department of Natural Resource's Washington Geological Survey <u>Geologic Hazards and the Environment</u> website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness, historic mines and includes <u>geologic hazard maps</u> that can be accessed from the <u>Geologic Information Portal</u>.	Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety? ☒ Yes ☐ No ☐ N/A Location in Text: FCC Chapter 18.08 Article V

DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS The definition of fish and wildlife habitat conservation areas is consistent with RCW 36.70A.030(6) (updated 2012) and WAC 365-190-030 (updated in 2015). The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: <i>"such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company"</i>.	Is the FWHCA definition consistent with RCW 36.70A.030(6)? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.500
PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas. RCW 36.70A.172(1) and RCW 36.70A.030(6) (updated 2012). WAC 365-190-130(4) says local jurisdictions should consult WDFW's <u>Priority Habitat and Species</u> webpage. BAS regarding biodiversity areas and corridors has advanced significantly since 2015. Recent updates and resources include: • <u>Aquatic Habitat Guidelines (2010, 2014)</u> • <u>Priority Habitat and Species maps (updated daily)</u> • <u>Priority Habitats and Species List (updated March 2022)</u> • <u>Priority Habitats and Species: Management recommendations:</u> • <u>Landscape Planning for Washington's Wildlife (2009)</u> • <u>Land Use Planning for Salmon, Steelhead and Trout (2011)</u> • <u>Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020)</u> • <u>Riparian Ecosystems, Volume 2: Management Recommendations (2020)</u> • <u>Shrub-Steppe Management Recommendations (2020)</u> • <u>Oregon White Oak Woodlands Ecosystems Management Recommendations (1998)</u> • <u>Management recommendations for Washington's Priority Species (by taxa)</u> • <u>Puget Sound Kelp Conservation and Recovery Plan (2020)</u> • <u>Stream Habitat Restoration Guidelines (2012)</u> • <u>Water Crossing Design Guidelines (2013)</u> Areas "with a primary association with listed species" should be considered per WAC 365-190-130(2)(a). Consult WDFW's <u>Threatened and Endangered Species list</u> and U.S. Fish and Wildlife Service's <u>Information for Planning and Consultation</u> resources for up to date information on all state and federal listed species. Also see the <u>Puget Sound Partnership's Salmon Recovery website</u> for Water Resource Inventory Area (WRIA) Plans in Puget Sound.	Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species? ☒ Yes ☐ No ☐ N/A Location in Text FCC Chapter 18.08 Article VI Have you reviewed your regulations regarding any changes in species listings? ☐ Yes ☐ No ☒ N/A Location in Text The listing will be in the Appendix, as referenced in FCC 18.08.510

DESIGNATING AND PROTECTING WATERS OF THE STATE RCW 90.48.020 defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. <u>WAC 365-190-130(2) (updated in 2010)</u> recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHCAs). Stream types are classified in <u>WAC 222-16-030</u> (updated in 2006) with field verification, or an alternate system that considers factors listed in <u>WAC 365-190-130(4)(f)(iii)</u>. See http://www.dnr.wa.gov/forest-practices-water-typing to use Washington State Department of Natural Resources (DNR)'s stream typing system. Establish riparian management zones to maintain no net loss of riparian ecosystem functions and values. Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.	Do you designate waters of the state as FWHCAs? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.510 Do your regulations protect waters of the state? ☒ Yes ☐ No ☐ N/A Location in Text: Chapter FCC 18.08 Article VI
ANADROMOUS FISHERIES Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1) is the requirement and <u>WAC 365-195-925</u> (updated in 2000) lists criteria involved. This requirement applies to all five types of critical areas. <u>WAC 365-190-130(4)(i)</u> recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the <u>Governor's Salmon Recovery Office webpage</u> and the Puget Sound Partnership's <u>Salmon Recovery webpage</u>). <u>Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery</u> (October 2009) is an excellent resource.	Do your regulations give special consideration to anadromous fisheries? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.560

REASONABLE USE EXCEPTIONS The Critical Areas Ordinance (CAO) allows for “reasonable use” if the CAO would otherwise deny all reasonable use of property. Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible and apply the mitigation sequence as needed for no net loss of ecosystem functions and values RCW 36.70A.370 (1991). Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See <i>Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.9</i> (Updated June, 2018).	Do you have reasonable use provisions? ☒ Yes ☐ No Location in Text: FCC18.08.110
AGRICULTURAL ACTIVITIES (COUNTIES ONLY) Non-VSP Counties Critical areas regulations as they specifically apply to agricultural activities in counties or watersheds not participating in the <u>Voluntary Stewardship Program (VSP)</u> have been reviewed, and if needed, revised pursuant to RCW 36.70A.130. RCW 36.70A.710(6) "Agricultural activities" means all agricultural uses and practices as defined in RCW 90.58.065. VSP Counties After watershed work plan approval, <u>VSP counties</u> are encouraged to reference and describe their participation in the program within their critical areas development regulations (<u>WAC 365-196-832</u>). See <i>Critical Areas Handbook, Chapter 5: Protecting Critical Areas in Natural Resource Lands</i> (Updated June, 2018).	Did you review your regulations as they apply to agricultural activities? ☒ Yes ☐ No ☐ N/A Location in Text: FCC 18.08.240
FOREST PRACTICES APPLICATION REGULATIONS <i>If applicable, regulations for forest practices have been adopted: RCW 36.70A.570</i> (adopted in 2007). RCW 76.09.240 amended in 2011, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances.	Have you adopted forest practices regulations? ☐ Yes ☐ No ☒ N/A Location in Text:
GOOD IDEAS Non-regulatory measures to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include: • public education • stewardship programs • pursuing grant opportunities • water conservation • joint planning with other jurisdictions and non-profit organizations • stream and wetland restoration activities • <u>transfer of development rights</u>	Are you using non-regulatory measures to protect critical areas? ☒ Yes ☐ No Location in Text: N/A - The County has a VSP program and there is a conservation district

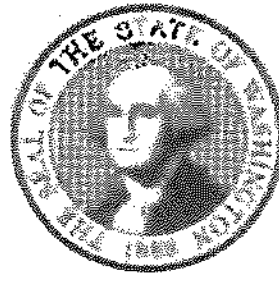
Monitoring and adaptive management is encouraged in [WAC 365-195-905\(6\)](#) to improve implementation of your regulations. See Commerce's Monitoring and Adaptive Management chapter in the [Critical Areas Handbook \(June 2018\)](#).

Do you have a monitoring and adaptive management program for your CAO?

☐ Yes

☒ No

Location in Text:



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

April 13, 2023

Attn: Ms. Emily Weimer, Contract Planner
AHBL for Franklin County Planning and Building
Via email: eweimer@ahbl.com; planninginquiry@franklincountywa.gov

SUBJECT: WDFW COMMENTS ON PROPOSED CRITICAL AREAS ORDINANCE 2023 UPDATE

Dear Ms. Weimer:

Thank you for the opportunity to comment on the Critical Areas Ordinance update ("the draft plan") for Franklin County. The Washington Department of Fish and Wildlife (WDFW) provides our comments and recommendations in keeping with our legislative mandate to "perpetuate fish and wildlife" and their habitats—a mission we can only accomplish in partnership with local governments.

The following are the sections that WDFW believes would benefit from further revision:

18.08.080(5): We suggest modifying the definition for the term "Anadromous Fish". Our suggested changes read as follows: *"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.* migrate to the ocean to mature in the marine environment until returning to freshwater to spawn. In Franklin County, these include Pacific salmon species, steelhead, and Pacific lamprey."

18.08.080(x): We suggest adding a definition for the term "Bank (of a water body)." Suggested wording is as follows: *"Bank" means any land surface landward of the ordinary high water line next to a body of water and constrains the water except during floods. The term "bank" also includes all land surfaces of islands within a body of water that are below the flood elevation of the surrounding body of water.*

18.08.080(x): We suggest adding a definition for the term “Priority Habitat”. Example language as follows: *"Priority habitat" means a habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (e.g., shrubsteppe, juniper savanna). A priority habitat may also be described by a successional stage (e.g., old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat feature (e.g., talus slopes, caves, snags) of key value to fish and wildlife.*

18.08.080(x): We suggest adding a definition for the term “Priority species”. Example language as follows: *"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species include State Endangered, Threatened, Sensitive, and Candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable.*

18.08.080(x): We suggest adding a definition for the term “Riparian”. Example language as follows: *"Riparian" areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).*

18.08.080(x): We suggest adding a definition for the term “Riparian Management Zone”. Suggested wording for this definition is: *"Riparian management zone(s)" or "RMZ(s)" is a scientifically based description of the area adjacent to rivers and streams (see "riparian") based on the site potential tree height conceptual framework. It is the area that has the potential to provide full ecological function for bank stability, shade, pollution removal, contributions of detrital nutrients, and recruitment of large woody debris.*

18.08.080(x): We suggest adding a definition for the term “Stream or Water Type”. Suggested wording is: *"Stream or Water Types" are fully defined in WAC 222-16-030. An abbreviated definition is provided below, but the full WAC definition is adopted and applies:*

"Type S Water" means all designated "shorelines of the state".

"Type F Water" means streams other than Type S Waters that contain fish habitat or are diverted for certain kinds of domestic use or for use by fish hatcheries.

"Type Np Water" means streams that are perennial nonfish habitat streams.

"Type Ns Water" means streams that are seasonal, nonfish habitat streams, which are physically connected by an above-ground channel system to Type S, F, or Np Waters.

18.08.080(x): We suggest adding a definition for the term “Waters of the State”. Suggested wording is: *"Waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030.*

18.08.090(2): WDFW suggests adding a Critical Areas Identification Checklist or similar product to assist County Planning staff in identifying Fish and Wildlife Habitat Conservation Areas. We have included an example of a FWHCA Identification Checklist at the end of this letter. The reason behind this request is that in many instances, Critical Areas such as Shrubsteppe habitat may not be mapped on parcels which it nonetheless occurs. This checklist will guide users through identifying these features.

18.08.500(E): WDFW strongly recommends adding a definition under the term “Fish and Wildlife Habitat Conservation Areas.” Suggested wording is: *"State priority habitats and areas associated with state priority species defined and listed by the State Department of Fish and Wildlife in the Priority Habitats and Species List."*

18.08.510(A): See above comment for section 090(2).

18.08.510(A): The Growth Management Act requires jurisdictions to “designate and protect” their critical areas to provide for no net loss of ecosystem functions and values. It is not clear whether the “identification and classification” of your Fish and Wildlife Habitat Conservation Areas meets this standard. We refer to you the Department of Commerce’s Critical Areas Checklist for applicable statutory references.

18.08.510(A)(4): WDFW commends Franklin County for increasing the widths of the Riparian Management Zones on Type S and Type Np watercourses. However, we are concerned that the other watercourse types have experienced decreases, including Type F watercourses which appears to have dropped from 150’ to 100’. The buffers for Type Np and Type Ns also do not reflect current Best Available Science, which indicate that in the Columbia Plateau ecoregion, riparian buffers should be no less than 100 feet as measured from the OHWM or Channel Migration Zone, so as to fully protect aquatic ecosystems from deleterious nutrient/pollutant input. Where native riparian vegetation extends >100 feet from the OHWM or Channel Migration Zone, wider buffers are needed to maintain full riparian ecosystem functionality. Specifically, we are referring to *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (WDFW, 2020)* and *Riparian Ecosystems, Volume 2: Management Recommendations (WDFW, 2020)*. A web map is available here to assist planners in administering their code. The documents referenced above can be referenced here, with a related new checklist for CAOs available here.

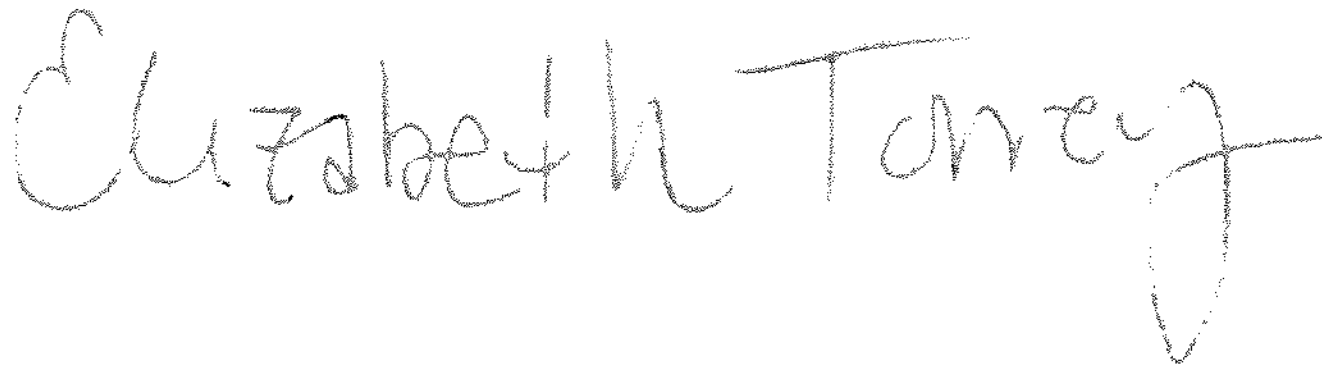
We recommend your CAO fully reflect statute and rule¹ with respect to the Voluntary Stewardship Program, especially concerning participating and non-participating watersheds. In addition, please ensure your CAO has language pertaining to “new” agricultural activities. Specifically, for “new” agricultural activities, the county CAO applies to initial installation and construction. Moving forward, the county VSP work plan applies to subsequent agricultural activities within that same footprint. For examples, see Thurston, Chelan, and Yakima counties.

In case you are not aware, the Department of Commerce recently concluded a comprehensive update to the administrative rules that implement the Growth Management Act. These updates may affect your CAO amendments. A list of the rule revisions and relevant documents can be found here.

¹ RCW 36.70A.703(5), WAC 365-196-832(1-3)

Thank you again for the opportunity to comment and participate in this important update process. Please contact me to discuss WDFW's recommendations or any of the other comments presented within this letter.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Torrey". The ink is dark and the signature is fluid, with a long, sweeping tail on the letter 'y'.

Elizabeth Torrey
Washington Department of Fish and Wildlife
Elizabeth.Torrey@dfw.wa.gov
509-607-6711

Cc:

Troy Maikis, WDFW Habitat Biologist
Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager

Fish and Wildlife Habitat Conservation Area

CHECKLIST

It is your responsibility to disclose the presence of Fish and Wildlife Habitat Conservation Areas on your property by completing this checklist. Your local WDFW Area Habitat Biologist is available to assist if you need help answering any of these questions.

Landowner name: _____

Date: _____

Property Location: _____

1. Is there water on or near your property? If yes, check all that apply:

☐ River ☐ Stream ☐ Lake ☐ Pond ☐ Wetland

☐ Other; please describe: _____

2. Is there a cave large enough to contain a person or an abandoned mine shaft on or near your property? Check all that apply?

☐ Cave ☐ Mine shaft

Have you ever seen bats flying in or out of the cave or mine shaft? ☐ No ☐ Yes

3. Are there cliffs ≥ 25 feet high within or near your project area?

☐ No ☐ Yes

If yes, what is the approximate distance between the cliff and the project area?

_____ ft

Are there any hawk, eagle or falcon nests on the cliff? ☐ No ☐ Yes

4. Are there areas of talus within or near your project area? Talus is a homogeneous area of rock rubble, with individual rocks ranging in size from 0.5 to 6.5 ft wide. Talus is often found at the base of cliffs, rock slides, and near mine shafts.

☐ No ☐ Yes

5. Are there live trees with a diameter of ≥ 21 inches at breast height within or near your project area?

☐ No ☐ Yes

If yes, approximately how many trees ≥ 21 inches are there per acre:

☐ More than 10 per acre ☐ Less than 10 per acre

Will any of these trees be removed as a result of your proposed project?

☐ No ☐ Yes

6. Are there snags (dead trees) ≥ 6.5 feet high with a diameter of ≥ 12 inches at breast height within or near your project area?

☐ No ☐ Yes.

If yes, what is the distance between the snag(s) and proposed project: _____ ft

Will any snags be removed because of your proposed project?

☐ No ☐ Yes

7. Are there logs ≥ 20 feet in length and ≥ 12 inches diameter at the largest end within or near your project area?

☐ No ☐ Yes

If yes, will any of these logs be moved or removed because of your proposed project? ☐
No

☐ Yes

8. Are there raptor (e.g., hawk, eagle, falcon, vulture, owl) nests or roost sites on or near your property? Roosts are places where birds regularly settle or congregate to rest at night.

☐ No ☐ Yes

If yes, please describe: _____

9. Are there oak stands ≥ 5 acres within or near your project area? Oaks may occur in a pure stand or mixed with other species such as conifers.

☐ No ☐ Yes

If yes, will any aspen be removed because of your proposed project?

☐ No ☐ Yes

10. Are there aspen stands ≥ 1 acre within or near your project area? Aspen may occur in a pure stands or mixed with other species such as conifers.

☐ No ☐ Yes

If yes, will any aspen be removed as a result of your proposed project?

☐ No ☐ Yes

11. Is there sagebrush, rabbit brush, or bitterbrush on your property?

☐ No ☐ Yes

If yes, will any of these shrubs be removed or disturbed as a result of the proposed project?

☐ No ☐ Yes

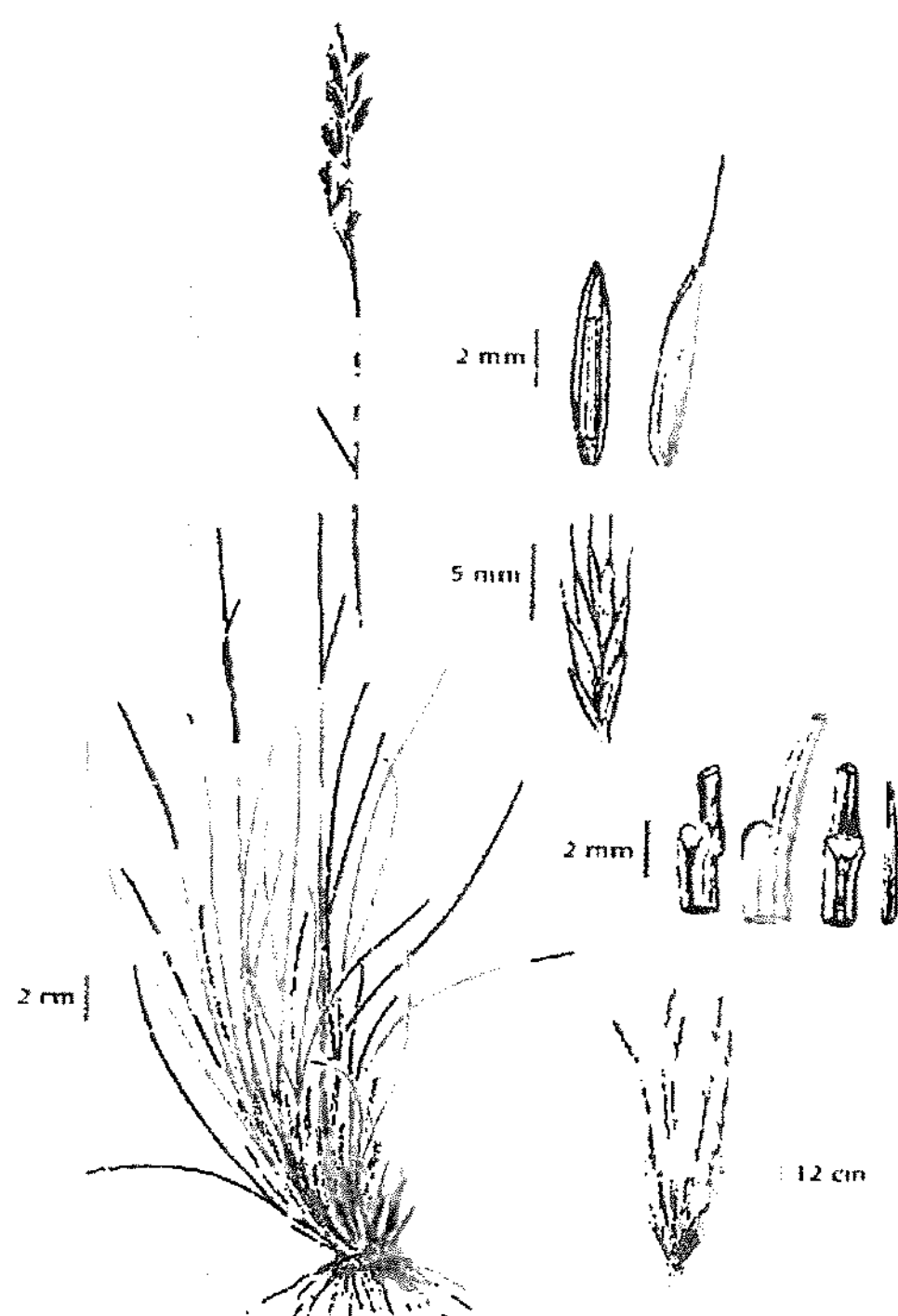
12. Are there grasslands dominated by bunchgrass present on your property? Bunchgrasses are perennial grasses that grow in distinct clumps, tufts or bunches, in contrast to sod-forming grasses that spread out (such as in lawns and pastures). Common bunchgrasses found in Franklin County are shown on Page 3.

☐ No ☐ Yes

If yes, will the grassland be disturbed because of the proposed project?

☐ No ☐ Yes

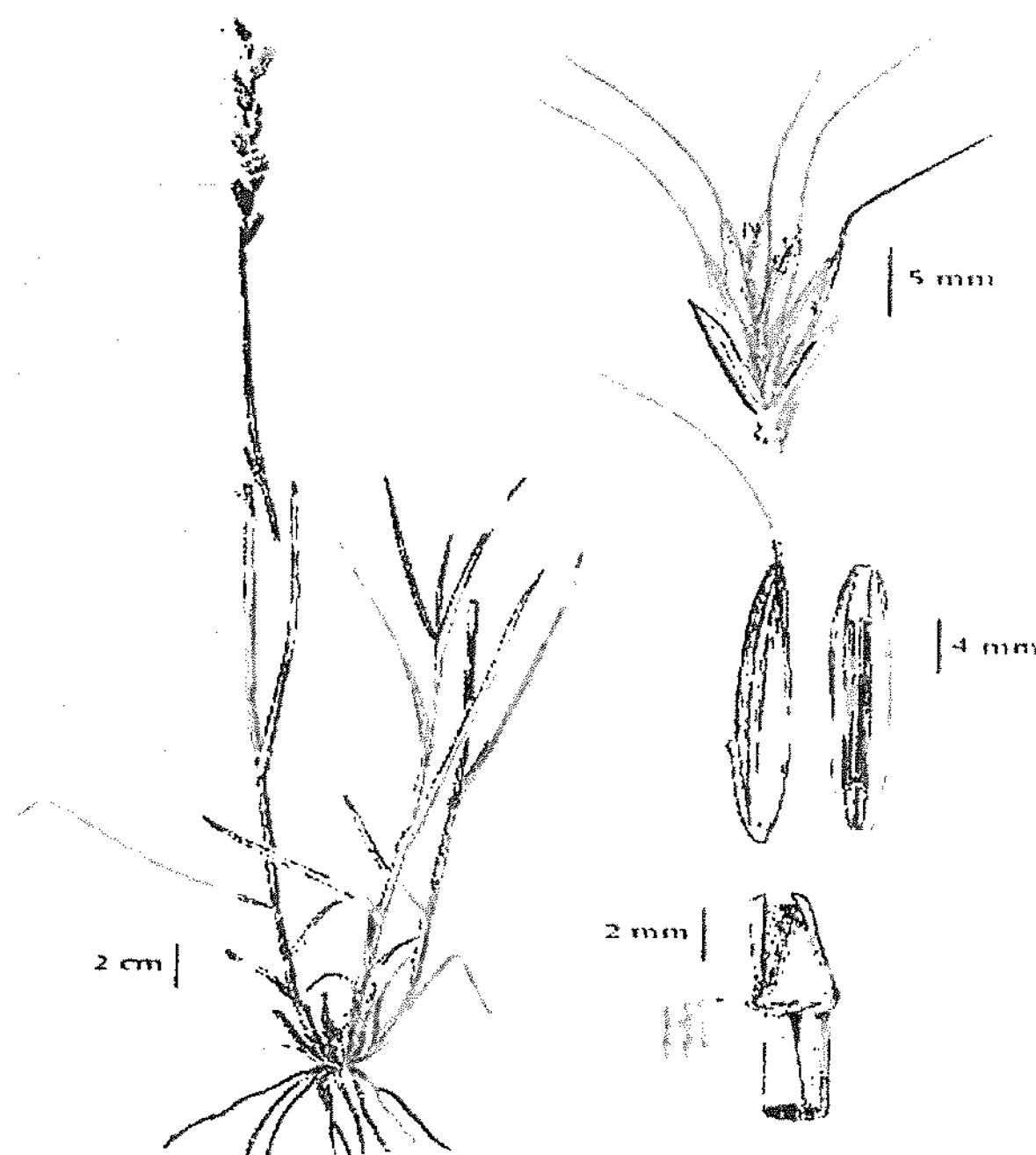
Common bunchgrasses found in the Columbia Basin Ecoregion



Festuca idahoensis ssp. *idahoensis*

Idaho fescue

This deep-rooted bunchgrass extends to an average depth of 18 inches. Stems are 1-3 feet tall with fine narrow blueish green leaves. Idaho fescue is found on relatively moist sites.



Pseudoroegneria spicata ssp. *spicata*

Bluebunch wheatgrass

Bluebunch wheatgrass is the official state grass of Washington. This very deep-rooted bunchgrass has roots that extend to an average depth of 4 feet, allowing it to occupy some of the driest and hottest sites. Erect stems are 1.5-4 feet tall with seed spikes 3-8 inches long.

Aaron Gunderson

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Friday, March 31, 2023 1:22 PM
To: Emily Weimer
Cc: Sears, Tricia (DNR); Davenport, Steve (COM)
Subject: [EXTERNAL] Franklin County's Critical Areas Ordinance: WGS comments

3/31/23

Hello Emily,

In keeping with the interagency correspondence principles, I am providing you with draft comments on Franklin County's Critical Areas Ordinance update (Commerce ID# 2023-S-4926).

I looked at the entire proposal and focused on areas related to WGS work. I commend you for your work to update the CAO, in particular, the geologically hazardous areas provisions!

I have a couple of comments.

On page 7, the definition of qualified professional notes they should be licensed as appropriate for the subject. It does not specifically state which kind of licensure is appropriate for which subject. Nor does it say they should be licensed in WA. In other parts of the provisions, you have various language about licensing. On page 39 it talks about licensed engineer or geologist, but does not say they need to be licensed in WA. On page 40 it says they do need to be licensed in WA. Suggest adding a table and/ or some further clarifying language about the qualifications needed/appropriate for the subject/which type of critical areas report.

On page 8, you refer to the Geologic Information Portal, that's great! Perhaps you would consider also listing it in the geologically hazardous area section with some of the maps you list there.

If you have not checked out our Geologic Planning page, you may wish to do so. [Geologic Planning | WA - DNR](#)

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 5/26/23.

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov

Agenda Item #1

SEPA CHECKLIST

TC 2023-02/SEPA 2023-06

Franklin County – Ch. 18.08 Critical Areas Ordinance

FRANKLIN COUNTY, WASHINGTON

STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of proposal: Amendments to Franklin County Code Chapter 18.08 "Critical Area/Resource Area Protection" (Non-project action).

File Number: SEPA 2023-06 (TC 2023-02)

Proponent: Franklin County

Location: Countywide

Lead agency: Franklin County, Washington.

Findings:

1. The non-project action will not result in adverse impacts to the environment.
2. The amendments to Chapter 18.08 will provide important updates to the codes and which in some cases will foster increased environmental stewardship and protection.

Mitigation Measures: None

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date of publication on May 11, 2023. Comments must be submitted by: May 25, 2023.

Responsible official: Derrick Braaten

Position/title/Phone: Planning and Building Director – (509) 545-3521

Address: 502 W Boeing St, Pasco, Washington 99301

Signature/Date:  5/10/2023

Appeal: Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than May 25, 2023. Contact the responsible official to read or ask about the procedure for SEPA appeals.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

Franklin County Code Proposed Amendment Chapter 18.08 Critical Areas

2. Name of applicant:

Franklin County, WA

3. Address and phone number of applicant and contact person:

Applicant:

**Derrick Braaten, Director
Franklin County Planning & Building Department
502 W. Boeing St.
Pasco, WA 99301
Tel: (509) 545-3521
Email: dbraaten@franklincountywa.gov**

Contact:

**Nicole Stickney, AICP (Contract Planner)
AHBL, Inc.
5804 Rd 90 Suite H, Pasco, WA 99301
(509) 380-5883
nstickney@ahbl.com**

4. Date checklist prepared:

March 22, 2023

5. Agency requesting checklist:

Franklin County, Washington

6. Proposed timing or schedule (including phasing, if applicable):

Dates are approximate subject to change:

May: Newspaper notice published; Issue SEPA Threshold Determination

June: Planning Commission public hearing

July: Board of County Commissioner meeting / action

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not applicable. The proposed action is a nonproject action.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The County previously conducted SEPA Review and issued a DNS in August 2008 to adopt the 2008 Critical Areas Ordinance and repeal the 1995 Critical Areas Ordinance (SEPA Register # 200805878).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no known applications or proposals that are pending approval that would affect the Critical Areas Ordinance.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Board of County Commissioners must adopt the proposed amendment via an Ordinance.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The County proposes to amend its regulations protecting “critical areas” as required under RCW 36.70A.040, adopted in the Franklin County Code as Chapter 18.08 “Critical Area/ Resource Area Protection Standards” via Ordinance No. 3-2009.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The provisions of the Critical Areas Chapter apply to all lands within the unincorporated County.

RCW 36.70A.030(6) defines five types of critical areas:

- **Wetlands**
- **Areas with a critical recharging effect on aquifers used for potable water**
- **Fish and wildlife habitat conservation areas**
- **Frequently flooded areas**
- **Geologically hazardous areas**

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: **Emily Weimer**

Name of signee: Emily Weimer

Position and Agency/Organization: AHBL Project Planner / Consultant to Franklin County

Date Submitted: May 1, 2023

D. Supplemental Sheet for Nonproject Actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed amendment to the Critical Areas Ordinance (FCC Chapter 18.08) is not expected to increase discharges to water or air, or produce or release toxic or hazardous substances, or create noise impacts.

Future development proposals located in a critical area or associated buffer may have specific impacts that will be reviewed and mitigated through project SEPA Environmental Review and adherence with the FCC.

Proposed measures to avoid or reduce such increases are:

No measures are proposed at this time.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed amendment to the Critical Areas Ordinance (FCC Chapter 18.08) is not anticipated to have any negative impacts to plants, animals, fish, or marine life.

Individual projects could have minimal impacts to plants, animals, fish, or marine life. Any impacts that may result from these projects will be mitigated adequately through the SEPA Environmental Review process and SMP regulations for the specific project.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

No measures are proposed at this time.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed amendment to the Critical Areas Ordinance (FCC Chapter 18.08) will not have any impact on energy or natural resources that necessitate mitigation measures.

Individual projects could have minimal impacts on energy or natural resources consumption. Any impacts that may result from these projects will be mitigated adequately through the SEPA Environmental Review process and SMP regulations for the specific project.

Proposed measures to protect or conserve energy and natural resources are:

No measures are proposed at this time.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

It is not anticipated that the proposed amendment to the Critical Areas Ordinance (FCC Chapter 18.08) will have any negative impacts to environmentally sensitive areas. The Critical Areas Ordinance is intended to protect the environmentally sensitive areas.

If any individual project proposals are located near one of the environmentally sensitive areas, the appropriate mitigation will occur through the SEPA Environmental Review process and SMP regulations for the proposed improvements.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No measures are proposed at this time.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendment is not likely to affect shoreline use; the County's Shoreline Master Program (SMP) contains its own critical areas regulations along the shoreline. The proposed amendment is not likely to negatively affect land uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed amendment to the Critical Areas Ordinance (FCC Chapter 18.08) will not increase demands on transportation or public services and utilities. If there are any impacts to transportation or public services and utilities, the appropriate mitigation will occur through the SEPA Environmental Review process and SMP regulations for the proposed improvements.

Proposed measures to reduce or respond to such demand(s) are:

No measures are proposed at this time.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed amendment is to satisfy the requirement for regulating and periodically reviewing critical areas per RCW 36.70A.040. The proposal is not intended to conflict with any other local, state, or federal laws or requirements.

Agenda Item #1

DRAFT CRITICAL AREAS ORDINANCE/REDLINES

TC 2023-02/SEPA 2023-06

Franklin County – Ch. 18.08 Critical Areas Ordinance

FRANKLIN COUNTY ORDINANCE _____
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

FRANKLIN COUNTY CODE CHAPTER 18.08 CRITICAL AREAS AMENDMENTS

WHEREAS, Washington State's Growth Management Act (GMA) requires all cities and counties to adopt regulations protecting "critical areas" in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water per RCW 36.70A.050; and

WHEREAS, all jurisdictions are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to a periodic update schedule per RCW 36.70A.130; and

WHEREAS, the GMA defines critical areas that must be designated and protected as wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas; and

WHEREAS, Franklin County's Critical Areas Ordinance is codified at Franklin County Code Chapter 18.08, and was last amended in February 2009 via Ord. No. 3-2009; and

WHEREAS, local governments must use Best Available Science (BAS) that is consistent with criteria established in WAC 365-195-900 through 365-195-925 when regulating critical areas; and

WHEREAS, the County has prepared an update to the BAS; and

WHEREAS, the proposed amendment was submitted to the State of Washington's Department of Commerce for a required 60-day review in compliance with RCW 36.70A.106; and the notice and documentation was accepted by Commerce on March 27, 2023; and

WHEREAS, the County's SEPA responsible official issued a threshold environmental determination, a Determination of Non-Significance (DNS) on May 11, 2023 and there were no appeals; and

WHEREAS, the County published a legal notice in the Franklin County Graphic on May 11, 2023 for a public hearing before the Planning Commission and providing notice of the environmental determination; and

WHEREAS, the Planning Commission took public testimony on the proposed amendment at a public hearing on June 6, 2023; and

WHEREAS, the Planning Commission reviewed the public testimony and written comments on the proposed code amendment, and adopted findings of fact; and

WHEREAS, on FUTURE DATE the Planning Commission recommended approval of the proposed amendments and forwarded it to the Board of County Commissioners for review and adoption; and

WHEREAS, the County finds that the proposed amendments are consistent with the 2018-2038 Franklin County Comprehensive Plan adopted via Ordinance No. 2021-07; and

WHEREAS, the County finds that the proposal is in accord with the goals and policies of the comprehensive plan including the county-wide planning policies; the effect of the code amendments will

ORDINANCE _____

NOT be materially detrimental, and that there is merit and value in the proposal for the community as a whole; and

WHEREAS, after considering all public comments and evidence, the Board of County Commissioners hereby determine that the proposed amendments comply with all applicable laws and rules and adopts the findings of fact as provided by the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1: ADOPTION: FCC Chapter 18.08 is hereby amended to read as set forth in **Exhibit 1** attached to this ordinance and incorporated herein by this reference.

SECTION 2: REQUIREMENTS FULFILLED: The Commission hereby finds that the review and evaluation required by RCW 36.70A.060 have occurred, as described in the recitals above.

SECTION 3: BAS ADOPTION: The Best Available Science as set forth in **Appendix A** attached to this ordinance is hereby adopted.

SECTION 4: The federal and state candidate species and species of local importance as set forth in **Appendix B** attached to this ordinance.

SECTION 5: MAPS. The Critical Area reference maps as set forth in **Appendix C**, adopted via Ordinance No. 3-2009, are retained.

SECTION 6: EFFECTIVE DATE: This ordinance, being an exercise of a power specifically delegated to the Board is not subject to referendum, and shall take effect 5 days after passage and publication of an approved summary thereof consisting of the title.

SECTION 7: CORRECTIONS: The County Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's / clerical errors, references, ordinance numbering, section / subsection numbers and any references thereto.

SECTION 8: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9: COPY TO COMMERCE: Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten days of adoption.

APPROVED AND ADOPTED this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS

FRANKLIN COUNTY, WASHINGTON

ORDINANCE _____

Chair

Chair Pro-Tem

Member

ATTEST: _____
Clerk of the Board

Approved as to form: _____

ORDINANCE _____

ORDINANCE _____ APPENDIX A

BEST AVAILABLE SCIENCE

A. BEST AVAILABLE SCIENCE RESOURCES: WETLANDS

1. MAPS

Franklin County Critical Area Map: Wetlands

USFWS National Wetland Inventory maps;

Areas identified as wetland areas within the project area on a Historical Franklin County Map, dated 1912 (H.C. Sawyer, Pasco, WA);

Areas identified as wetland areas within the project area on a United States Department of Agriculture, Bureau of Soils, Franklin County Soils Map, dated 1914;

Areas identified as wetland areas within the project area on Historical Metzger Maps, Franklin County, dated 1934 and 1963.

Columbia Basin Irrigation Project Topography and Retracement Maps from 1939-1943, as well as other pre-construction and construction maps developed for the Project.

2. IDENTIFICATION AND DELINEATION

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. US Army Corps of Engineers, Waterways Experiment Station, Vicksburg, Mississippi.

U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

<https://usace.contentdm.oclc.org/utils/getfile/collection/p266001coll1/id/7627>.

U.S. Army Corps of Engineers. 2020. National Wetland Plant List, version 3.5. U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH.

<http://wetland-plants.usace.army.mil/>.

United States Department of the Interior – Fish and Wildlife Service. National Wetlands

Inventory Maps.

<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>.

Web Soil Survey. Natural Resources Conservation Service, U.S. Department of Agriculture.

<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

United States Department of Agriculture, Natural Resources Conservation Service. 2018. Field Indicators of Hydric Soils in the United States, Version 8.2. L.M. Vasilas, G.W. Hurt, and J.F. Berkowitz (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053171.pdf.

United States Department of Agriculture, Natural Resources Conservation Service. Geospatial Data Gateway.

<https://datagateway.nrcs.usda.gov/>.

Anderson, P.S., S. Meyer, P. Olson, and E. Stockdale. Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State.

Washington Department of Ecology Publication #16-06-029. Olympia, Washington.

3. CLASSIFICATION

Brinson, M. M. 1993. A Hydrogeomorphic Classification for Wetlands. Technical Report WRP DE-4. US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. August 1993.

Cowardin, L.M., Carter, V., Golet, F.C., and La Roe, E.T. 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, U.S. Fish and Wildlife Service, U.S. Department of the Interior. FWS/OBS-79/31. 103pp.

4. RATING SYSTEM

Hruby, T. 2014. Washington State Wetland Rating System for Eastern Washington: 2014 Update. Washington State Department of Ecology Publication #14-06-030.

<https://apps.ecology.wa.gov/publications/documents/1406030.pdf>.

Washington Department of Natural Resources. Washington Wetlands of High Conservation Value. Webviewer. Washington Natural Heritage Program.

<https://wadnr.maps.arcgis.com/apps/webappviewer/index.html?id=5cf9e5b22f584ad7a4e2aebc63c47bda>.

5. FUNCTIONAL ASSESSMENT

Null, W.S., G. Skinner, and W. Leonard. 2000. Wetland functions characterization tool for linear projects. Washington State Department of Transportation, Environmental Affairs Office. Olympia. 29 pp.

Hruby, T., S. Stanley, T. Granger, T. Duebendorfer, R. Friesz, B. Lang, B. Leonard, K. March, and A. Wald. 2000. Methods for Assessing Wetland Functions – Volume II: Depressional Wetlands in the Columbia Basin of Eastern Washington, Part 1: Assessment Methods. Washington Department of Ecology Publication #00-06-47. <https://apps.ecology.wa.gov/publications/documents/0006047.pdf>.

Hruby, T. and S. Stanley. 2000. Methods for Assessing Wetland Functions – Volume II: Depressional Wetlands in the Columbia Basin of Eastern Washington, Part 2: Procedures for Collecting Data. Washington State Department of Ecology Publication #00-06-48. <https://apps.ecology.wa.gov/publications/documents/0006048.pdf>.

Semlitsch, R.D., and J.R. Bodie. 1998. Are small, isolated wetlands expendable? *Conservation Biology* 12:1129–1133.

6. MITIGATION

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. 2021. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 2). Washington State Department of Ecology Publication #21-06-003. <https://apps.ecology.wa.gov/publications/documents/2106003.pdf>.

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. 2006. Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1). Washington State Department of Ecology Publication #06-06-011b. <https://apps.ecology.wa.gov/publications/documents/0606011b.pdf>.

Hruby, T. 2012. Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington. Washington State Department of Ecology Publication #11-06-015. <https://apps.ecology.wa.gov/publications/documents/1106015.pdf>.

Hruby, T., K. Harper, and S. Stanley. 2010. Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington). Washington State Department of Ecology Publication #10-06-007. <https://apps.ecology.wa.gov/publications/documents/1006007.pdf>.

ORDINANCE _____

Washington Department of Transportation. June 1999. Mitigation Tools for Special Circumstances: Preservation of High Quality Wetlands. ESSB 6061 Wetland Pilot Project.

7. BUFFERS

Hruby, T. 2013. Update on Wetland Buffers: The State of the Science, Final Report, October 2013. Washington State Department of Ecology Publication #13-06-11. <https://apps.ecology.wa.gov/publications/documents/1306011.pdf>.

Environmental Law Institute. 2008. Planner's guide to wetland buffers for local governments. ISBN 978-58576-137-1. https://www.eli.org/sites/default/files/eli-pubs/d18_01.pdf.

Mayer, P.M., S.K. Reynolds Jr., M.D. McCutchen, and T.J. Canfield. 2007. Meta-analysis of nitrogen removal in riparian buffers. *Journal of Environmental Quality* 36:1172–1180.

McElfish, J.M., R.L. Kihlsinger, and S. Nichols. 2008. Setting buffer sizes for wetlands. *National Wetlands Newsletter* 30:6–10. https://www.ecosystemmarketplace.com/wp-content/uploads/archive/documents/Doc_456.pdf.

Houlahan, J.E., P.A. Keddy, K. Makkay, and C.S. Findlay. 2006. The effects of adjacent land use on wetland species richness and community composition. *Wetlands* 26(1):79–96. [https://link.springer.com/article/10.1672/0277-5212\(2006\)26\[79:TEOALU\]2.0.CO;2](https://link.springer.com/article/10.1672/0277-5212(2006)26[79:TEOALU]2.0.CO;2).

Polyakov, V., A. Fares, and M.C. Ryder. 2005. Precision riparian buffers for the control of nonpoint source pollutant loading into surface water: a review. *Environmental Review* 13:129–144.

Qiu, Z.Y. 2009. Assessing Critical Source Areas in Watersheds for Conservation Buffer Planning and Riparian Restoration. *Environmental Management* 44(5):968–980.

Richardson, J.S., R.J. Naiman, and P.A. Bisson. 2012. How did fixed-width buffers become standard practice for protecting freshwaters and their riparian areas from forest harvest practices? *Freshwater Science* 31(1):232–238. https://www.fs.fed.us/pnw/pubs/journals/pnw_2012_richardson001.pdf.

Semlitsch, R.D., and J.B. Jensen. 2001. Core habitat, not buffer zone. *National Wetlands Newsletter* July–August 2001:5–11. <http://www.lake.wateratlas.usf.edu/upload/documents/NWN%20Core%20Habitat%20Not%20Buffer%20Zone.pdf>.

Yuan, Y.P., R.L. Bingner, and M.A. Locke. 2009. A review of effectiveness of vegetative buffers on sediment trapping in agricultural areas. *Ecohydrology* 2(3):321–336.
<https://www.ars.usda.gov/ARSUserFiles/35278/Yuan%20et%20al%202009%20Ecohydrology%202%20321-336.pdf>.

Zhang, X., X. Liu, M. Zhang, and R.A. Dahlgren. 2010. A review of vegetated buffers and a meta-analysis of their mitigation efficacy in reducing nonpoint source pollution. *Journal of Environmental Quality* 39:76–84.
<http://agis.ucdavis.edu/publications/2010/A%20Review%20of%20Vegetated%20Buffers%20and%20a%20Meta-analysis%20of%20Their%20Mitigation%20Efficacy%20in%20Reducing%20Nonpoint%20Source%20Pollution.pdf>.

8. GENERAL WETLAND RESOURCES

Sheldon, D., T. Hruby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale. 2005. *Wetlands in Washington State - Volume 1: A Synthesis of the Science*. Washington State Department of Ecology Publication #05-06-006.
<https://apps.ecology.wa.gov/publications/documents/0506006.pdf>.

Granger, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. 2005. *Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands*. Washington State Department of Ecology Publication #05-06-008.
<https://apps.ecology.wa.gov/publications/documents/0506008.pdf>.

Washington State Department of Ecology. 2022. *DRAFT Wetland Guidance for Critical Areas Ordinance (CAO) Updates – Western and Eastern Washington. Shorelands and Environmental Assistance Program*. Washington State Department of Ecology Publication #22-06-005.
<https://apps.ecology.wa.gov/publications/documents/2206005.pdf>

Washington State Department of Ecology. 2010. *Focus on Irrigation-Influenced Wetlands. Shorelands and Environmental Assistance Program*. Washington State Department of Ecology Publication #10-06-015. 36.
<https://apps.ecology.wa.gov/publications/documents/1006015.pdf>.

Washington State Department of Ecology. 2016. *Wetland Guidance for CAO Updates – Eastern Washington Version. Shorelands and Environmental Assistance Program*. Washington State Department of Ecology Publication #16-06-002.
<https://apps.ecology.wa.gov/publications/documents/1606002.pdf>.

Management Recommendations for Washington’s Priority Habitats and Species

(WDFW), as amended

Management Recommendations for Washington's Priority Habitats – Wetlands
(WDFW), as amended

B. BEST AVAILABLE SCIENCE RESOURCES: AQUIFER RECHARGE AREAS

Franklin County Critical Area Map: Aquifer Recharge Area

Soil Survey of Franklin County, WA. United States Soil Conservation Service.

Columbia Basin Groundwater Management Area Plan, as amended.

Columbia Basin Ground Water Management Area maps, as amended

Wellhead Protection Plan for the Cities of Connell, Kahlotus and Mesa, Franklin County, WA. 1996

2003 Irrigated Crop Lands data, Franklin Conservation District

South Columbia Basin Irrigation District, GIS Coverage for Main Water ways Centerline

Luzier, J. E. and R. J. Burt. 1974. Hydrology of Basalt Aquifers and Depletion of Ground Water in East-Central Washington," Water Supply Bulletin 33, State of Washington Department of Ecology, 53 p.

Shannon & Wilson, Inc. October 1996. Wellhead Protection Plan for the Cities of Connell, Kahlotus, and Mesa, Franklin County, Washington.

Ecology. 2021. Critical Aquifer Recharge Areas Guidance. Publication 05-10-028. Available at: <https://apps.ecology.wa.gov/publications/documents/0510028.pdf>
Washington Department of Health. 2020. SWAP map website. Available at: <https://fortress.wa.gov/doh/swap/index.html>.

US Bureau of Reclamation. 2012. Final Feasibility-Level Engineering Report, Continued Phased Development of the Columbia Basin Project – Enlargement of the East Low Canal and Initial Development of the East High Area, Odessa Subarea Special Study, Columbia Basin Project, Washington. Available at: .
<https://www.usbr.gov/pn/programs/eis/odessa/finaleis/engine.pdf>.

C. BEST AVAILABLE SCIENCE RESOURCES: FREQUENTLY FLOODED AREAS

Franklin County Critical Area Map: Frequently Flooded Areas

Flood Insurance Rate maps (FEMA), as amended;

Flood Boundary and Floodway maps (FEMA), as amended;

Flood Insurance Study for Franklin County, as amended

Franklin County Flood Damage Prevention Ordinance, 08-2004 as amended.

D. BEST AVAILABLE SCIENCE RESOURCES: GEOLOGICALLY HAZARDOUS AREAS

Franklin County Critical Area Map(s): Geologically Hazardous Area

a. Erosion and Landslide Hazard Area Map

b. Seismic Hazard Area

Soil Survey of Franklin County, WA. United States Soil Conservation Service.

Washington State Lidar Portal. Available at: <https://lidarportal.dnr.wa.gov/>

Washington State Department of Natural Resources, Open File Report 2004-20: Liquefaction Susceptibility and Site Class Maps of Washington State, By County

Washington State Geologic Information Portal. Available at: <https://www.dnr.wa.gov/geologyportal> (Landslide and geology layers)

E. BEST AVAILABLE SCIENCE RESOURCES: FISH AND WILDLIFE CONSERVATION AREAS

Washington State Department of Fish and Wildlife's Priority Habitat and Species Program;

ORDINANCE _____

Washington State Fish and Wildlife Priority Species maps, as amended;

Washington State Fish and Wildlife Habitat maps, as amended;

Washington State Department of Fish and Wildlife's WLRIS (Washington State Lakes and Rivers) GIS Coverage;

Washington State Department of Natural Resources, Natural Areas Program, Natural Area Preserves;

Washington State Department of Fish and Wildlife's Management Recommendations for Washington's Priority Habitats: Riparian.

Cullinan, T. 2001. Important bird areas of Washington. Audubon Washington. 170 pp. <https://www.audubon.org/important-bird-areas/state/washington>.

Fertig, W. 2021. 2021 Washington Vascular Plant Species of Conservation Concern. Natural Heritage Report 2021-04. Washington Natural Heritage Program. Washington State Department of Natural Resources, Olympia, WA. https://www.dnr.wa.gov/publications/amp_nh_vascular_ets.pdf?aynq16s.

U.S. Fish & Wildlife Service. Information for Planning and Consultation (IPaC). <https://ipac.ecosphere.fws.gov/>.

Washington Department of Fish and Wildlife. 2022. State Listed Species and State Candidate Species. Fish and Wildlife Commission, Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/sites/default/files/2022-04/StateListed%26amp%3BCandidateSpecies28Mar2022.pdf>.

1. SPECIES GUIDANCE

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Long-range planning: considering the shrub-steppe landscape. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/sites/default/files/publications/01334/wdfw01334.pdf>

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Management recommendations for Washington's priority habitats: managing shrub-steppe in developing landscapes. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/sites/default/files/publications/01333/wdfw01333.pdf>.

ORDINANCE _____

Azerrad, J. M., K. A. Divens, M. F. Livingston, M. S. Teske, H. L. Ferguson, and J. L. Davis. 2011. Site-specific management: how to avoid and minimize impacts of development to shrub-steppe. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/sites/default/files/publications/01335/wdfw01335.pdf>.

Audubon Guide to North American Birds. Burrowing Owl.
<https://www.audubon.org/field-guide/bird/burrowing-owl>.

Audubon Guide to North American Birds. Ferruginous Hawk.
<https://www.audubon.org/field-guide/bird/ferruginous-hawk>.

Audubon Guide to North American Birds. Greater Sage-Grouse.
<https://www.audubon.org/field-guide/bird/greater-sage-grouse>.

Audubon Guide to North American Birds. Prairie Falcon.
<https://www.audubon.org/field-guide/bird/prairie-falcon>.

Audubon Guide to North American Birds. Sagebrush Sparrow.
<https://www.audubon.org/field-guide/bird/sagebrush-sparrow>.

Baldwin, R.F., A.J.K. Calhoun, and P.G. deMaynadier. 2006. Conservation Planning for Amphibian Species with Complex Habitat Requirements: A Case Study Using Movements and Habitat Selection of the Wood Frog *Rana sylvatica*. *Journal of Herpetology* 40:443–454.

Bash, J., C. Berman, and S. Bolton. 2001. Effects of turbidity and suspended solids on salmonids. Center for Streamside Studies, University of Washington, Seattle, Washington.

Bauer, D.M., P.W.C. Paton, and S.K. Swallow. 2010. Are wetland regulations cost effective for species protection? A case study of amphibian metapopulations. *Ecological Applications* 20:798–815.

Berg, L. and T.G. Northcote. 1985. Changes in territorial, gill-flaring, and feeding behavior in juvenile coho salmon (*Oncorhynchus kisutch*) following short-term pulses of suspended sediment. *Canadian Journal of Fisheries and Aquatic Sciences* 42:1410–1417.

Betts, B.J. 1990. Geographic distribution and habitat preferences of Washington ground squirrels (*Spermophilus washingtoni*). *Northwestern Naturalist* 71:27-37.
http://www.fsl.orst.edu/rna/Documents/publications/Boardman_geographic%20distribution%20and%20Ground%20Squirrels.pdf.

Betts, B.J. 1999. Current status of Washington ground squirrels in Oregon and

ORDINANCE _____

Washington. *Northwestern Naturalist* 80:35-38.

Bjornn, T.C. and D.W. Reiser. 1991. Habitat requirements of salmonids in streams. In *Influences of forest and rangeland management on salmonid fishes and their habitats*. W.R. Meehan, (ed.) American Fisheries Society Special Publication 19. Bethesda, MD.

Bried, J.T., and G.N. Ervin. 2006. Abundance patterns of dragonflies along a wetland buffer. *Wetlands* 26:878–883.

Buffler, S., C. Johnson, J. Nicholson, and N. Mesner. 2005. Synthesis of design guidelines and experimental data for water quality function in agricultural landscapes in the Intermountain West. US Department of Agriculture Forest Service/UNL Faculty Publications. Paper.

Bolton, S. and Shellberg, J. 2001. White Paper: Ecological issues in floodplains and riparian corridors. Center for Streamside Studies, University of Washington. 150 pp.

Carrasquero, J. 2001. White Paper. Over-water structures: Freshwater issues. Herrera Environmental Consultants. 116 pp.

Conway, C.J., L.A. Ellis, V. Garcia, and M.D. Smith. 2005. Population ecology and habitat use of burrowing owls in eastern Washington: 2004 annual report. Wildlife Research Report #2005-02. USGS Arizona Cooperative Fish and Wildlife Research Unit, Tucson, Arizona.

Conway, C.J., V. Garcia, M.D. Smith, L.A. Ellis, and J.L. Whitney. 2006. Comparative demography of burrowing owls in agricultural and urban landscapes in southeastern Washington. *Journal of Field Ornithology* 77:280–290.

Conway, C.J, A. Marcias-Duarte. 2015. Distributional Changes in the Western Burrowing Owl (*Athene cunicularia hypugaea*) in North America from 1967 to 2008. *Journal of Raptor Research* 49(1):75-83.

Crawford, J.A. and R. Semlitsch. 2007. Estimation of core terrestrial habitat for stream-breeding salamanders and delineation of riparian buffers for protection of biodiversity. *Conservation Biology* 21:152–158.

Crozier, L.G., A.P. Hendry, P.W. Lawson, T.P. Quinn, N.J. Mantua, J. Battin, R.G. Shaw, and R.B. Huey. 2008. Potential responses to climate change in organisms with complex life histories: Evolution and plasticity in Pacific salmon. *Evolutionary Applications*, 1(2):252–270.

Crozier, L.G., M.D. Scheuerell, and E.W. Zabel. 2011. Using Time Series Analysis to Characterize Evolutionary and Plastic Responses to Environmental Change: A Case Study

ORDINANCE _____

of a Shift Toward Earlier Migration Date in Sockeye Salmon. *The American Naturalist*, 178(6):755–773.

Cushman, S.A. 2006. Effects of habitat loss and fragmentation on amphibians: A review and prospectus. *Biol. Conserv.* 128(2):231–240.

Dechant, J.A., M.L. Sondreal, D.H. Johnson, L.D. Igl, C.M. Goldade, A.L. Zimmerman, and B.R. Euliss. 1999 (revised 2002). Effects of management practices on grassland birds: Ferruginous Hawk. Northern Prairie Wildlife Research Center, Jamestown, ND. 23 pages. <https://pubs.usgs.gov/unnumbered/93879/report.pdf>.

Dobler, F.C., Eby, J., Perry, C., Richardson, S., and Vander Haegen, M. 1996. Status of Washington's shrub steppe ecosystem: Extent, ownership, and wildlife/vegetation relationships.

Eigenbrod, F., S. Hecnar, and L. Fahrig. 2009. Quantifying the road-effect zone: threshold effects of a motorway on anuran populations in Ontario, Canada. *Ecology and Society* 14(1):24. <https://www.ecologyandsociety.org/vol14/iss1/art24/>.

Ervin, G.N. 2009. Relationship of wetlands vegetation and land cover as an indicator of ecologically appropriate wetland buffer zones. Report on Northern Gulf Institute project: Watershed Modeling Improvements to Enhance Coastal Ecosystems, subtask W5b – Correlation of buffer zone characteristics with water quality.

Ford, M.J., (editor). 2011. Status review update for Pacific salmon and steelhead listed under the Endangered Species Act: Pacific Northwest. U.S. Department of Commerce. NOAA Technical Memorandum NMFS-NWFSC-113. 281 p.

Fuller, M., N. Detenbeck, P. Leinenbach, R. Labiosa, and D. Isaak. 2018. Riparian Shade Controls on Stream Temperature Now and in the Future across Tributaries of the Columbia River, USA. Society for Freshwater Science (SFS) Annual Meeting, Detroit, MI, May 20 - 24, 2018. https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NHEERL&dirEntryId=340900

Germaine, S.S., W.M. Vander Haegen, M.S. Schroeder, and W. Chang. 2007. Reptile Use of Shrubsteppe and Conservation Reserve Program Habitats in Eastern Washington, USA. (DRAFT). Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/sites/default/files/publications/01276/wdfw01276.pdf>.

Gamble, L.R., K. McGarigal, C.L. Jenkins, and B.C. Timm. 2006. Limitations of regulated buffer zones for the conservation of marbled salamanders. *Wetlands* 26(2):298–306.

Good, T.P., Waples, R.S., and Adams, P. 2005. Updated status of federally listed ESUs of

West Coast salmon and steelhead. U. S. Department of Commerce. p. 597.

Hallock, M. and Mongillo, P.E. 1998. Washington State Status Report for the Pygmy Whitefish. Washington Department of Fish and Wildlife.

<https://wdfw.wa.gov/sites/default/files/publications/00222/wdfw00222.pdf>.

Harper, E., T.A.G. Rittenhouse, and R. Semlitsch. 2008. Demographic consequences of terrestrial habitat loss for pool breeding amphibians: predicting extinction risks associated with inadequate size of buffer zones. *Conservation Biology* 22:1205–1215.

Haug, E.A., B.A. Millsap, and M.S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*). No. 61 in A. Poole and F. Gill, editors. *The birds of North America*. Academy of National Science and American Ornithologists' Union, Philadelphia, Pennsylvania.

Henning, B.M. and A.J. Remsberg. 2009. Lakeshore vegetation effects on avian and anuran populations. *American Naturalist* 161:123–133.

<https://bioone.org/journals/the-american-midland-naturalist/volume-161/issue-1/0003-0031-161.1.123/Lakeshore-Vegetation-Effects-on-Avian-and-Anuran-Populations/10.1674/0003-0031-161.1.123.short>.

Homan, R.N., B.S. Windmiller, and M. Reed. 2004. Critical thresholds associated with habitat loss for two vernal pool-breeding amphibians. *Ecological Applications* 14(5):1547–1553.

<https://ase.tufts.edu/biology/labs/reed/documents/pub2004HomanEA.pdf>.

Howell, P., K. Jones, D. Scarnecchia, L. LaVoy, W. Kendra, and D. Ortmann. 1985. Stock assessment of Columbia River anadromous salmonids. Report to Bonneville Power Admin., Project 83-335, Portland, OR.

Isaak, D.J., S. Wollrab, D. Horan, and G. Chandler. 2012. Climate change effects on stream and river temperatures across the northwest U.S. from 1980-2009 and implication for salmonid fishes. *Climate Change* 113: 499-524.

ISAB (Independent Scientific Advisory Board). 2007. Climate change impacts on Columbia River basin fish and wildlife. Northwest Power and Conservation Council, Portland, Oregon.

IWJV. 2013. 2013 Implementation Plan – Strengthening Science and Partnerships, Chapter 4: Waterfowl. Intermountain West Joint Venture, Missoula, Montana.

Johnson, D.H., D.C. Gillis, M.A. Gregg, J.L. Rebholz, J.L. Lincer, and J.R. Belthoff. 2013. Users guide to installation of artificial burrows for Burrowing Owls. Version 2.0. Tree Top Inc., Selah, Washington.

<https://wdfw.wa.gov/sites/default/files/publications/01199/wdfw01199.pdf>.

ORDINANCE _____

Knutson, K.L. and Naef, V.L. 1997. Management recommendations for Washington's priority habitats: Riparian. Washington Department of Fish and Wildlife. 181 pp.
https://salishsearestoration.org/images/e/e4/Knutson_%26_Naef_1997_riparian_management_recommendations.pdf.

Larson, E.M., J. M. Azerrad, and Nordstrom, N., editors. 2004. Management recommendations for Washington's priority species, Volume IV: Birds. Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00026/wdfw00026.pdf>.

Larson, E.M., editor. 1997. Management recommendations for Washington's priority species, Volume III: Amphibians and Reptiles. Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00025/wdfw00025.pdf>.

Larson, E.M., Rodrick, E., and Milner, R, editors. 1995. Management recommendations for Washington's priority species, Volume I: Invertebrates. Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00024/wdfw00024.pdf>.

Lawson, P.W., E.A. Logerwell, N.J. Mantua, R.C. Francis, and V.N. Agostini. 2004. Environmental factors influencing freshwater survival and smolt production in Pacific Northwest coho salmon (*Oncorhynchus kisutch*). Canadian Journal of Fisheries and Aquatic Sciences, 61(3):360–373.

Leinenbach, P., G. McFadden, and C. Torgersen. 2013. Effects of Riparian Management Strategies on Stream Temperature. US Environmental Protection Agency, Seattle, Washington, US Geological Survey, Seattle, Washington, Bureau of Land Management, Portland, Oregon. January 17.

Leonard, W.P., H.A. Brown, L.L.C. Jones, K.R. McAllister, and R.M. Storm. 1996. The Trailside Series: Amphibians of Washington and Oregon. Seattle Audubon Society: Seattle.

Lusch, E. 1985. Comprehensive Guide to Western Gamefish. Portland: Frank Amato Publications.

Mantua, N., I. Tohver, and A.F. Hamlet. 2009. Impacts of climate change on key aspects of freshwater salmon habitat in Washington State. In Washington Climate Change Impacts Assessment: Evaluating Washington's future in a changing climate. Climate Impacts Group, University of Washington, Seattle, Washington.

Martin, D.J. 1973. Selected aspects of burrowing owl ecology and behavior. Condor

ORDINANCE _____

75:446–456.

Martin, T.G., S. McIntyre, C.P. Catterall, and H.P. Possingham. 2006. Is landscape context important for riparian conservation? Birds in grassy woodland. *Biological Conservation* 127:201–214.

McAllister, K.R., W.P. Leonard, D.W. Hays, and R.C. Friesz. 1999. Washington State Status Report for the Northern Leopard Frog. Wildlife Management Program, Washington Department of Fish and Wildlife.
<https://wdfw.wa.gov/sites/default/files/publications/00378/wdfw00378.pdf>.

McElhany, P., M.H. Ruckelshaus, M.J. Ford, T.C. Wainwright, and E.P. Bjorkstedt. 2000. Viable salmonid populations and the recovery of evolutionarily significant units. NOAA Technical Memorandum, NMFS NWFSC 42. U.S. Department of Commerce, National Marine Fisheries Service.

Miller, A.M., and S.W. Golladay. 1996. Effects of spates and drying on macroinvertebrate assemblages of an intermittent and a perennial prairie stream. *Journal of the North American Benthological Society* 15:670-689.

Mutafov, D.T. 1992. Does the labeling restriction on carbofuran containers help protect burrowing owls? *Blue Jay* 50:201–203.

NMFS (National Marine Fisheries Service). 2005. Final assessment of NOAA Fisheries' critical habitat analytical review teams for 12 evolutionarily significant units of West Coast Salmon and Steelhead. NOAA, Portland, OR.

Norris, E., J. Nugent, and J. Wilde. 2020. Burrowing Owl Conservation Report: 2020. Mission Support Alliance. Prepared for the U.S. Department of Energy.
https://www.hanford.gov/files.cfm/HNF-65376_-_Rev_001.pdf

NWFSC (Northwest Fisheries Science Center). 2015. Status review update for Pacific salmon and steelhead listed under the Endangered Species Act: Pacific Northwest.

PFMC (Pacific Fishery Management Council). 2014. Appendix A to the Pacific Coast Salmon Fishery Management Plan, as modified by Amendment 18 to the Pacific Coast Salmon Plan: Identification and description of essential fish habitat, adverse impacts, and recommended conservation measures for salmon. Pacific Fishery Management Council, Portland, OR. September 2014. 196 p. + appendices.

Quinn, T., G.F. Wilhere, and K.L. Krueger, technical editors. 2020. *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications*. Habitat Program, Washington Department of Fish and Wildlife, Olympia.
<https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf>.

ORDINANCE _____

Rentz, R., A. Windrope, K. Folkerts, and J. Azerrad. 2020. Riparian Ecosystems, Volume 2: Management Recommendations. Habitat Program, Washington Department of Fish and Wildlife, Olympia.

<https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>.

Richter, K.O., D.W. Kerr, and B.J. Earle. 2008. Buffer-only wetland protection: implications for pond-breeding amphibians. *Urban Herpetology*. J.C. Mitchell and R.E.J. Brown, Society for the Study of Amphibians & Reptiles. pp. 489–504.

Rittenhouse, T., and R. Semlitsch. 2007. Distribution of amphibians in terrestrial habitat surrounding wetlands. *Wetlands* 27:153–161.

Rodgers, J.A.J., and S.T. Schwickert. 2003. Buffer zone distances to protect foraging and loafing waterbirds from disturbance by airboats in Florida. *Waterbirds* 26(4):437–443.

Rodrick, E. and Milner, R., editors. 1991. Management recommendations for Washington's priority habitats and species. Wildlife Management, Fish Management, and Habitat Management Divisions, Washington Department of Fish and Wildlife. <https://wdfw.wa.gov/sites/default/files/publications/00032/wdfw00032.pdf>.

Rooney, R.C., S.E. Bayley, I.F. Creed, and M.J. Wilson. 2012. The accuracy of land cover-based wetland assessments is influenced by landscape extent. *Landscape Ecology* 27(9):1321–1335.

Scheuerell, M.D., and J.G. Williams. 2005. Forecasting climate-induced changes in the survival of Snake River spring/summer Chinook salmon (*Oncorhynchus tshawytscha*). *Fisheries Oceanography* 14:448-457.

Schmutz, J.K. 1987. The effect of agriculture on ferruginous and Swainson's hawks. *Journal of Range Management* 40:438-330.

Servizi, J.A. and D.W. Martens. 1991. Effect of temperature, season, and fish size on acute lethality of suspended sediments to coho salmon (*Oncorhynchus kisutch*). *Canadian Journal of Fisheries and Aquatic Sciences* 48:493–497.

Sherman, P. W. 2000. Distribution and behavior of Washington ground squirrels (*Spermophilus washingtoni*) in Central Washington. Unpublished report, Cornell University, Ithaca, NY. 13 pp.

Semlitsch, R.D. 2007. Differentiating migration and dispersal processes for pond-breeding amphibians. *Journal of Wildlife Management* 72:260–267.

Sibley, D.A. 2000. *The Sibley Guide to Birds*. The National Audubon Society. New York:

ORDINANCE _____

Alfred A. Knopf.

Spence, B.C., G.A. Lomnický, R.M. Hughes, and R.P. Novitzki. 1996. An Ecosystem Approach to Salmonid Conservation. Prepared by ManTech Environmental Research Services, Inc., Corvallis, Oregon, for National Marine Fisheries Service, Publication TR-4501-96-6057, Portland, Oregon (December 1996). 356 pp.

Stebbins, R.C. 1966. The Peterson Field Guide Series: A Field Guide to Western Reptiles and Amphibians. Boston: Houghton Mifflin Company.

Stinson, D.W. 2020. Periodic status review for the Greater Sage-grouse in Washington. Washington Department of Fish and Wildlife, Olympia, Washington.
<https://wdfw.wa.gov/sites/default/files/publications/02173/wdfw02173.pdf>.

Suter, G.W., II, and J.L. Jones. 1981. Criteria for golden eagle, ferruginous hawk and peregrine falcon nest site protection. Raptor Research 15:12–18.

Thoms, C. and Corkran, C. 2006. Amphibians of Oregon, Washington, and British Columbia: A Field Identification Guide, Revised and Updated. Canada: Lone Pine Publishing.

Trenham, P.C., and H.B. Shaffer. 2005. Amphibian upland habitat use and its consequences for population viability. Ecological Applications 15:1158–1168.

Upper Columbia Salmon Recovery Board. 2007. Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan. National Marine Fisheries Service. National Oceanic and Atmospheric Administration. <https://repository.library.noaa.gov/view/noaa/15990>

USFWS, 2014a. Endangered and Threatened Wildlife Plants; Determination of Threatened Status for the Western District Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*). Final Rule. Federal Register Vol. 79 No 192 (3 October 2014): 59992-600038 Sacramento, California: USFWS. October 2014.

USFWS, 2014b. Endangered and Threatened Wildlife Plants; Critical Habitat Designation for the Western U.S. Distinct Population of the Yellow Billed Cuckoo; Proposed Rule. Federal Register Vol. 79 No 92 (15 August 2014): 48548-48657. Sacramento, California: USFWS. August 2014.

Wade, A.A., and D.M. Theobald. 2010. Residential Development Encroachment on US Protected Areas. Conservation Biology 24(1):151–161.

Washington Department of Fish and Wildlife. Washington Ground Squirrel.
<https://wdfw.wa.gov/species-habitats/species/urocitellus-washingtoni>.

ORDINANCE _____

Washington Department of Fish and Wildlife. Loggerhead Shrike.
<https://wdfw.wa.gov/species-habitats/species/lanius-ludovicianus>.

Washington Department of Fish and Wildlife. Sagebrush sparrow.
<https://wdfw.wa.gov/species-habitats/species/artemisiospiza-nevadensis>.

Washington Department of Fish and Wildlife. Yuma myotis.
<https://wdfw.wa.gov/species-habitats/species/myotis-yumanensis>.

Washington Department of Fish and Wildlife. 1996. Washington state recovery plan for the ferruginous hawk. Washington Department of Fish and Wildlife, Olympia, Washington.
<https://wdfw.wa.gov/sites/default/files/publications/01336/wdfw01336.pdf>.

Washington Department of Fish and Wildlife. 2016. Washington State Mule Deer Management Plan. Wildlife Program, Washington Department of Fish and Wildlife, Olympia, WA, USA. 144 p.
<https://wdfw.wa.gov/sites/default/files/publications/01755/wdfw01755.pdf>.

Washington Department of Fish and Wildlife, Confederated Colville Tribes, Spokane Tribe of Indians, USDA-APHIS Wildlife Services, and U.S. Fish and Wildlife Service. 2019. Washington Gray Wolf Conservation and Management 2018 Annual Report. Washington Department of Fish and Wildlife, Ellensburg, WA, USA.

Weston, M.A., M.J. Antos, and H.K. Glover. 2009. Birds, buffers, and bicycles: a review and case study of wetland buffers. *The Victorian Naturalist* 126:79–86.

White, C.M., and T.L. Thurow. 1985. Reproduction of ferruginous hawks exposed to controlled disturbance. *Condor* 87: 14–22.

Wiles, G.J. and K.S. Kalasz. 2017. Status Report for the Yellow-billed Cuckoo in Washington. Washington Department of Fish and Wildlife, Olympia, WA. 32+ivpp. May 2017.
<https://wdfw.wa.gov/publications/01881/wdfw01881.pdf>.

Whitaker, J.O., Jr. 1980. *The Audubon Society Field Guide to North American Mammals*. Alfred A. Knopf, Incorporated.

Yensen, E. and P.W. Sherman. 2003. Ground-dwelling squirrels of the Pacific Northwest. Boise, ID.
<https://idfg.idaho.gov/sites/default/files/ground-squirrels-of-the-pacific-northwest-yensen-shermann-by-permission.pdf>.

Zabel, R.W., M.D. Scheuerell, M.M. McClure, and J.G. Williams. 2006. The interplay

between climate variability and density dependence in the population viability of Chinook salmon. *Conservation Biology* 20(1):190-200.

2. NATURALLY OCCURRING PONDS (UNDER 20 ACRES)

Ribeiro, R., M.A. Carretero, N. Sillero, G. Alarcos, M. Ortiz-Santaliestra, M. Lizana, and G.A. Llorente. 2011. The pond network: can structural connectivity reflect on (amphibian) biodiversity patterns? *Landscape Ecology* 26(5):673–682.

3. WATERS OF THE STATE

Washington, State of. WAC 222-16-030 defines water types and a water typing system.

4. WATER, INCLUDING LAKES, PONDS, STREAMS, AND RIVERS WHERE FISH HAVE BEEN RELEASED

Local governments should consult with the local tribal entity and the Washington Department of Fish and Wildlife for the latest finfish release information.

Northwest Indian Fisheries Commission
6730 Martin Way E.
Olympia, WA 98512
(360) 438-1180

Columbia River Intertribal Fisheries Commission
729 N.E. Oregon, Suite 200
Portland, OR 97232
(503) 238-0667

Washington Department of Fish and Wildlife, Fish Program
600 Capital Way N.
Olympia, WA 98501-1091
(360) 902-2700

Washington Department of Fish and Wildlife. 2019. Statewide Trout and Kokanee Stocking Plan.

<https://wdfw.wa.gov/sites/default/files/publications/02060/wdfw02060.pdf>.

Kraig E., and T Scalici,. May 2018 Washington State Sport Catch Report 2016 Washington Department of Fish and Wildlife.

<https://wdfw.wa.gov/sites/default/files/publications/02002/wdfw02002.pdf>.

ORDINANCE _____

5. STATE NATURAL AREAS PRESERVES AND NATURAL RESOURCES CONSERVATION AREAS

Washington Department of Natural Resources. Updated annually. State of Washington natural heritage plan. Washington Natural Heritage Program. Available at: <https://www.dnr.wa.gov/NHPdata>. Washington Department of Natural Resources. Washington Natural Heritage Program. All Features: https://www.dnr.wa.gov/publications/amp_nh_trs.pdf?6g1aec.

Washington Department of Natural Resources. 1992. State of Washington natural resources conservation areas: Statewide management plan. 33 pp.

Natural area preserves publications area available through Natural Areas Program, Washington Department of Natural Resources. For a list of individual region Natural Areas managers in seven statewide offices, consult the Washington Department of Natural Resources website at <https://www.dnr.wa.gov/>. Additional information about Natural Areas Preserves and Natural Resource Conservation Areas is available by contacting:

Natural Areas Program
Lands and Resources Division
Washington Department of Natural Resources
P.O. Box 47016
Olympia, WA 98504-7016
(360) 902-1340

6. STATE LISTED HABITAT

The Priority habitats of Washington State that may be present within the Franklin County area include:

Aspen stands
Biodiversity Areas and corridors
Inland dunes
Eastern steppe
Shrub steppe
Riparian
Freshwater wetlands and fresh deepwater
Instream
Caves
Cliffs
Snags and logs
Talus

ORDINANCE _____

F. BEST AVAILABLE SCIENCE RESOURCES: MISCELLANEOUS

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

Critical Area Assistance Handbook: A Handbook for Reviewing Critical Areas Regulation, Department of Commerce, Washington State, 2018

Model Code Recommendations for Designating and Protecting Critical Areas, Community Trade and Economic Development, Washington State, 2002

WAC Chapter 365-190 and WAC 365-190-080 Critical Areas

Washington State Lidar Portal. Available at: <https://lidarportal.dnr.wa.gov/>.

Franklin County Shoreline Master Program, as amended;

Franklin County Comprehensive Plan, as amended;

Franklin County Development Regulations (Zoning Ordinance), as amended

Previously completed maps in the vicinity of a permit application.

Previously completed special reports conducted in the vicinity of a permit application.

ORDINANCE _____ APPENDIX B

FEDERAL / STATE CANDIDATE SPECIES AND SPECIES OF LOCAL IMPORTANCE

PRIORITY SPECIES: The following list comprises the identified species listed as endangered, threatened, or sensitive by the Federal or State Governments, *as amended*.

- American White Pelican
- Ferruginous Hawk
- Sharp Tailed Grouse
- Sandhill Crane
- Common Loon
- Chinook Salmon
- Coho Salmon
- Rainbow Trout/ Steelhead/ Inland Redband Trout
- Bull Trout
- Sockeye Salmon
- Yellow-Billed Cuckoo

IMPORTANT SPECIES: The following list comprises the identified species listed as candidate, monitor, or locally important species as designated by the Federal or State Governments and/or Franklin County, as amended.

- Bald Eagle
- Black-necked Stilt
- Black-tailed Jackrabbit
- Burrowing Owl
- California Floater Mussel
- Columbia Pebblesnail
- Columbia River Tiger Beetle
- Forster's Tern
- Golden Eagle
- Grasshopper Sparrow
- Great Blue Heron
- Great Egret
- Juniper Hairstreak
- Leopard Dace
- Loggerhead Shrike
- Mountain Sucker
- Ord's Kangaroo Rat
- Osprey
- Prairie Falcon
- Peregrine Falcon
- Western Racer
- River Lamprey

Sage Thrasher
Sagebrush Sparrow
Sagebrush Lizard
Sagebrush Lizard
Shortface Lanx
Striped Whipsnake
Swainson's Hawk
Townsend's Ground Squirrel
Townsend's Big-eared Bat
Washington Ground Squirrel
Western Bumble Bee
Western Grebe
White-tailed Jackrabbit
Woodhouse's Toad
Westslope Cutthroat

PRIORITY HABITATS: The following list comprises the identified habitats listed as Priority by the Federal or State Governments, as amended.

Aspen Stands
Caves
Cliffs/Bluffs
Grebe Species
Inland Dunes
Instream Habitat
Juniper Savannah
Riparian Zones
Rural Natural Open Space
Eastside Steppe
Shrub-Steppe
Talus
Urban Natural Open Space
Waterfowl Concentrations
Wetlands

ORDINANCE _____

ORDINANCE _____ APPENDIX C
CRITICAL AREA REFERENCE MAPS

Chapter 18.08 CRITICAL AREA/RESOURCE AREAAREAS PROTECTION STANDARDS

ARTICLE I. GENERAL PROVISIONS

18.08.010 Purpose.

- A. The purpose of this chapter is to promote the general health, safety, and welfare of county residents by conserving and protecting critical areas. The Franklin County Board of Commissioners finds that the impact of development in critical areas poses a threat to the public's health, safety, and welfare; to clean water, and fish and wildlife habitat. This chapter is enacted to protect critical areas by regulating development within or adjacent to such areas/lands, while providing property owners with reasonable economic use of their land.
- B. This chapter is to implement the goals, policies, guidelines, and requirements of the Franklin County Comprehensive Plan and the Growth Management Act (RCW 36.70A, as amended).
- C. Goals. By identifying development impacts to critical areas, this chapter seeks to:
 - 1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to ~~flooding, erosion, landslides and steep slope failures, seismic events, or soil subsidence; landslides and steep slope failures, erosion, seismic events, volcanic eruptions, or flooding;~~
 - 2. ~~Avoid public expenditures to address improper use or improper management of critical areas;~~
 - 3. ~~Prevent degradation of the natural environment~~Provide for no net loss of critical area functions and values;
 - 4. ~~Include Best Available Science (BAS) in developing policies and development regulations to protect the functions and values of critical areas;~~
 - 5. ~~Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;~~
 - 6. ~~Protect the local renewable resources that the County's economy is heavily dependent on through conservation and protective measures;~~
 - 7. ~~Alert property owners, potential buyers or lessees, and others to the existence of and the development limitations of critical areas;~~
 - 8. ~~Provide County officials with sufficient information to protect critical areas when approving, conditioning, or denying public or private development proposals;~~
 - 92. ~~Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;~~
 - 103. ~~Direct activities not dependent on critical area resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and~~
 - 114. ~~Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.~~
- D. This chapter is intended to protect critical areas in accordance with the Growth Management Act and through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with ~~state and federal agencies~~ other qualified professionals.
- E. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.

- F. The County's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

18.08.020 Authority and applicability.

- A. As provided herein, the ~~Planning Director~~ Planning and building director and his/her designee(s) ~~is~~ are given the authority to interpret, ~~and apply,~~ and ~~the responsibility to enforce~~ this chapter to accomplish the stated purpose.
- B. The County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first assuring compliance with the requirements of this chapter.
- C. The provisions of this chapter shall apply to all lands, ~~all land uses, and development activities, and all structures,~~ and facilities in the County, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the County. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this chapter.
- D. Approval of a permit or development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.
- E. Franklin County opted into the Voluntary Stewardship Program (VSP) as an alternative regulatory protection of critical areas on agricultural lands per WAC 365-191-010.

(1) The provisions and standards of this title will not apply to agricultural activities prior to July 22, 2011, defined as 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 (RCW 36.70A.703(1) and RCW 90.58.065).

(2) If the approved work plan by the Washington State Conservation Commission fails to meet goals, benchmarks, or receive adequate funding, the provisions and policies of this title will apply to agricultural activities (RCW 36.70A.735).

18.08.030 Relationship to other regulations.

- A. These critical area regulations shall apply as ~~an a overlay supplement~~ to the Franklin County Zoning Ordinance code, as amended, and other applicable regulations adopted by the County, including but not limited to design standards, subdivision ~~ordinance code~~, building codes, ~~shorelines management program,~~ and environmental review (SEPA) procedures.
- B. These critical areas regulations shall apply concurrently with a review conducted under the State Environmental Policy Act (SEPA), as locally adopted.
- ~~B.C.~~ Any individual critical area adjoined by another type of critical area shall meet the requirements that provide the most protection to the critical areas involved. When any provision of this chapter or any existing

regulation, easement, covenant, or deed restriction, conflicts with this chapter, that which provides more protection to the critical areas shall apply.

- ED. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, Hydraulic Project Approval (HPA) permits, Army Corps of Engineers Section 404 permits, and National Pollutant Discharge Elimination System (NPDES) permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter. Where applicable, the ~~Planning Director~~ Planning and building director will encourage the use of information to support required documentation submitted for Critical Areas Review, such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for critical areas review. The applicant is responsible for complying with these requirements, apart from the process established in this chapter.

18.08.040 Interpretation.

In the interpretation and application of this chapter, the provisions ~~of this chapter~~ shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

18.08.050 Jurisdiction—Critical areas.

- A. The County shall regulate all uses wholly or partially within designated critical areas, consistent with the best available science and the provisions herein.
- B. Critical areas regulated by this chapter include:
 - 1. Wetlands as designated in ~~Chapter 2.0 Article II~~;
 - 2. Critical aquifer recharge areas as designated in ~~Chapter 3.0 Article III~~;
 - 3. Frequently flooded areas as designated in ~~Chapter 4.0 Article IV~~;
 - 4. Geologically hazardous areas as designated in ~~Chapter 5.0 Article V~~; and
 - 5. Fish and wildlife habitat conservation areas as designated in ~~Chapter 6.0 Article VI~~.
- C. All areas within the County meeting the definition of one or more critical area, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

18.08.060 Best available science.

- A. The best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional, or a team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.
- B. In the context of critical areas protection, best available science must also be based upon a valid scientific process as defined in WAC ~~365-195-905~~ ~~365-105-905~~.
- C. Franklin County's best available science sources are ~~available~~ documented in Appendix A of the ordinance codified in this chapter. The best available science includes any maps created through a critical areas review process or previously completed maps in the vicinity of a permit application.
- D. Critical areas studies and decisions to alter critical areas must give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fish and their habitat.

18.08.070 Definitions.

For the purposes of this chapter, the following words and phrases shall have the indicated meanings unless the context clearly indicates otherwise. Words not defined in this Chapter shall be as defined in the County Code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in either code shall be as defined in the Webster's Third New International Dictionary, latest edition.

1. "Adjacent" means immediately adjoining or within a distance that is less than that needed to separate activities from critical areas to ensure the protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:
 - (i) On a site immediately adjoining a critical area;
 - (ii) A distance equal to or less than the required critical area buffer width and building setback, or where the buffer width has yet to be determined, a distance equal to a buffer and setback that would typically be required for the present habitat or species;
 - (iii) A distance equal to or less than 250 feet upland from a stream, wetland, or water body; or
 - (iv) Bordering or within the floodway, floodplain or channel migration zone.
2. "Agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170(1)(a) 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.
32. "Agriculture, low intensity" means agricultural activities that do not have a significant adverse impact on the functions and values of adjacent wetlands or riparian resources. Agricultural activities that are not low intensity include those that result in soil or bank erosion, degradation of water quality, toxic poisoning of biota, desiccation or defoliation of wetland and riparian vegetation, and annual seed-bed preparation and/or frequent disking.
43. "Allowable uses and activities" means, those uses, and activities listed in Section 18.08.110120, which are permitted without review for consistency with the provisions of this chapter.
5. "Anadromous fish" means fish that spawn and rear in freshwater and migrate to the ocean to mature in the marine environment until returning to freshwater to spawn. In Franklin County, these include Pacific salmon species, steelhead, and Pacific lamprey.
64. "Appeal" means a request for review of a reviewing official's decision, determination, order, or interpretation of any provision of this chapter.
75. "Applicant" means any person, authorized agent, business entity, or public agency that applies for any permit or approval required by this chapter.
86. "Area of Project Review" means the area surrounding and including a Critical Resource Area, as specified by this chapter, within which activities and developments are subject to the provisions of this Franklin County Ordinance Code.
9. "Bank" means any land surface landward of the ordinary high water line next to a body of water and constrains the water except during floods. The term "bank" also includes all land surfaces of islands within a body of water that are below the flood elevation of the surrounding body of water.

~~109~~7. "Best Management Practices (~~BMP's~~ BMPs)" means physical, structural, and/or managerial practices that when used singularly or in combination, protect the functions and values of critical ~~resources~~ area. ~~BMP's~~ BMPs are current and evolving conservation practices, systems of practices, management and operational measures, design and construction techniques, or normal and accepted industry standards that are applied to land uses and land use activity in a manner which:

- A. controls soil loss and reduces water surface and groundwater quality degradation caused by nutrients, animal wastes, toxins, and sediment; and,
- B. mitigates adverse impacts to the natural chemical, physical and biological environment of the County; and,
- C. facilitates the utilization of the county's natural resources on a long term, sustainable yield basis.

~~11~~8. "Buffer" means a designated area used to separate incompatible uses or protect resources or development. Buffers are generally undeveloped areas. There are different types of buffers for different purposes:

- A. Buffers which protect sensitive natural resources (critical areas) from the adverse impacts of development are generally undeveloped open space which are ecologically part of the protected resource;
- B. Federal Emergency Management Agency's (FEMA), 100-year flood map(s);
- C. County Geologically Hazardous Map(s);
- D. County Critical Aquifer Recharge Map(s);
- E. County Wetland Map(s);
- F. Other map(s) as ~~are~~ appropriate.

~~121~~~~11~~6. "Critical Area Review" means the evaluation performed by Franklin County as part of its review of an application for a permit or approval to ensure that impacts to Critical ~~Resources~~ Areas have been addressed where appropriate.

~~17.~~ "Critical Resources" means those specific resources which are subject to protection by regulation under this chapter (e.g., wetlands, geologically hazardous areas, wildlife conservation areas, frequently flooded areas, aquifer recharge/interchange areas).

~~18.~~ "Critical Resource setback" means the required distance between a development or land use activity and the edge of any Critical Resource.

~~123~~19. "Determination of Consistency" means the determination by the ~~Planning Director~~ Planning and building director that an activity or development is consistent with the provisions of this chapter.

~~134~~20. "Development Site" means the legal boundaries of the parcel or parcels of land for which an applicant has applied for authority from Franklin County to carry out a development proposal.

~~145~~21. "Diversity (ecological)" refers to the variety of species of plants and animals that compose a biotic community or ecosystem, often expressed as the total number of different species.

~~156~~22. "Drainage Ditch" means that portion of a designed and constructed conveyance system that serves the purpose of transporting drainage waters, including irrigation return flows.

~~23.~~ "Dwelling or Dwelling Unit" means a building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one family.

~~167~~24. "Emergency" means when there is an immediate threat to life or property.

~~178~~25. "Enhancement" means an action which improves the natural functions and values of a stream, wetlands, or other critical ~~resource~~ area to a state more closely resembling the natural conditions.

- ~~189~~26. "Environmental Review" means the procedures and requirements established by the State Environmental Policy Act, Chapter 43.21C RCW as it now exists or is hereafter amended and/or modified.
- ~~192~~27. "Erosion" means the process in which soil particles are mobilized and transported by natural agents such as wind, rain, splash, frost action, ~~or~~ stream flow, or gravity.
- ~~201~~28. "Grading" means any excavation, filling, removing of the vegetative layer or any combination thereof.
- ~~221~~29. "Gravel" refers to large soil particles two to twenty (20) millimeters in diameter or an unconsolidated, natural accumulation of rounded rock particles.
- ~~30.~~ "Groundwater Management Program" means a comprehensive program designed to protect groundwater quality, to assure groundwater quantity, and to provide for efficient management of water resources while recognizing existing groundwater rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated groundwater management area or sub-area developed pursuant to WAC 173-100."
- ~~232~~31. "Habitat" means the sum of all environmental factors of a specific place necessary for the support and sustenance of an organism, species, population, or community, on a permanent or temporary basis, ~~of an organism, species, population, or community~~.
- ~~234~~32. "Hydrology" refers to the properties of water, including the circulation and distribution, on or below ground surface.
- ~~254~~33. "Impervious Surface" means any material which reduces or prevents absorption of water into previously undeveloped land.
- ~~256~~34. "Intensity" means the combination of factors (such as visual appearance and building size, traffic generation, noise, dust, and light and economic value) associated with a particular use. Intensity often determines the potential impact of that use on adjacent land uses.
- ~~267~~35. "Irrigation and/or Drainage Facilities" means all irrigation and/or drainage structures, including but not limited to: standpipes, weir boxes, pipelines, ditches, pump houses, and culverts, ~~etc.~~
- ~~278~~36. "Irrigation Ditch" means that portion of a designed and constructed conveyance facility that serves the purpose of transporting irrigation water from its supply source to its place of use.
- ~~289~~37. "Land" means any lot, parcel, or tract of real property (ground, soil, earth).
- ~~293~~38. "Land Use" means the method or manner in which land and structures are occupied or utilized.
- ~~301~~39. "Landscaping" means:
- A. An expanse of natural scenery;
 - B. "Soft" landscaping, which is the arrangement, placing, and/or planting of trees, grass, shrubs, and flowers; and,
 - C. "Hard" landscaping which is the placement or construction of decorative features, such as, fountains, patios, street furniture, sidewalks or paths, observation platforms, kiosks and cabanas, gazebos, and ornamental concrete or stonework.
- ~~312~~40. "Legislative Body" means the Board of Franklin County Commissioners.
- ~~323~~41. "Lot" means a portion of a subdivision, short plat, binding site plan or other parcel of land such as a tract or parcel;
- ~~334~~42. "Lot Coverage" means that portion of ~~the a~~ lot that is covered by structures and/or other impervious surfaces.

~~345~~43. "Mitigation" means the use of any or all of the following actions that are listed in descending 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 to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected sensitive area;
- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
- E. Compensating for the impact by replacing, enhancing, or providing substitute sensitive areas and environments;
- F. Monitoring the impact and taking appropriate corrective measures.

~~356~~44. "Modification (of Use or Development)" means any change or alteration in the occupancy, arrangement, placement, or construction of any existing use, structure, land, or associated site.

~~367~~45. "Monitoring" means the ongoing evaluation of the impacts of a development proposal on the biological, hydrologic, and geologic conditions of Critical Resources Areas. Monitoring includes the gathering of baseline data and the assessment of the performance of required mitigation measures through the collection and analysis of data for the purposes of understanding and documenting changes in natural ecosystems and features.

~~378~~46. "Native Vegetation" refers to plant species ~~which that~~ are indigenous to the Central Basin region, and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

~~389~~47. "Non-indigenous Vegetation and Wildlife" means a species not native (i.e. indigenous) to Franklin County. For example, non-indigenous species of ~~plant plants~~ are introduced locally by feed and seed products imported from other regions.

~~394~~048. "Nonconforming Use" means a use of land or structures which was lawfully established and maintained at the effective date of this chapter but does not conform to this chapter.

~~410~~49. "Overlay District" means the uniform development standards set forth in this chapter that "overlay" other pre-existing "underlying" county zoning districts (e.g., Rural Residential, Industrial, Commercial, etc.) wherever Critical Resources Areas exist. The Overlay District does not modify or change the list of uses permitted in the underlying zone.

~~50. "Over-riding economic need" means when a single proposed development is so essential to local or regional economic growth or stability, that failure to accomplish the project will result in demonstrable and enduring adverse impacts to employment, and/or the existing officially recognized economic base.~~

~~412~~51. "Permit" means written government approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.

~~423~~52. "Planning Department" means the Franklin County Planning and Building Department.

~~53. "Point of Measurement" refers to the location at the edge of a critical resource (wetland, river, geologic hazard etc.) from which a measurement is made to establish the width of a buffer, or the Area of Project Review.~~

~~44. "Priority habitat" means a habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (e.g., shrubsteppe, juniper savanna). A priority habitat may also be described by a successional~~

stage (e.g., old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat feature (e.g., talus slopes, caves, snags) of key value to fish and wildlife.

45. "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species include State Endangered, Threatened, Sensitive, and Candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable.

43654. **"Property Owner(s)" means the legal owner or owners of the property.**

47455. **"Qualified Professional"** means a Washington state licensed professional with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience. ~~means an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on or, someone who would qualify as an expert in their field. For wetlands, a qualified professional should shall be a professional wetland scientist with at least two years full-time work experience as a wetlands professional wetland professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.~~

(a) A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

(b) A qualified professional for a geological hazard must be a professional geotechnical engineer or geologist licensed in the State of Washington.

(c) A qualified professional for critical aquifer recharge areas must be a professional geologist with a specialty in hydrogeology licensed in the State of Washington.

48. "Riparian" areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).

459. **"Reviewing Official" means the Planning Director, Planning and building director or legislative body, when engaged in any review or approval procedure under the provisions of this chapter.**

50. "Stream or Water Types" are fully defined in WAC 222-16-030. An abbreviated definition is provided below, but the full WAC definition is adopted and applies: "Type S Water" means all designated "shorelines of the state". "Type F Water" means streams other than Type S Waters that contain fish habitat or are diverted for certain kinds of domestic use or for use by fish hatcheries. "Type Np Water" means streams that are perennial nonfish habitat streams. "Type Ns Water" means streams that are seasonal, nonfish habitat streams, which are physically connected by an above-ground channel system to Type S, F, or Np Waters.

4651. **"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined in some definite manner.**

4752. **"Topography" refers to a general term which includes means the characteristics of the ground surface such as plains, hills, and mountains; degree of relief, steepness of slope, and other physiographic features.**

59. ~~"Unregulated activities" mean allowable uses and activities.~~

4853. "Use" means the activity or purpose for which land or structures, or a combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement, or demolition of any structure or site improvement and any physical alteration to the land itself including any grading, leveling, paving, or excavation. Use also means any existing or proposed configuration of the land, structures, and site improvements, and the use thereof.

4954. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface.

5055. "Violation" means the non-attainment of the provisions of any or all of the following: This chapter, administrative rules, permit, stop work order, or any other order issued.

5156. "Voluntary Stewardship Program (VSP)" means the local program under the supervision of the Washington State Conservation Commission where counties and agricultural landowners can implement an incentive-based program to provide farm-friendly options for protecting and enhancing critical areas in places where agricultural activity is conducted.

5257. "Water Table" refers to the upper surface of the free groundwater in a zone of saturation unconfined by an overlying impermeable zone.

58. "Waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030.

18.08.080 Identification of critical areas—Maps and documents.

- A. The maps for critical areas are used as a general guide to the location and extent of critical resources. Critical resources are presumed to exist in or near the critical areas indicated on the Critical Areas Overlay Maps and, if present, are protected under all the provisions of this chapter and all related titles. A critical resource is protected under this chapter whether or not it is shown within a designated critical area.
- B. The Critical Areas Overlay Maps are available for review in the Planning Department as either hard ~~copy~~ copies or computer-generated images of the County's Geographic Information System. The maps will be amended over time to accurately reflect improvements in the accuracy of the ~~data-based~~ database.
- C. The Critical Areas Overlay Maps are also intended to alert the development community, appraisers, and current ~~and or~~ prospective property owners of the potential encounter with natural site constraints due to Critical Resources. These constraints, which may limit or cause alterations of development plans, but provisions of the title may apply outside of the mapped designations.
- D. If the property proposed for development is wholly or partially within an Area of Project Review for a Critical ~~Resource Area~~, then the Planning Director/Planning and building director may require that additional information be provided prior to the County's acceptance of a development application as complete and ready for processing under current Franklin County Codes. When any other title of the Franklin County Code conflicts with this chapter, the more restrictive provision will apply.
- E. The County's Critical Area Overlay Maps are developed utilizing the maps and inventories listed and included in the County Best Available Science (Appendix A of the ordinance codified in this chapter). The Critical Area Overlay Maps include the following:
 - 1. Federal Emergency Management Agency's (FEMA), 100-year flood map(s) Flood Insurance Rate Maps (FIRMs), Flood Hazard Boundary Maps, Flood Boundary and Floodway Maps, and other related products;
 - 2. County Geologically Hazardous Map(s);
 - 3. County Critical Aquifer Recharge Map(s);
 - 4. County Wetland Map(s);

5. Washington State Geologic Information Portal. Available at: <https://www.dnr.wa.gov/geologyportal> (Landslide and geology layers);

65. Other ~~map~~ maps(s) as are appropriate.

- F. **Applicability of reference maps:** In some cases, the Critical Area ~~Reference Overlay~~ Maps identified herein display general locations and approximate boundaries of potential critical areas. Further field determination and analysis may be necessary for specific development proposals to establish the exact location, extent, and nature of critical areas. Fish and Wildlife Habitat Conservation Areas are identified using the references, maps, and criteria established in Article VI.

18.08.090 General review process and report requirements.

- A. The County shall follow the process discussed below:

1. **Verify the information submitted by the applicant for the applicable permit;**
2. **Evaluate the project area and vicinity** (200 feet surrounding the area proposed to be disturbed, altered or used by the proposed activity or the construction of any proposed structures) **for critical areas;**
3. For wetland, geologically hazardous and/or fish and wildlife habitat conservation areas the County shall require that boundaries be verified and mapped by a qualified professional (as specified in section 18.08.070 Definitions), and such boundaries be submitted to the County as part of the application for the applicable permit if the project is:
 - a. Is within 300 feet of a wetland or fish and wildlife critical area for which the boundaries have not been certified and depicted by the County on the critical areas map (see Exhibit 1 Appendix C, or the most recent revision thereof); and
 - b. Will not be receiving a no impact-waiver as provided in subsection (B) of this section.
3. **Determine whether the proposed project is likely to impact the functions or values of critical areas; and**
4. **Determine if the proposed project adequately addresses the impacts, and avoids impacts to the critical area associated with the project.**

- B. **Critical areas present, but no impact - waiver.** If the ~~Planning Director~~ Planning and building director determines that there are critical areas within or adjacent to the Area of Project Review, but that the proposed activity is unlikely to degrade the functions or values of the critical area, the ~~Planning Director~~ Planning and building director may waive the requirement for a report or other applicable information (with written approval and assistance from a federal, state, or local resource agency). A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

1. **There will be no alteration of the critical area or buffer;**
2. **The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this chapter; and**
3. **The proposal is consistent with other applicable regulations and standards.**

A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.

- C. **Critical Areas Present and Potential Impact Likely.** If the ~~Planning Director~~ Planning and building director determines that the proposed project is within, adjacent to, or is likely to impact a critical area, the ~~Planning Director~~ Planning and building director shall:

1. **Notify the applicant that a critical area report, State Environmental Policy Act (SEPA) environmental checklist or other applicable information must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed;**

2. Require a critical area report or other applicable information from the applicant that has been prepared by a qualified professional ~~(as specified in section 18.08.070 Definitions). Additional information and requirements may be obtained within each chapter;~~
3. Review and evaluate the critical area report and other applicable information to determine whether the development proposal conforms to the purpose and performance standards of this chapter;
4. Assess potential impacts to the critical area and determine if they are necessary and unavoidable;
5. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this chapter; and
6. A summary of this analysis and the findings shall be included in any decision on the underlying permit(s). Critical area ~~report or review~~ findings may result in: a) no adverse impacts to the critical area(s), b) a list of applicable critical area(s) protection conditions for the underlying permit(s), or c) denial of a permit based upon unavoidable impacts to critical area(s) functions and values.

D. Critical Area Report Requirements.

1. Incorporating best available science. The report shall use scientifically valid methods and studies in the analysis of data and field reconnaissance and reference the source of science used. The report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this chapter.
2. Minimum report contents. At a minimum, the report shall contain the following:
 - a. The resume of the principal author(s) which disclose(s) their technical training and experience and demonstrates their stature as a qualified professional ~~(as specified in section 18.08.070 Definitions). The study shall be performed by a professional who is licensed or qualified as an expert in the Critical Resources at issue.~~
 - b. Identification and characterization of the Critical Area and associated ~~buffers~~ buffer(s);
 - c. An assessment of any potential hazards associated with the proposed development;
 - d. Where impacts are unavoidable, demonstrate through an alternatives analysis that no other feasible alternative exists;
 - e. Consider the cumulative impacts of the proposed action that includes past, present, and reasonably foreseeable future actions to facilitate the goal of no net loss of critical areas. Such impacts shall include those to wildlife, habitat, and migration corridors; water quality and quantity; and other watershed processes that relate to critical area condition, process, and/or service;
 - ef. An assessment of the impacts of the development proposal on any Critical Area;
 - ge. A mitigation plan which reduces impacts on the Critical Area(s) to an insignificant level and specifies maintenance, monitoring, and bonding measures (where necessary) and meeting the requirements that may be required within each Article of this chapter; and
 - hf. Additional information and requirements that may be required within each chapter Article of this codechapter.

18.08.100 Appeals.

The ~~Planning Director~~ Planning and building directors' decisions in Section ~~18.08.090~~ 1.090 of this chapter shall be considered final unless an appeal is submitted. An applicant or any person with legal standing may appeal to the Board of County Commissioners the ~~Planning Director~~ Planning and building director's determination. Any appeal shall be made in writing to the ~~Planning Director~~ Planning and building director within fourteen (14) days from the date of the ~~Planning Director~~ Planning and building director's final determination. The appeal period shall

commence on the date of the ~~Planning Director~~Planning and building director's final determination. The appeal shall ~~state clearly state~~ the Critical Resource Areas issue and the specific findings or elements of the action which are being contested. An appeal fee consistent with the Planning Department Fee Schedule shall be paid at the time of appeal submittal.

18.08.110 Reasonable use exception.

- A. Nothing in this chapter is intended to preclude the reasonable economic use of property. For purposes of this section, reasonable economic use of a lot or parcel shall be deemed available if any one of the specific uses listed as permitted, accessory, or conditional in the Franklin County Zoning ~~Ordinance Code~~, as amended, ~~in the zone in which the subject property is located~~, can be accommodated on the subject lot.
1. If requirements of this chapter as applied to a specific property, would deny all reasonable economic use of the lot, development consistent with the use regulations of the Franklin County Zoning ~~Ordinance Code~~, as amended, can be permitted through a variance to the standards herein if the applicant demonstrates all of the following to the satisfaction of the Franklin County Planning Commission:
 - a. There is no other reasonable economic use or feasible alternative to the proposed development with less impact on the critical area(s);
 - b. The proposed development does not pose a threat to public health, safety, and welfare on or off the subject lot;
 - c. Any variance permitted from the requirements of this chapter shall be the minimum necessary to allow for reasonable economic use of the property;
 - d. The inability of the applicant to derive reasonable economic use of their property is not the result of actions by the applicant after the effective date of this chapter in subdividing the property or adjusting a boundary line which creates the undeveloped condition and,
 - e. The proposal mitigates impacts to the critical area(s) to the maximum extent possible.
- B. Reasonable Use Decision Process: An application for reasonable use exception shall be filed with the ~~Planning Director~~Planning and building director Administrator and shall be considered by the Planning Commission ~~following at a public hearing~~. The application shall include the following information which will be considered during the evaluation for granting a reasonable use exception:
1. A description of the critical area(s) located on the property and the required standards of this code that are applicable to the proposed development;
 2. An analysis of the minimum amount of development that would be considered reasonable economic use of the lot, including a narrative which describes the factual basis for this determination;
 3. An analysis of the impact(s) associated with development in subsection (B)(2) of this section that would be imposed on the critical area(s); and
 4. An analysis of whether any other reasonable economic use with less impact on the critical area(s) and buffers is possible. This should include a discussion of whether there is any practical on-site alternative to the proposed development with less impact, including reduction in density, phasing of project implementation, change in timing of activities, revision of lot layout, and/or related site planning considerations that would allow reasonable economic use with less adverse impact to the critical area(s) or buffers.
- C. Burden of Proof and Appeals. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. Appeals of the Planning Commission's decision in subsection (B) of this section may be made to Board of County Commissioners within 10 days of the written decision issuance, and such appeal must be made in writing and filed together with the applicable fee.

18.08.120 Allowable uses and activities.

The following are exemptions to provisions of this chapter; however, the listed exemptions may not be ~~exempted-exempt~~ 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, such as use of BMPest Management Practices. 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 a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

- A. Activities in response to emergencies that threaten public health, property, safety, or welfare, as verified by the ~~Planning Director~~Planning and building director administrator to be the minimum necessary to alleviate the emergency.
- B. Legally constructed structures, in existence on the date this chapter becomes effective, that do not meet the requirements of this chapter may be remodeled or reconstructed; provided that the new construction or related activity does not further encroach into the critical area(s) and/or natural resource land(s). Remodeling or reconstruction shall be subject to all other requirements of the zoning code.
- C. Operation and maintenance of existing Columbia Basin Project related facilities by the U.S. Bureau of Reclamation, and maintenance activities of the associated Columbia Basin Irrigation Districts which operate in some degree within Franklin County. Including all water contract activities related to the use, reuse, or lack of use of water subject to the Federal Water Right.
- D. Normal and routine maintenance of legally constructed irrigation and drainage ditches. (When located within an already approved easement, right-of-way, etc.)
- E. Normal and routine maintenance of agricultural ponds, livestock watering ponds, and fish ponds, provided that such activities do not involve the conversion of any wetland or stream not used for such purpose on the effective date of this chapter.
- F. Artificial structures intentionally constructed from upland areas for purposes of storm-water drainage, ~~or~~ water quality control, or ornamental landscape ponds, which are not part of a mitigation plan as described and detailed herein.
- G. Irrigation water, or the conveyance of irrigation water, and associated practices in rural and agricultural areas within the Columbia Basin Project. Changes in irrigation practices, or the conveyance of said irrigation water, which may create or impact a wetland or artificial wetland if the use of the land is for agricultural purposes. Filling of or eliminating wetlands for commercial, industrial, or residential uses shall be regulated by this critical area ordinance.
- H. Normal and routine maintenance of public streets, state highways, public utilities, and public park facilities. Maintenance and repair ~~does~~ not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or dumping of maintenance debris. ~~(Note: Meaning This means no expansion into new, unused areas).~~
- I. The following electric, natural gas, cable communications, and telephone utility-related activities, when undertaken pursuant to best management practices may require additional permits to avoid impacts to critical areas. ~~Water quality, flood plain, and other permits may be required if applicable.~~
 - 1. Normal and routine maintenance or repair of existing utility structures or right-of-way when located within already approved easements, ~~right-of-ways~~rights-of-way, etc.
 - 2. Relocation of electric facilities, lines equipment, or appurtenances, not including substations with an associated voltage of fifty-five thousand (55,000) volts or less, when required and/or

approved by the ~~Planning Director~~Planning and building director~~administrator~~; (when located within an already approved easement, right-of-way etc.)

3. Relocation of natural gas, cable communications, telephone facilities, lines, pipes, mains, equipment, or appurtenances when required and/or approved by the ~~Planning Director~~Planning and building director~~administrator~~; (when located within already approved easements or right-of-way etc.)

4. Installation or construction in approved street ~~right-of-ways~~rights-of-way and replacement, operation or alteration of all facilities listed in subsections ~~b. and c., above~~(I)(2) and (I)(3) of this section.

- J. Buffer management when approved by the ~~Planning Director~~Planning and building director~~administrator~~ and all agencies with jurisdiction. Management may be limited to actions necessary to reduce risk to adjacent properties from falling trees, wildfire, etc. provided the management is the minimum necessary to protect both the critical area and property.

- 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).

1. Wetlands. Existing and ongoing agricultural activities do not include removing trees, diverting or impounding water, excavation, ditching, draining, culverting, filling, graining, 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~~shall be subject to the same regulations that govern new development, ~~regardless of their wetlands rating.~~
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.

- L. Passive uses, including but not limited to:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife; and
2. Outdoor recreational activities such as bird watching, hiking, boating, swimming, canoeing, bicycling, hunting, fishing, trapping, and compatible minor improvements, such as trails, observation points, and navigational aids. Trails located in wetlands or buffers are limited to permeable surfaces no more than five feet in width. Minor crossing only are allowed in wetlands. These trails ~~should~~shall only be located in the outer twenty-five (25) percent of a wetland buffer and ~~should~~shall be designed to avoid the removal of significant trees.

- M. Scientific research, education, and site investigative work such as surveys, soil logs, percolation tests, and other related activities.

- N. Activities undertaken as an authorized element of a project previously approved by the county.

- O. Emergency actions by fire districts.

18.08.130 Nonconforming uses and activities.

- A. Nonconforming uses and activities inside an Area of Project Review are allowed. Nonconforming uses are those uses officially determined by the ~~Planning Director~~Planning and building director, based upon verifiable evidence, to have been legally established uses in existence on the date this chapter becomes effective.

- B. A Determination of Consistency may be required if existing buildings are remodeled, reconstructed, or replaced if the construction activity may cause significant adverse impacts to functions and values of Critical Resources areas.

18.08.140 Subdivisions.

Any subdivision, as defined in the ~~County Subdivision Ordinance~~ Franklin County Code Title 17, as amended, of land that creates a lot greater in size than five acres and is located in a critical area or associated buffer shall comply with the following:

- A. Land that is located wholly within a wetland, fish and wildlife habitat conservation area, geologically hazardous area, floodway, or the buffers required for these critical areas may not be subdivided.
- B. Land that is located partially within a wetland, fish and wildlife habitat conservation area, geologically hazardous area, floodway, or the buffers required for these critical areas may be subdivided provided that an accessible, contiguous, and buildable portion of each new lot is:
 - 1. Located outside of the wetland, fish and wildlife habitat conservation area, geologically hazardous area, floodway, and the buffers required for these critical areas; and
 - 2. Meets the minimum buildable site requirements of the Franklin County Zoning ~~Ordinance~~ Code, Title 17, as amended.
- C. Access roads and utilities serving the proposed subdivision may be permitted within the wetland, fish and wildlife habitat conservation area, geologically hazardous area, or the buffers required for these critical areas only if the ~~Planning Director~~ Planning and building director determines that no other feasible alternative exists, consistent with this chapter.

18.08.150 Violations—Penalties.

The violation of any of the provisions of this chapter shall constitute an infraction. Each such violation shall constitute a separate infraction for ~~each and every~~ day or portion thereof during which such violation is committed, continued, or permitted. Violations of this chapter are processed in accordance with the provisions included in Franklin County Code Chapter 17.04 Chapter 2 Violations and Penalties included in the ~~County Zoning Ordinance 7-2005~~, as amended.

18.08.160 Severability.

If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the title and the applicability thereof to other persons and circumstances shall not be affected thereby.

18.08.170 Effective date.

This chapter shall take effect and be in full force upon its passage and adoption.

ARTICLE II. WETLANDS

18.08.180 Applicability.

This chapter applies to wetlands wetland buffers and development activities within or adjacent to such wetlands and wetland buffers located within unincorporated Franklin County.

18.08.190 Purpose.

It is the intent of Franklin County to promote public health and welfare by instituting local measures to preserve ~~naturally occurring~~ wetlands that exist in this county for their associated value. These areas may serve a

variety of vital functions, including, but not limited to: flood storage and conveyance, water quality protection, recharge and discharge areas for groundwater, erosion control, sediment control, fish and wildlife habitat, recreation, education, and scientific research.

Protection measures should strive to spare identified value and function of wetlands that may be in jeopardy from new development proposals. However, these regulations shall not prohibit uses legally existing on any parcel prior to their adoption.

Franklin County recognizes that various legal means and levels of government already address the protection of wetlands. Efforts will be made to avoid unnecessary duplication and to promote cooperation and coordination whenever possible.

18.08.200 Repealed. Developments permitted.

~~Developments within an Area of Project Review as set forth in this chapter are permitted when sited, designed, and operated in a manner which protects the functions and values of the wetland when such developments meet the requirements of this chapter.~~

18.08.202 Regulated activities.

For any regulated activity, a critical areas report may be required to support the requested activity. The following activities are regulated if they occur in a regulated wetland or its buffer:

- A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- B. The dumping of, discharging of, or filling with any material.
- C. The draining, flooding, or altering the water level or water table.
- D. Pile driving.
- E. The placing of obstructions.
- F. The construction, reconstruction, demolition, or expansion of any structure.
- G. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
- H. "Class IV - General Forest Practices" as defined in RCW 76.09 under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations", WAC 222-12-030, or as thereafter amended.
- I. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of the sources of water to the wetland, a significant change in the quantity, timing or duration of the water entering the wetland, or the introduction of pollutants.

18.08.204 Activities allowed in wetlands.

The activities listed below are allowed in wetlands, in addition to those activities listed in and consistent with the provisions established in FCC 18.08.120, and do not require submission of a report, except where such activities result in the loss to the functions and values of a wetland or wetland buffer. These activities include:

- A. Conservation or preservation of soil, water, vegetation, fish, and other wildlife that does not entail changing the structure or functions of the existing wetland.
- B. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources.

- C. Existing and ongoing agricultural activities, provided that they are covered by the Franklin County voluntary stewardship program (VSP).
- D. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. However, specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
- E. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
- F. Educational and scientific research activities.
- G. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.
- H. Activities conducted by public agencies to control mosquitoes in compliance with state and federal laws shall be exempt from County wetland regulations.

18.08.206 Activities allowed in wetland buffers.

The following activities are permitted within the wetland buffer; provided, that any impacts or damage to the wetland buffer is fully mitigated through the requirements of this chapter. In planning and constructing these activities, reasonable measures shall be taken to protect any trees.

- A. Wells and necessary appurtenances associated with single-family dwellings, including a pump and appropriately sized pump house, may be allowed in a wetland buffer if city water is not available within 200 feet of the property and there are no other alternative locations available for a well on the property. In such case, the well shall be constructed such that it does not withdraw water from any shallow upper aquifer, or allow water from the wetland to infiltrate into the well hole directly. Any disturbance to the wetland buffer area as a result of the well installation shall be restored in a timely manner.
- B. Trails no more than five feet in width, observation areas, and viewing platforms; provided, that in the case of Category I wetlands, the minimum distance from the wetland edge is not less than 50 percent of the Category I buffer width established in FCC 18.08.250(F). A decrease in the required buffer width through buffer width averaging or other means does not indicate a corresponding decreased distance from a Category I wetland edge for trails, observation areas, and viewing platforms. Trails shall generally be located towards the perimeter of the buffer (in the outer 25 percent), and directly perpendicular to the wetland in the case of trails to observation areas and viewing platforms.
- C. The placement of underground utility lines, residential on-site septic drain fields meeting the requirements of the Benton-Franklin Health District (when city sewer is not available), and bioswales and detention/retention facilities for on-site stormwater treated by biofiltration or other processes prior to discharge when consistent with the Stormwater Management Manual for Eastern Washington; provided the minimum distance of such lines or facilities from the wetland edge is not less than 75 percent of the buffer widths established in FCC 18.08.250(F). Regional stormwater facilities shall not be located within the wetland buffers of Type I and II wetlands and may be located within the wetland buffers of Type III and IV wetlands only when the wetland is sufficiently protected from water quality degradation and excessive water level fluctuations, and the facility is constructed in a manner that results in an enhancement to the buffer area

- D. Placement of access roads and utilities across Category II, III and IV wetland buffers, if the County Planning Director~~Planning and building director~~ determines that there is no reasonable alternative location for providing access and/or utilities to an existing lot and mitigation is provided as designated in this chapter.
- E. The installation of stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, and only within the outer 25 percent of a critical area buffer; provided, that:
 - 1. No other location is feasible; and
 - 2. The location of such facilities will not degrade the functions or values of the critical area; and
 - 3. The buffer is not for a Category I wetland.
- F. The creation of lots from parcels containing wetlands and wetland buffers, subject to the following:
 - 1. Land that is located wholly within a wetland or its buffer may not be subdivided;
 - 2. Land that is located partially within a wetland or its buffer is not precluded from being divided due to the presence of the wetland or buffer, provided:
 - a. The wetland and its buffer is contained within a separate open space tract, as depicted on the document dividing the property (short plat, long plat, etc.); and
 - b. The proposed lots are accessible through a route that is outside of the wetland and its buffer.

18.08.210 Definitions.

- A. "Wetland" or "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do 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 ~~wetland areas such as those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, canals, grass-lined swales, 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. Wetlands may include those artificial wetlands intentionally created from non-wetland non-wetland areas created to mitigate the conversion of wetlands for mitigation of approved projects.~~
- B. "Artificial Wetlands" are those wetlands intentionally created on non-wetland (upland) sites. Artificial wetlands are not the result of an accident or an unexpected by-product of some other intentional act.

18.08.220 Classification, rating, and ~~designation~~delineation.

- A. Wetlands shall be identified and delineated using the methods and standards set forth in the currently approved Federal Wetland Delineation Manual and applicable regional supplements pursuant to WAC 173-22-035. ~~the Washington State Wetlands Identification and Delineation Manual for Eastern Washington.~~ Wetland delineations are valid for five years; after such date the County ~~Planning Director~~Planning and building director shall determine whether a revision or additional assessment is necessary.
- B. Classification and rating of wetlands will be done using the Washington State Wetlands Rating System for Eastern Washington, Ecology Publication #14-06-030 (October 2014), which may be amended in the future. The manual classifies wetlands into the following categories:
 - 1. Category I wetland. Category I wetlands are:
 - a. Those that represent a unique or rare wetland type; or
 - b. Are more sensitive to disturbance than most wetlands; or

- c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
- d. Provide a high level of function.

In Eastern Washington, the following types of wetlands are Category I:

- a. Alkali wetlands.
- b. Wetlands of high conservation value; bogs and calcareous fens.
- c. Mature old-growth forested wetlands with slow growing trees.
- d. Forests with stands of aspen.
- e. Wetlands that perform functions at high levels, scoring 22 points or more.

2. Category II wetland. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. In Eastern Washington, the following types of wetlands are Category II:

- a. Forested wetlands in the floodplains of rivers.
- b. Mature and old-growth forested wetlands with fast growing trees.
- c. Vernal pools.
- d. Wetlands that perform functions well, scoring between 19-21 points.

3. Category III wetland. Category III wetlands are wetlands with moderate level of functions (scores between 16-18 points) and can often be adequately replaced with a well-planned mitigation project. They have generally been disturbed in some ways- and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

1-4. Category IV wetlands have the lowest levels of functions (scores less than 16 points) and are often heavily disturbed.

C. The following wetlands may not be further regulated by this section:

- 1. **Artificial Wetlands that have developed within structures designed to convey water within the developed portion of the Columbia Basin Irrigation Project. (This is a federally managed irrigation system that was intentionally created by design, engineering, and land use contracts aquatic features in upland areas within water conveyance structures such as canals and ditches.)**
- 2. **Areas that may meet the definition of "artificial wetlands" as described herein that are managed and owned by the United States Bureau of Reclamation.**
- 3. **Wetland areas identified on the National Wetland Inventory (NWI) maps with an artificial designation when it can be shown that the area(s) noted was (were) intentionally created from a non-wetland site.**

18.08.230 Determination process.

Franklin County will review each development permit application in accordance with Section 18.08.090 of this chapter and ~~to~~ determine if the provisions of this Section will be applied to the project. In making the determination, the County may use any of the best available science, ~~and the Critical Area reference overlay maps~~ and/or inventories identified in Section 18.08.080. The following progressive steps will occur upon a determination by the County that a wetland area may exist on a site proposed for a development permit.

- A. The Franklin County ~~Planning Director~~ Planning and building director will determine if the proposed development activity is within an Area of Project Review and if there are any possible wetland areas on-site. This determination shall be made following a review of the information available, as well as a

site inspection and/or a consultation with a qualified wetland biologist professional as specified in Section 18.08.070; if deemed necessary by the County. If there are no wetland area is determined to be areas present, this section shall not apply to the review of the proposed development, unless wetlands are discovered to be present during project development.

- B. If it is determined by the ~~Planning Director~~ Planning and building director that wetland areas may be present, a site inspection and consultation with a qualified wetland biologist professional shall be conducted to more definitively determine if a wetland area exists on the site. If yes, the applicant shall complete a Critical Area Report consistent with Section 18.08.090 of this chapter and conduct a wetland delineation using the Washington State Wetlands Identification and Delineation Manual (Ecology Publication #96-94), as amended, and the ~~Regional USAGE Arid West~~ Supplement to the Army Corps of Engineers 1987 Wetlands Delineation Manual Arid West Region (Version 2.0 or as amended).
- C. An applicant of a wetland project and/or ~~of a~~ development activity that is within or adjacent to such wetlands located within unincorporated Franklin County ~~are is~~ encouraged to contact the State Department of Ecology to determine permit requirements that are independent of Franklin County and this chapter.

18.08.240 Critical area report/wetland management and mitigation plan.

As determined necessary as provided for in this section a wetland management and mitigation plan shall be required when impacts to a wetland are unavoidable during project development.

- ~~A.~~ A. Wetland management and mitigation plans shall be prepared by a qualified professional as described set out in Section 18.08.070(57).
- ~~A-B.~~ Mitigation for alternations for wetlands shall achieve equivalent or greater biologic functions and shall be consistent with The following guidance documents are encouraged to be used in mitigation planning documents: Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 21, Publication #06-06-011a, March 2006#21-06-003, April 2021), as revised, and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06-06-011b, March 2006) as revised. ~~The Ecology guide Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication #10-06-07, November 2010) may also be consulted.~~
- ~~C-B.~~ The wetland management and mitigation plan shall demonstrate that upon implementation, when implemented, that there shall will be no net loss of the ecological function and values or acreage of the wetland except when the following criteria are met:-
1. The lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific function assessment using Department of Ecology Methods for Assessing Wetland Functions Vol. 2 – Depressional Wetlands in the Columbia Basin of Eastern Washington, Part 1 & 2, (Publication # 00-06-047 & #00-06-048, December 2000), or as revised; or
 2. The lost wetland area provides minimal functions as determined by a site-specific function assessment and other protected or enhanced habitats provide greater benefits to the functioning of the watershed, such as riparian habitat protection and enhancement.
- ~~D-E.~~ The wetland management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the wetland and its associated buffer. Monitoring shall be for a period necessary to establish that performance standards have been met. Generally, plans shall include a five-year monitoring plan unless a longer time-line timeline is required during the review process. Forested or scrub-shrub communities shall include an eight-year monitoring plan unless a longer time is established during the review process.

- D. The wetland management and mitigation plan shall be developed to be consistent with Section 18.08.090 of this chapter and contain a report that includes, but is not limited to, the following information:
1. Location maps, with regional maps at a scale of 1:24,000 and local maps at a scale of 1:4,800;
 2. A map or maps indicating the boundary delineation of the wetland; the width and length of all existing and proposed structures, utilities, roads, and easements; wastewater and storm-water facilities; adjacent land uses, zoning districts, and comprehensive plan designations;
 3. A description of the proposed project including the nature, density, and intensity of the proposed development and the associated grading, structures, utilities, storm-water facilities, etc., in sufficient detail to allow an analysis of such land use change upon the identified wetland;
 4. A detailed description of vegetative, faunal, and hydrologic conditions, soil and substrate characteristics, and topographic features within and surrounding the wetland;
 5. A detailed description of vegetative, faunal, and hydrologic conditions, soil and substrate characteristics, and topographic features within any compensation site;
 6. A detailed description of the proposed project's effect on the wetland, and a discussion of any federal, state, or local management recommendations which have been developed for the area;
 7. A discussion of the following mitigation alternatives as they relate to the proposal. The mitigation alternatives (sequencing) shall be proposed in a manner that considers the following in descending order of priority ~~from a through f~~:
 - 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 to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected sensitive area;
 - d. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute sensitive areas and environments; and
 - f. Monitoring the impact and taking appropriate corrective measures.
 8. A plan by the applicant which explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:
 - a. Establishment of buffer zones;
 - b. Preservation of critically important plants and trees;
 - c. Limitation of access to the wetland area;
 - d. Seasonal restriction of construction activities;
 - e. Establishment of a monitoring program within the plan; and
 - f. Drainage and erosion control techniques.
 9. A detailed discussion of on-going management practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance, and surety programs;

10. All reports will be provided in an electronic format (~~word processor~~) and all geographic entities (~~such as maps etc.~~) will be provided in a geo-coded format for use in GIS systems (ArcView, MapInfo, ~~AutoCad~~AutoCAD, etc.).

E. Mitigation ratios shall be used when impacts to wetlands cannot be avoided. As identified ~~below in~~ Table 18.08.240(E), the first number specifies the acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered. The mitigation ratios by wetland type are ~~shown in~~ Table 18.08.240(E) as follows:

1. ~~Re-establishment or creation:~~
 - a. ~~Wetland Category I 6:1~~
 - b. ~~Wetland Category II 3:1~~
 - c. ~~Wetland Category III 2:1~~
 - d. ~~Wetland Category IV 1.5:1.0~~
2. ~~Rehabilitation only:~~
 - a. ~~Wetland Category I 12:1~~
 - b. ~~Wetland Category II 6:1~~
 - c. ~~Wetland Category III 4:1~~
 - d. ~~Wetland Category IV 3:1~~

Table 18.08.240(E): Mitigation Ratios for Eastern Washington

<u>Category and Type of Wetland Impacts</u>	<u>Re-establishment or Creation</u>	<u>Rehabilitation Only ¹</u>	<u>Re-establishment or Creation and Rehabilitation ¹</u>	<u>Re-establishment or Creation and Enhancement ¹</u>	<u>Enhancement Only ¹</u>
<u>All Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and</u> <u>1:1 RH</u>	<u>1:1 R/C and</u> <u>2:1 E</u>	<u>6:1</u>
<u>All Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and</u> <u>2:1 RH</u>	<u>1:1 R/C and</u> <u>4:1 E</u>	<u>8:1</u>
<u>All other Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and</u> <u>4:1 RH</u>	<u>1:1 R/C and</u> <u>8:1 E</u>	<u>12:1</u>
<u>Category I based on score for functions</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and</u> <u>6:1 RH</u>	<u>1:1 R/C and</u> <u>12:1 E</u>	<u>16:1</u>

Category I Natural Heritage site	Not considered possible ²	6:1 Rehabilitation of a Natural Heritage site	R/C not considered possible ²	R/C not considered possible ²	Case-by-case
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Notes:

¹ These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

² Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006. *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1)*. Washington State Department of Ecology Publication #06-06-011a. Olympia, Washington.

Abbreviations:

R/C = Re-establishment or Creation

RH = Rehabilitation

E = Enhancement

F. Wetlands Enhancement as Mitigation.

1. Impacts to wetlands may be mitigated by the enhancement of existing wetlands. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.
2. The ratios identified in ~~(2-070-E)~~ subsection (E), above, shall be four times the required acreage where the enhancement proposal would result in a minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

18.08.250 Management ~~recommendations and standards.~~

The following management ~~recommendations and standards~~ will apply to development proposals determined to be located within wetland areas, as defined and described herein:

- A. Wetlands shall be protected, based on their quality established from the rating system, ~~and from alterations,~~ which may create adverse impacts. The greatest protection shall be provided to Category I and II Wetlands.
- B. Alteration shall not mean best management practices for agriculture which by design could not be considered a change in land use, including but not limited to, improved chemical application or practice, which are intended to improve crop production and enhance areas adjacent to wetlands.

- C. Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver. These activities ~~should~~ shall avoid impacts to the extent practicable, and mitigation for unavoidable wetland impacts shall be required upon remedy of the emergency.
- D. The County will coordinate wetland preservation strategy and effort with appropriate state and federal agencies, and private conservation organizations, to take advantage of both technical and financial assistance, and to avoid duplication of efforts.
- E. Criteria for Wetland Alterations:
1. Uses and activities may only be allowed in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions, values, and functional performance of the wetland and other critical areas.
 2. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except as provided for in the public agency and utility exceptions, reasonable use exceptions, and variance sections of this chapter.
 3. Category II and III Wetlands. The following standards shall apply:
 - a. ~~Water dependant~~water-dependent activities may be allowed where there are no practicable alternatives that would have a less adverse impact on the wetland, its buffers, and other critical areas.
 - b. Where ~~the non-water-dependant~~non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:
 - i. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impact on, a wetland if the project was located on another site or sites in the general region; and
 - ii. All alternative designs of the project, as proposed, that would avoid or result in less of an adverse impact on a wetland or its buffer such as reduction in the size, scope, configuration, or density of the project are not feasible.
 4. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical area report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objective.
- F. Wetland buffers widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate, then the buffer width shall be increased, or the buffer ~~should~~shall be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity (subsection (F)(2) of this section), are as follows~~shown in Table 18.08.250(F)(1)~~. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

1. ~~Category and Intensity~~

a. ~~Category I~~

High Intensity	250
Moderate Intensity	190
Low Intensity	25

b. Category II

High Intensity	200
Moderate Intensity	150
Low Intensity	100

c. Category III

High Intensity	150
Moderate Intensity	110
Low Intensity	75

d. Category IV

High Intensity	50
Moderate Intensity	40
Low Intensity	25

1. Buffer Widths

Table 18.08.250(F)(1): Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<i>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</i>		
Score for all three basic functions is less than 16 points	Low – 25 feet Moderate – 40 feet High – 50 feet	None
<i>Category III Wetlands (For wetlands scoring 16 to 18 points or more for all functions)</i>		
Moderate level of function for habitat (score for habitat 5 to 7 points) *If wetland scores 8 to 9 habitat points, use Category II buffers	Low – 75 feet Moderate – 110 feet High – 150 feet	None
Score habitat for 3 to 4 points	Low – 40 feet Moderate – 60 feet High – 80 feet	None
<i>Category II Wetlands (For wetlands scoring 19 to 21 points or more for all functions or having the "Special Characteristics" identified in the rating system)</i>		
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	None

<u>Wetland Characteristics</u>	<u>Buffer Width by Impact of Proposed Land Use</u>	<u>Other Measures Recommended for Protection</u>
High level of function for water quality improvement and low for habitat (score for water quality 8 to 9 points; habitat less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and water quality functions
Not meeting above characteristic	Low – 50 feet Moderate – 75 feet High – 100 feet	No recommendations at this time
Vernal pool	Low – 100 feet Moderate – 150 feet High – 200 feet Or develop a regional plan to protect the most important vernal pool complexes; buffers of vernal pools outside protection zones can then be reduced to: Low – 40 feet Moderate – 60 feet High – 80 feet	No intensive grazing or tilling of wetland
<i>Category I Wetlands (For wetlands scoring 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)</i>		
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet	No additional surface discharges to wetland or its tributaries No septic systems within 300 feet of wetland Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet	Restore degraded parts of buffer Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	None
High level of function for water quality improvement (8 to 9 points) and low for habitat (less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet	None

2. Land Use Intensity: The following are types of proposed land uses that can result in high, moderate, and low levels of impacts to adjoining wetlands.
 - a. High Intensity includes the following types of land uses: Commercial ~~(including retail sales); Urban; Industrial; Institutional; Retail sales;~~ Residential (more than 1 unit/acre); and high-intensity recreation (such as golf courses and ball-fields, etc.) and high-intensity farming practices (greenhouses, nurseries, animal pens and barns, etc.)
 - b. Moderate Intensity includes the following types of land uses: Residential (1 unit/acre or less), Moderate intensity open space (parks with biking and jogging trails, ~~eteetc.~~); Paved driveways and gravel driveways serving three or more residences; Moderate intensity agriculture (orchards, hay fields, spray fields, etc.) and paved trails.
 - c. Low Intensity includes the following types of land uses: Low-Intensity open space (hiking, bird watching, preservation of natural resources, ~~eteetc.~~); Timber management; Gravel driveways serving two or fewer residences; Unpaved trails; and Utility corridor without a maintenance road and little or no vegetation management.
- G. Wetland buffers shall be retained in their natural conditions unless a change is proposed in a portion of a wetland buffer ~~is proposed that~~ will have a positive effect on the wetland, or adequate mitigation cannot or will not be provided by pre-development conditions. The integrity of the wetland shall be maintained as a function of the buffer.
- H. Buffer Averaging:
 1. Standard buffer widths may be modified by the ~~Planning Director~~Planning and building director for an averaging to improve wetland protection ~~may be permitted when~~ all of the following conditions are met:
 - a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.
 - b. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.
 - c. The total area of the buffer after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than ~~¾-three-quarters~~ of the required width.
 2. Averaging to allow reasonable use of a parcel may be permitted when all ~~of~~ the following are met:
 - a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
 - b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland professional.
 - c. The total buffer area after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than ~~¾-three-quarters~~ of the required width.
- I. Wetland buffer reductions.
 1. For wetlands that score moderate or high for habitat function, the width of the buffer can be reduced if the following criteria are met:
 - a. A relatively undisturbed vegetative corridor of at least 100 feet in width is protected between the wetland and any other priority habitats; and

- b. The protected area is preserved by means of easement, covenant or other measure; and
 - c. Measures identified in subsection (1)(2)(a) of this section are taken to minimize the impact of any proposed land use.
2. For wetlands that score low for habitat function, the buffer width can be reduced to that required for moderate land-use impacts by applying the following measures to minimize the impacts of the proposed land uses:
- a. Wetland buffers may be administratively modified based on reducing the intensity of impacts from land uses. Buffer widths required for high-intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:
 - i. Direct lights away from the wetland and buffer.
 - ii. Locate activities that that generate noise away from the wetland and buffer.
 - iii. Establish covenants limiting use of pesticides within 200 feet of a wetland.
 - iv. Implement integrated pest-management programs.
 - v. Infiltrate or treat, detain, and disperse runoff into buffer.
 - vi. Post signs at the outer edge of the critical area or buffer to clearly indicate the location of the critical area according to the direction of the County.
 - vii. Plant buffer with native vegetation appropriate for the region to create screens or barriers to noise, light, and human intrusion, as well as to discourage domestic animal intrusion.
 - viii. Use low-impact development where appropriate.
 - ix. Establish a permanent conservation easement to protect the wetland and the associated buffer.
- JJ. Activities or uses, ~~which~~ that would strip the shoreline of vegetative cover, cause substantial erosion or substantial erosion or sedimentation, or otherwise affect aquatic life, ~~should~~ shall be prohibited.
- KJ. Encourage development of an education program promoting the value of Franklin County's wetlands, and that promotes as well as private stewardship of wetland areas.

ARTICLE III. CRITICAL AQUIFER RECHARGE/INTERCHANGE AREAS

18.08.260 Applicability.

This chapter applies to development and activities within or adjacent to critical aquifer recharge/interchange areas located in unincorporated Franklin County.

18.08.270 Purpose.

It is the intent of Franklin County to promote public health and safety by acknowledging the importance of preserving critical aquifer recharge areas that may exist in the County. These areas serve the vital function of replenishing groundwater resources which, in Eastern Washington, account for a major share of the water for irrigation, municipal, industrial, and domestic uses. Potable water is an essential life-sustaining element. Much of Washington's water comes from groundwater supplies. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.

18.08.280 Repealed. ~~Development permitted.~~

~~Developments within an Area of Project Review as set forth in this chapter are permitted when sited, designed, and operated in a manner which protects the functions and values of critical aquifer recharge/interchange areas and when such developments meet the requirements of this chapter.~~

18.08.290 Definitions.

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

- A. "Aquifer" means a body of rock or soil that contains sufficient saturated permeable material to conduct groundwater and to yield economically significant quantities of groundwater to wells and springs.
- B. "Critical Aquifer Recharge/Interchange Areas" means those ~~aquifer recharge/interchange areas that have an effect on, or are associated with, aquifers used for potable water in community water systems.~~ with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge (WAC 365-190-030).
- C. "Groundwater" means the supply of fresh water under the surface of the ground in an aquifer that forms a natural reservoir of potable water.
- D. Hydrologic soil groups means soils grouped according to their runoff-producing characteristics under similar storm and cover conditions. Properties that influence runoff potential are depth to seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a low permeable layer. Hydrologic soil groups are normally used in equations that estimate runoff from rainfall, but can be used to estimate a rate of water transmission in soil. The U.S. Soil Conservation Service classifies soil characteristics into four types:
 - Type A - Low runoff potential. Soils having high infiltration rates, even when thoroughly wetted and consisting chiefly of deep, well-drained to excessively drained sands or gravels. These soils have a high rate of water transmission.
 - Type B - Moderately low runoff potential. Soils having moderate infiltration rates when thoroughly wetted and consisting chiefly of moderately fine to moderately coarse textures. These soils have a moderate rate of water transmission.
 - Type C - Moderately high runoff potential. Soils having slow infiltration rates when thoroughly wetted and consisting chiefly of soils with a layer that impedes downward movement of water, or soils with moderately fine to fine textures. These soils have a slow rate of water transmission.

Type D - High runoff potential. Soils having very slow infiltration rates when thoroughly wetted and consisting chiefly of clay soils with a high swelling potential; soils with a permanent high water table; soils with a hardpan, till, or clay layer at or near the surface; soils with a compacted subgrade at or near the surface; and shallow soils or nearly impervious material. These soils have a very slow rate of water transmission.

ED. "Recharge Area" refers to an area in which water is absorbed and added to the groundwater reservoir.

18.08.300 Classification and designation.

Critical Aquifer Recharge Areas are classified and designated by Franklin County according to the following standards:

- A. Data sources are available from Franklin County that are used in the mapping of characteristics of critical aquifer recharge areas.
- B. Areas mapped-designated in Franklin County as critical aquifer recharge areas are as follows:
 - 1. Any areas with both of the following characteristics:
 - a. Hydrologic A Soils as identified in the Franklin County Soil Survey; and
 - b. Irrigated lands.
 - 2. Designated Wellhead Protection Areas in Franklin County; Those areas designated as "wellhead protection areas" pursuant to WAC 246-290-135(3) and the ground water contribution area in WAC 246-291-125. Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group A or Group B public water supplies.
 - 3. Areas within one hundred (100) feet (100) of all irrigation district main canals (one hundred (100) feet from the edge of the canal);
- B. The Columbia Basin Groundwater Management Area (GWMA) Plan is a voluntary initiative that seeks to address elevated nitrate levels in groundwater in Franklin, Adams, Grant, and Lincoln counties
- C. Mapping. The approximate location and extent of critical aquifer recharge areas are shown on the critical areas maps. Additionally, wellhead protection areas are shown in the state Department of Health's Source Water Assessment Program mapping. These maps should be used as a general guide only for the assistance of property owners and Franklin County, and may be continuously updated as new information becomes available.

18.08.310 Determination process.

Franklin County will review each development permit application in accordance with Section 18.08.090 of this chapter and to determine if the provisions of this section will be applied to the project. In making the determination, the County may use any of the best available science and the Critical Area ~~reference-overlay~~ maps and/or inventories identified in Section 18.08.080. The following progressive steps will occur upon a determination by the County that a critical aquifer recharge area may exist on a site proposed for a development permit.

- A. The Franklin County Planning Director~~Planning and building director~~ will determine if the proposed development activity is within an Area of Project Review.
- B. If it is determined by the Planning Director~~Planning and building director~~ that the proposed development activity is within an Area of Project Review, compliance with Section 18.08.090 of this chapter and development of a Critical Area Report is required.

18.08.312 Activities and uses allowed in critical aquifer recharge areas.

The following activities and uses are allowed in critical aquifer recharge areas and do not require submission of a critical areas report or hydrogeologic assessment:

- A. Construction of structures and improvements, including additions, resulting in less than five percent or 2,500 square feet (whichever is greater) total site impervious surface area that do not result in a change of use or increase the use of a hazardous substance.
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance.
- C. On-site domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre.

18.08.314 Critical areas report – Additional requirements for critical aquifer recharge areas.

In addition to the general critical areas report requirements of FCC 18.08.090, critical areas reports for critical aquifer recharge areas must meet the requirements of this section. Critical areas reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

- A. Prepared by a Qualified Professional. An aquifer recharge area critical areas report shall be prepared by a qualified professional as set out in Section 18.08.070.
- B. Hydrogeologic Assessment Required. For all proposed activities to be located in a critical aquifer recharge area, a critical areas report shall contain a level one hydrogeologic assessment. A level two hydrogeologic assessment shall be required for any of the following proposed activities:
 - 1. Activities that result in five percent or more impervious site area;
 - 2. Activities that divert, alter, or reduce the flow of surface or ground waters, or otherwise reduce the recharging of the aquifer;
 - 3. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
 - 4. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre; or
 - 5. Any other activity determined by the ~~planning director~~ planning and building director likely to have an adverse impact on ground water quality or quantity, or on the recharge of the aquifer.
- C. Level One Hydrogeologic Assessment. A level one hydrogeologic assessment shall include the following site- and proposal-related information at a minimum:
 - 1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;
 - 2. Ground water depth, flow direction and gradient based on available information;
 - 3. Currently available data on wells and springs within 1,300 feet of the project area;
 - 4. Location of other critical areas, including surface waters, within 1,300 feet of the project area;
 - 5. Available historic water quality data for the area to be affected by the proposed activity; and
 - 6. Best management practices proposed to be utilized.
- D. Level Two Hydrogeologic Assessment. A level two hydrogeologic assessment shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a level one hydrogeologic assessment:
 - 1. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;

2. Ground water monitoring plan provisions; and
3. Discussion of the effects of the proposed project on the ground water quality and quantity, including predictive evaluation of ground water withdrawal effects on nearby wells and surface water features and predictive evaluation of contaminant transport based on potential releases to ground water; and
4. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

18.08.320 Management ~~recommendations and standards.~~

The following management ~~recommendations and standards~~ will apply to development proposals determined to be located within critical aquifer recharge areas, as defined, and described herein:

- ~~A. Franklin County will encourage the appropriate agency(s) within the County to develop educational information to assist with informing people with shallow wells on how best to manage and protect their potable water source.~~
- ~~B. Franklin County will support the GWMA and local conservation districts in their efforts to educate agricultural producers about the best management practices for protecting Franklin County's groundwater quality.~~
- ~~C. Franklin County will encourage the Washington State Department of Ecology to better enforce the well casing requirements.~~
- A. Prohibited activities and uses. -The following activities and uses are prohibited in CARAs:
 1. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
 2. Wood treatment facilities;
 3. Metal platers;
 4. Tank farms;
 5. Facilities that treat, store, or dispose of hazardous waste;
 6. Underground Injection Wells. Class I, III, and IV wells, and underground injection wells that do not comply with Chapter 173-200 or 173-218 WAC;
 7. Creosote or asphalt manufacturing;
 8. Class 1A or 1B flammable liquids manufacturing as defined by the Uniform Fire Code;
 9. Petroleum product pipelines; and
 10. Facilities that treat or dispose of dangerous waste regulated by Chapter 173-303 WAC.
- ~~B.D.~~ **Regulated Activities:** A site analysis and critical area report is required, in compliance with this chapter, for uses and activities that have the potential to impact critical aquifer recharge areas. Examples of uses and activities regulated in Critical Aquifer Recharge Areas are as follows:
 1. Biosolids land application;
 2. Critical material handling, generating, or use;
 3. Dairy operation requiring a County Conditional Use Permit;
 4. Feedlot or large animal operation requiring a County Conditional Use Permit;

- ~~5. Landfill;~~
- ~~56. Mining;~~
- ~~67. Sanitary waste discharge;~~
- ~~8. Wood treatment facilities;~~
- ~~9. Storage, processing, or disposal of radioactive substances;~~
- ~~710. Above ground storage tanks, subject to WAC 173-303-640~~WAC 173-180-320;
- ~~811. Below ground storage tanks, subject to WAC 173-360~~WAC 173-360A;
- ~~912. Hazardous waste generator (such as Boat or Motor Vehicle Repair Shops);~~
- ~~1013. Junk yards and salvage or auto wrecking yards;~~
- ~~1114. Waste water application to land surface, subject to requirements that surface spreading must meet the ground water recharge criteria given in RCW 90.46.080 and 90.46.010(10);~~
- ~~1215. Commercial fertilizer storage;~~
- ~~1316. Injection wells;~~
- ~~1417. Sawmill;~~
- ~~1518. Solid waste handling and recycling facility;~~
- ~~1619. Chemical treatment and disposal facility;~~
- ~~1720. Any activities, particularly municipal, industrial, commercial, and agricultural activities, that involve the collection and storage of substances that, in sufficient quantity during an accidental or intentional release, would result in the impairment of the aquifer water to be used as potable drinking water liquids shall be regulated by this chapter.~~
- ~~DE. Both major and minor developments, as defined in Section 18.08.070 to be Development proposed within an Area of Project Review for Critical Aquifer Recharge, shall comply with local, state, and federal agency requirements for each of the following: 1) connections to sanitary sewer systems; 2) onsite sewage disposal systems; 3) connections to public water supplies; 43) existing and proposed wells; and 45) water rights related issues.~~
- ~~E. State and federal regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.~~

Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities

<u>Activity</u>	<u>Statute - Regulation - Guidance</u>
<u>Above Ground Storage Tanks</u>	<u>Chapter 173-303-640 WAC</u>
<u>Animal Feedlots</u>	<u>Chapter 173-216 WAC, Chapter 173-220 WAC</u>
<u>Automobile Washers</u>	<u>Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington State Department of Ecology WQ-R-95-56)</u>
<u>Below Ground Storage Tanks</u>	<u>Chapter 173-360 WAC</u>
<u>Chemical Treatment Storage and Disposal Facilities</u>	<u>Chapter 173-303-282 WAC</u>

<u>Activity</u>	<u>Statute - Regulation - Guidance</u>
<u>Hazardous Waste Generator (Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)</u>	<u>Chapter 173-303-170 WAC</u>
<u>Injection Wells</u>	<u>Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC</u>
<u>Spills and Discharges into the Environment</u>	<u>Section 173-303-145 WAC</u>
<u>Junk Yards and Salvage Yards</u>	<u>Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)</u>
<u>Oil and Gas Drilling</u>	<u>Section 332-12-450 WAC, WAC, Chapter 173-218 WAC</u>
<u>On-Site Sewage Systems (Large Scale)</u>	<u>Chapter 173-240 WAC</u>
<u>On-Site Sewage Systems (< 14,500 gal/day)</u>	<u>Chapter 246-272 WAC, Local Health Ordinances</u>
<u>Pesticide Storage and Use</u>	<u>Chapter 15.54 RCW, Chapter 17.21 RCW</u>
<u>Sawmills</u>	<u>Chapter 173-303 WAC, 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology 95-53)</u>
<u>Solid Waste Handling and Recycling Facilities</u>	<u>Chapter 173-304 WAC</u>
<u>Surface Mining</u>	<u>Section 332-18-015 WAC</u>
<u>Wastewater Application to Land Surface</u>	<u>Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture</u>

- F. Surface impoundments, defined by Chapter 173-303 WAC, shall be designed by a professional engineer, and constructed with an impermeable liner and other components as appropriate to prevent the discharge of any material on the ground surface and/or into the groundwater system. Surface impoundments shall be designed and constructed in accordance with applicable governing law, and have a minimum excess capacity equal to one hundred twenty (120) percent of the projected volume of liquid to be contained including intentional and unintentional stormwater capture. Surface impoundment means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.
- G. Regulated activities and uses may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not adversely ~~effect~~-affect the recharging of the aquifer and that the proposed activity will not cause contaminants to enter the aquifer.
- H. Regulated activities must, at a minimum, comply with the water source protection requirements and recommendations of the federal Environmental Protection Agency, state Department of Health, and the local Benton-Franklin Health ~~Department~~District.

- I. ~~Proponents for development~~ activities within a critical aquifer recharge area that have a high potential for contamination shall be required to do a hydrogeologic study as developed by a qualified professional as set out in section 18.08.070. The study shall focus on the following at a minimum:
 1. Geologic setting, site location map, topography, and well logs for the surrounding area;
 2. ~~Currently~~ available data on springs or seeps for the surrounding area;
 3. Background water quality data;
 4. Water source/supply to facility;
 5. Depth/location of any perched water tables or geological features that could form perch water tables if recharge is increased;
 6. Groundwater flow direction and gradient;
 7. An analysis of the physical parameters of the aquifer to include:
 - i. Soil types;
 - ii. Hydraulic conductivity;
 - iii. Annual recharge;
 - iv. Depth to water; and
 - v. Importance of the Vadose Zone based on the geology above the aquifer;
 8. Description (both qualitative and quantitative) of the impacts the project will have on surrounding wells;
 9. Discussion of the effects of proposed project on groundwater resources; and
 10. Other information required by the ~~Planning Director~~ Planning and building director in consultation with other agencies of expertise.
- J. ~~Mitigation measures for groundwater protection may be required.~~ Implementation of protection measures to prevent contamination is required. A qualified professional as set out in FCC 18.08.070 shall discuss potential ~~mitigation-protection~~ measures if the proposed project should have an adverse impact on groundwater resources.
- K. Parks, Schools, and Recreation Facilities. Fertilizer and pesticide management practices of schools, parks, other recreation facilities and similar uses shall use best management practices as prescribed by the Franklin Conservation District.
- L. All major and minor developments shall have an informational note placed on the face of the plat stating "this subdivision is located within an aquifer recharge area. Best management practices shall be used for the containment of stormwater and the application of pesticides and fertilizers".

ARTICLE IV. FREQUENTLY FLOODED AREAS

18.08.330 Applicability.

This chapter applies to development and activities within frequently flooded areas located in unincorporated Franklin County.

18.08.340 Purpose.

It is the intent of Franklin County to recognize and diminish potential hazards that may be caused by inappropriate development in areas where severe and costly flooding is anticipated to occur. Based on historical observation and information collected by the Federal Emergency Management Agency, this county endorses a cautious posture that limits construction in areas located within zones designated to be flood-prone. This decision stems from local, as well as state and federal understanding, that development limitations in these areas help to serve the health, safety, and public welfare of the people of Franklin County. Protection measures designed to minimize hazards in frequently flooded areas already exist for the county, as detailed in Franklin County Code Chapter 15.08 ~~the 08-2004 Franklin County Flood Damage Prevention Ordinance, as hereafter amended.~~

18.08.350 ~~Repealed. Development permitted.~~

~~Developments within an Area of Project Review as set forth in this chapter are permitted when sited, designed, and operated to protect the functions and values of frequently flooded areas and when such developments meet the requirements of this chapter.~~

18.08.360 Definitions.

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

- A. "Base Flood" or "100-year Flood" means the designation on the Federal Emergency Management Act (FEMA) Flood Insurance Rate Maps that denote areas subject to floods having a one percent chance of being equaled or exceeded in any given year. The base flood is determined for existing conditions, unless a basin plan including project flows under future developed conditions has been completed and adopted by Franklin County; in these cases, future flow projections shall be used. In areas where the Flood Insurance Study includes detailed base flood calculations, those calculations may be used until projections of future flows are completed and approved by Franklin County.
- B. "Floodway" means the channel of the stream and that portion of the adjoining floodplain, shown on FEMA Maps, which are necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot.
- C. "Frequently Flooded Areas" means those areas of Franklin County subject to inundation by a base flood (100-Year Flood) and other flood hazard areas such as creeks, wasteways, wetlands, canyons, and closed depressions which are shown on the County's Geologic Hazards Maps.

18.08.370 Classification and designation.

- A. Classification. Classification of frequently flooded areas, according to the Minimum Guidelines, ~~should~~ shall include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. The following categories of frequently flooded areas established for the purpose of classification are:
 - 1. Floodways - The channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order ~~that to carry the base flood be carried~~ without substantial increases in flood heights.

2. Floodplains - The floodway and special flood hazard areas.
 3. Special Flood Hazard Areas - The area adjoining the floodway which is subject to a one percent or greater chance of flooding in any given year and determined by the Federal Insurance Administration.
- B. Designation. The Area of Project Review for the purposes of this chapter includes all Franklin County lands, shorelines, and waters which are currently identified as frequently flooded areas by the Federal Insurance Administration in a scientific and engineering report entitled the Flood Insurance Study for the County of Franklin with accompanying Flood Insurance Rate Maps. If and when this study becomes updated to reflect new conditions, the designation of frequently flooded areas will include the changes.

18.08.380 Determination process.

Franklin County will review each development permit application in accordance with Section 18.08.090 of this chapter and to determine if the provisions of this section will be applied to the project. In making the determination, the County may use any of the best available science and the Critical Area ~~reference overlay maps~~ and/or inventories identified in Section 18.08.080 and in ~~the Appendix C of the ordinance codified in this chapter.~~ The following progressive steps will occur upon a determination by the County that a frequently flooded area may exist on a site proposed for a development permit.

- A. ~~The Franklin County Planning Director~~ Planning and building director will determine if the proposed development activity is within an Area of Project Review.
- B. If it is determined by the ~~Planning Director~~ Planning and building director that the proposed development activity is within an Area of Project Review, compliance with the ~~Franklin County Flood Damage Prevention Ordinance~~ FCC Chapter 15.08 "Flood Damage Prevention", as amended is required. Completion of a Critical Area Report is not required for Frequently Flooded Areas.

18.08.390 Management ~~recommendations and standards.~~

The following management ~~recommendations and standards~~ will apply to development proposals determined to be located within frequently flooded areas, as defined and described herein:

- A. New development is permitted when sited and designed in a manner that does not alter the direction, velocity, or volume of flood waters in a manner that adversely impacts other properties within or adjacent to Frequently Flooded Areas.
- B. All developments must follow the provisions of the ~~Franklin County Flood Damage Prevention ordinance~~ FCC Chapter 15.08, as amended.
- C. Water quality standards for frequently flooded areas shall correspond with appropriate state and federal standards.

ARTICLE V. GEOLOGICALLY HAZARDOUS AREAS

18.08.400 Applicability.

This chapter applies to development and activities within or adjacent to geologically hazardous areas; ~~including steep slopes or hillsides located in unincorporated Franklin County.~~

~~A steep slope is defined as one with a slope of fifteen (15) percent or more or where Critical Areas Overlay Maps indicate potentially hazardous conditions.~~

18.08.410 Purpose.

It is the intent of Franklin County to reduce the threat posed to ~~the public health and safety of its citizens~~ from commercial, residential, or industrial development that may be sited in areas of significant geologic hazard. ~~Development that is incompatible with geologic hazards can be at risk and may also increase the risk or hazard to surrounding development.~~ In some cases, it is recognized that risks from geologic hazards can be reduced or mitigated to acceptable levels through engineering design or modified construction practices. In other cases where technological efforts are not sufficient to reduce associated risks, ~~building development in the hazard area is best avoided.~~

18.08.420 Repealed. Development permitted.

~~Development in an Area of Project Review as set forth in this chapter is permitted when sited, designed, and operated in a manner which that protects life, property, and the public welfare and when such development meets the requirements of this chapter.~~

18.08.430 Definitions.

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

- A. "Critical facilities" means those facilities which are particularly vulnerable to natural disasters or which pose a high risk to the public if damaged. Critical facilities include hospitals, emergency response centers, police facilities, fire stations, nursing homes, and locations where ~~storage of hazardous, toxic or explosive materials are stored that would be dangerous to the safety of the general public if released.~~
- B. "Geologically Hazardous Areas" are areas which pose potential threats to life or property because of unstable soil, geologic or hydrologic conditions, or steep slopes. Geologically Hazardous Areas shall include, but are not limited to, all erosion, ~~land slide~~ landslides, and seismic hazard areas as well as areas subject to differential settlement from mines or other subterranean voids. Because of their susceptibility to erosion, sliding, earthquake, or other geological events, geologically hazard areas are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns, or may require mitigation to become suitable.
- ~~C.B.~~ "Landslide" means episodic downslope movement of a mass of soil or rock.
- ~~C.C.~~ "Erosion and/or Landslide Hazard Area" refers to those areas of Franklin County which include the following:
 - 1. Areas with a fifteen (15) percent to thirty-nine (39) percent slope;
 - 2. Areas with a slope that is forty (40) percent or greater;
 - 3. Any areas with all of three of the following characteristics:
 - a. Slopes greater than fifteen (15) percent;

- b. The sediment group known as ~~Ringold-Fine~~the Ringold series; and,
 - c. Soils characterized as being severe water erosion hazards.
4. Areas that historically have been prone to ~~landsliding~~landslides.
- ~~ED~~. "Mine Hazard Area" means those areas affected by steep and unstable slopes created by open mines (e.g. open basalt rock pits, rock quarries, sand and gravel pits). Mine Hazard Areas are those areas that fall within or 100 horizontal feet of a mine opening at the surface or an area designated as a mine hazard area by DNR.
- ~~FE~~. "Area of Influence" encompasses an area that is two and one-half times the height of a slope. The Area of Influence applies to areas that have geologically hazardous attributes consistent with an Erosion or Landslide Hazard Area as defined in Section 18.08.430(~~E~~). This mapped area surrounds the hazard area from all points for a distance of two and one-half times the height of the applicable slope. Areas with a fifteen (15) percent slope or greater as ~~its~~their only attribute do not have an Area of Influence.
- ~~GE~~. "Outcrop" refers to a geologic layer exposed at the earth's surface.
- ~~HG~~. "Seismic Hazard Areas" means those areas of Franklin County that are potentially subject to severe risk of earthquake damage as a result of seismically induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting.
- ~~IH~~. "Slide" refers to the downward mass movement of soil, rock, or snow resulting from the failure of that material under stress.
- ~~JE~~. "Slope" refers to the inclination of the surface of the land from the horizontal plane.

18.08.440 Classification and designation.

- A. Data sources are available from Franklin County that are used in the mapping of characteristics of geologically hazardous areas, as well as the Washington State Geologic Information Portal. Available at: <https://www.dnr.wa.gov/geologyportal> (Landslide and geology layers).
- B. Areas ~~mapped~~designated in Franklin County as geologically hazardous are as follows:
1. Erosion and/or Landslide Hazard Area:
 - a. Areas with a fifteen (15) percent to thirty-nine (39) percent slope. Risk Assessment is required and evaluation as to whether a Geotechnical Report is required (see Section 18.08.450(C) of this chapter).
 - b. Areas with a forty (40) percent slope or greater. All applications proposed within this area require the compliance with Section 18.08.090 of this chapter.
 - c. Any areas with all of three of the following characteristics:
 - Slopes that are fifteen (15) percent or greater;
 - The sediment group known as ~~as~~ Ringold-Fine~~the~~ Ringold series; and,
 - Soils characterized as being severe water erosion hazards.

~~Known generally for its Ringold-Fine soils, the Ringold series, water erosion soils, and slopes. All applications proposed within this area and/or its Area of Influence (as defined in Section 18.08.430(DF)) requires the compliance with Section 18.08.090 of this chapter.~~
 - d. Areas that historically have been prone to land sliding; All applications proposed within this area and/or its Area of Influence (as defined in Section 18.08.430(~~DE~~)) requires the compliance with Section 18.08.090 of this chapter.
 2. Mine Hazard Areas: Those areas that fall within ~~or~~ 100 horizontal feet of a mine opening at the surface or an area designated as a mine hazard area by DNR.

~~2.3.~~ Seismic Hazard Area: Areas subject to, moderate-high and high levels of, soil liquefaction susceptibility. These conditions occur in areas underlain by cohesionless, loose, or soft saturated soils of low density, typically in association with a shallow ground water table, including:

- a. Areas described in FCC 18.08.440 (B)(1) or having a potential for soil liquefaction and soil strength loss during ground shaking.
- b. Areas containing a Holocene fault line identified by U.S. Geological Survey investigative maps and studies.
- c. Seismic hazards shall be as identified in the DNR seismic hazard and liquefaction susceptibility maps for Eastern Washington and other geologic resources.

All applications proposed within this area require ~~the compliance with Section 15.08.090-18.08.090~~ of this chapter.

18.08.450 Determination process.

Franklin County will review each development permit application in accordance with Section 15.08.090 of this chapter and to determine if the provisions of this section will be applied to the project. In making the determination, the County may use any of the best available science and the Critical Area reference maps and/or inventories identified in Section ~~15.08.080-18.08.080~~ and in the ~~Appendix C the ordinance codified in this chapter.~~ The following progressive steps will occur upon a determination by the County that a geologically hazardous area may exist on a site proposed for a development permit.

- A. ~~The Franklin County Planning Director~~Planning and building director will determine if the proposed development activity is within an Area of Project Review (including the Area of Influence, if applicable).
- B. If it is determined by the ~~Planning Director~~Planning and building director that the proposed development activity is within an Area of Project Review (including the Area of Influence, if applicable) compliance with Section 18.08.090 of this chapter is required. This portion is waived ~~(See required process in 18.08.450(C))~~ for proposed development activities within an Area of Project Review that has the geologically hazardous attribute of fifteen (15) percent to thirty-nine (39) percent slopes only ~~(See required process in subsection (C) of this section).~~
- C. If the proposed development activity is within an Area of Project Review and has the geologically hazardous attribute of fifteen (15) percent to thirty-nine (39) percent slopes only, the requirement for a Critical Area Report is waived and the following process is required:
 1. If it is determined that a geologically hazardous area with fifteen (15) percent to thirty-nine (39) percent slope may be present, the applicant shall submit a geologic hazard area risk assessment prepared by a ~~licensed engineer or a licensed geologist~~qualified professional as set out in Section 18.08.070. The risk assessment will include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. The assessment will be signed by and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby.
 2. If the qualified professional preparing the risk assessment (above in Section ~~18.08.450C(1))~~ 18.08.450(C)(1)) concludes that further analysis is necessary, the applicant shall submit a geotechnical report as provided for herein in Section ~~18.08.460A(1)~~18.08.460(A)(1).
 3. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the

geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

D. Area of Influence:

1. If the proposed development activity is within an Area of Project Review and has the geologically hazardous attributes consistent with an Erosion or Landslide Hazard Area as defined in Section 18.08.430(C), an Area of Influence, that is two and one-half times the height of the applicable slope, from all points of the Area of Review shall apply and be mapped accordingly.
2. An Area of Influence does not apply to ~~the following Erosion or Landslide Hazard Areas when -1)~~ All slopes ~~with a~~ are fifteen (15) percent or greater slope characteristic only with no other qualification.
3. If it is determined by the ~~Planning Director~~ Planning and building director that the proposed development activity is within an Area of Project Review or an Area of Influence, compliance with Section 18.08.090 of this chapter and the development of a Critical Area Report is required.

18.08.460 Management ~~recommendations and standards.~~

The following management ~~recommendations and standards~~ will apply to development proposals determined to be located within an Area of Project Review and shall be integrated into the required Critical Area Report, if applicable. The ~~Planning Director~~ Planning and building director may require any of the following:

- A. ~~A Geo-Technical geotechnical Report as prepared by a civil engineer or geologist who is licensed to practice in the State of Washington~~ qualified professional as set out in Section 18.08.070.
 1. A geotechnical report shall include a description of the geology of the site, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. The report shall evaluate the actual presence of geologic conditions giving rise to the geologic hazard, ~~and an evaluation of~~ evaluate the safety of the proposed project, and ~~identification of~~ identify construction practices, monitoring programs, and other mitigation measures necessary. A bibliography of scientific citations shall be included as necessary.
 2. The geotechnical report shall include a certification from the ~~engineer-qualified professional~~ preparing the report, including the ~~engineer's~~ professional stamp and signature, stating all of the following: i) Factors of safety for slope stability; ii) Lithology of the soil column and the engineering properties of the soil comprising the column; iii) Groundwater elevations; iv) Area of influence of potential slide; v) The risk of damage from the project, both on- and off-site is minimal; vi) The project will not materially increase the risk of occurrence of the hazard; vii) The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard; and viii) Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.
 3. All mitigation measures, construction techniques, recommendations, and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.
- B. The physical features of the site, including identification of surface and subsurface soil types, vegetation, streams, canyons, alluvial fans, and drainage ways. Topography shall be shown in five-foot contours unless prior approval is received for contours greater than five feet;
- C. Lot and parcel sizes, proposed lot coverage, square footage, dimensions, general type of construction and location of all structures, the existing and proposed utility systems including wells, sanitary sewers, electric, gas, and telephone, and other pertinent information requested by the ~~Planning Director~~ Planning and building director;

- D. The general location and different circumstances that might be expected to precipitate a geological event;
- E. The geologic, topographic, and hydrologic factors that might contribute to slope instability and the location of the site susceptible to instability;
- F. Suitable, buildable areas taking into consideration the long-term stability and maintenance of access roads and all other permanent infrastructure needs that would be affected by both the underlying geology and soils;
- G. Recommended hazard setbacks to protect the geologic and topographic features;
- H. Relying on existing data, areas with known or potential for seismic hazard;
- I. The rate and extent of any potential hazards such as erosion, sliding, slumping, etc., must be analyzed ~~in light of considering~~ the potential to impact the public health, safety, and welfare;
- J. The potential impact of residential landscape irrigation, drain-fields, upslope and off-site irrigation activities, storm-water generation from upslope properties and proposed impervious surfaces on-site, and the influence of street conveyance on slope stability;
- K. Proposed access, parking, and basic internal vehicle/pedestrian circulation system;
- L. The proposed system for retention and release (detention) of storm and surface water runoff generated from the site;
- M. General landscaping plan indicating the type and placement of materials used around all structures, parking areas, and other cleared portions of the site;
- N. The relationship between the proposed development and existing and proposed adjacent areas;
- O. ~~Where development is proposed downslope of lands in, or with the potential for agriculture, a~~ analysis of the impact of surface and subsurface movement of waste irrigation water on the proposed development site shall be provided when development is downslope of agricultural land, including land with agricultural potential. The analysis shall include descriptions of the relevant soils, geologic conditions, and hydrologic conditions of the project site and the upslope lands;
- P. For public buildings and facilities: identification of minimum design standards where seismic activity has the potential to occur.
- Q. A site development and grading plan ~~which meets the requirements of~~ shall be developed and submitted to the ~~Planning Director~~ Planning and building director for projects within an Area of Project Review in order to:
 - 1. Assure long-term structural integrity of all development;
 - 2. Protect the public health, safety, and welfare by minimizing the potential for public expenditures for post-project geologic, soils, and hydrology hazards remediation;
 - 3. Avoid documented seismic and landslide hazard areas as locations for building construction, roads, or utility systems where mitigation is not feasible;
 - 4. Eliminate as completely as practicable, any public or private exposure to landslide hazards or to abnormal maintenance or repair costs through the application of post-construction slope stabilization and appropriately upgraded road construction specifications where appropriate;
 - 5. Minimize storm-water runoff and soil erosion impacts;
 - 6. Control dust during all construction phases;
 - 7. Achieve maximum feasible retention, in their natural condition, of existing topographic features such as drainage swales, streams, slopes, structurally important ridge lines, and rock outcroppings.

8. Minimize grading where it will adversely impact slope stability.
- R. All development and grading plans shall be approved by the appropriate county departments in order to ensure compliance with the current application of the County's Zoning and Building Codes.
- S. All development and grading plans shall adhere to the requirements of the Benton-Franklin Health District.
- T. In areas of steep slopes and natural drainages, when construction will extend into the rainy season and potentially cause eroded sediments to move offsite, the storm and surface water runoff retention and detention system must be completed before other phases of site development are begun, so that it can serve as a sediment trap during the remainder of the construction.
- U. Critical facilities shall be, to the extent possible, located outside the Geologically Hazardous Area. Construction of new critical facilities may be permissible if it is shown that no other feasible site is available.

ARTICLE VI. FISH AND WILDLIFE HABITAT CONSERVATION AREAS

18.08.470 Applicability.

The provisions of this chapter shall apply within unincorporated Franklin County to the main stems of the Snake, Palouse, and Columbia Rivers including riparian corridors, locally important habitat areas such as shrub steppe, streams, and wetlands, and additionally to areas associated with endangered and threatened species.

18.08.480 Purpose.

It is the intent of Franklin County to recognize the importance of protecting fish and wildlife habitat conservation areas while at the same time encouraging the continued economic development of the County, including the continuation of agriculture. Implementation of this section is directed toward preserving resources by steering incompatible development away from these areas and/or by providing adequate and appropriate mitigation measures to development that alleviate negative impacts.

Various federal, state, and private agencies and individuals currently manage established fish and wildlife habitat conservation areas within ~~this~~ the County. In recognition of their expertise and experience in local habitat management, Franklin County supports their efforts to preserve and protect those critical fish and wildlife habitat conservation areas by acknowledging that cooperation and communication are essential to achieve common habitat conservation goals. The following objectives are the guiding factors in the application of this section to future development in Franklin County:

- A. Identify categories of fish and wildlife habitat conservation areas in Franklin County, based in part on information supplied by Washington State Department of Fish and Wildlife's Priority Habitat and Species Program, and other sources.
- B. Cooperate with federal, state, and private agencies, and individuals who have primary authority to manage specific fish and wildlife habitat conservation areas within certain parts of the county.
- C. Encourage the preservation of adequate size blocks of land necessary for species survival and corridor areas that allow for migratory travel.
- D. Franklin County recognizes that species of wildlife in this locality are in a state of continuing flux, and a prudent understanding of this phenomenon is vital in guiding decision-makers to balance the conservation of wildlife species with the promotion of wise, desirable growth.
- E. Development decisions will serve to protect local wildlife values and reflect the needs and desires of the public.

18.08.490 Repealed. Development permitted.

~~Developments within an Area of Project Review as set forth in this chapter are permitted when sited, designed, and operated in a manner which protects the functions and values of Fish and Wildlife Conservation Areas and when such development meets the requirements of this chapter.~~

18.08.500 Definitions.

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

- A. "Federal or State Endangered, Threatened, Candidate Species" means the following:
 - 1. "Endangered Species," means a native species that is seriously threatened with extinction throughout all or a significant portion of its range.

2. "Threatened Species" means a native species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range without cooperative management or removal of threats.
 3. "Candidate Species" means a native species under review for possible listing as endangered, threatened, or sensitive. A species will be considered for candidate designation if sufficient scientific evidence suggests that its status may meet criteria defined for "endangered", "threatened" or "sensitive". Currently listed State Threatened or State Sensitive species may be designated as State Candidate species if their status is in question.
- CB. "Fish and Wildlife" means any member of the animal kingdom, including without limitation, any vertebrate, mollusk, crustacean, arthropod, or other invertebrates, and includes any part, product, egg, or offspring thereof, or the dead body parts thereof.
- DE. "Fish and Wildlife Habitat Conservation areas" means, per WAC 365-190-080030, are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, land management for maintaining species in suitable habitat within their natural geographical distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species and all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure a species will usually be found in certain regions across the state. Fish and wildlife habitat conservation areas" do not include such artificial features or constructs that are actively and frequently maintained, such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.
- ED. "Fish and Wildlife Habitat Conservation Areas" means includes the following:
1. Areas with which federal or state endangered, threatened, and sensitive species of fish, wildlife, or plants have a primary association;
 2. Habitats and species of local importance, which could include areas with state-listed monitor, or candidate species, or federally listed candidate species, or species with high recreational value (game, etc.) that have primary association;
 3. State priority habitats and areas associated with state priority species defined and listed by the State Department of Fish and Wildlife in the Priority Habitats and Species List.
 43. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;
 54. Waters of the state. Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses in Washington as classified in RCW 90.48.020;
 65. Lakes, ponds, streams, and rivers planted with game fish by a governmental entity or tribal entity; (these include water bodies planted under the auspices of a federal, state, or local program, or which support important fish species as identified by Washington State Department of Fish and Wildlife) or,
 76. Federal, state, and private natural area preserves, and natural resource conservation areas, and state wildlife areas.

18.08.510 Identification and classification.

- A. The following information, data, and resources are used in Franklin County to identify Fish and Wildlife Habitat Conservation Areas, as defined in Section 6.04018.08.500 of this chapter-(D).

1. Both Federal and State Fish and Wildlife Listed threatened or endangered species in Franklin County as designated under the Federal Endangered Species Act or by the State of Washington. ~~within the Washington Administrative Code Chapter 232-12 (Priority Species and Habitats). The state Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.~~ **Also see Best Available Science list described in Appendix A of the ordinance codified in chapter B.**
2. Federal and/or state candidate species and species of local importance (See Appendix B ~~the ordinance codified in this chapter~~) occur in different areas of Franklin County, and are subject to the provisions of this Section where significant negative impacts from a project would occur to the habitat associated with and utilized by these species;
3. ~~State priority habitats and areas associated with state priority species listed by the State Department of Fish and Wildlife in the Priority Habitats and Species List.~~
34. Franklin County allows for the nomination and identification of "Species/Habitats of Local Importance". In order to nominate "Species/Habitats of Local Importance" as candidates for designation within the category of Important Habitat Areas, an individual or organization must:
 - a. Demonstrate a need for special consideration;
 - b. Propose relevant management strategies considered effective and within the scope of this chapter;
 - c. Provide species habitat location(s) on a map (~~with a scale of 1:24,000~~).
45. Riparian Habitat Areas:
 - a. ~~For the protection of habitat along rivers, streams, and lakes the following buffer widths apply:~~

a. Type 1 or S, except lakes:	150 feet
b. Type 2 or F, except lakes:	150 feet (100 if no anadromous fish)
c. Type 3 or lakes:	100 feet (75 if no anadromous fish)
d. Type 4 or Np:	50 feet
e. Type 5 or Ns:	50 feet

<u>Water type (see WAC 222-16-031)</u>	<u>Buffer Width in feet</u>
<u>Type S Water, Shorelines of the State:</u>	<u>*See FCC Chapter 18.16 Shoreline Master Program</u>
<u>Type F Water, fish:</u>	<u>100</u>
<u>Type N Water, or Np (Non-Fish Perennial):</u>	<u>75</u>
<u>Type Ns:</u>	<u>50</u>

 - b. The riparian habitat area widths shall be increased in the following cases:
 1. When the ~~Planning Director~~ Planning and building director determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;
 2. When the frequently flooded area exceeds the recommended riparian habitat area width, the riparian habitat area shall extend to the outer edge of the frequently flooded area;
 3. When the channel migration zone exceeds the recommended riparian habitat area width, the riparian habitat area shall extend to the outer edge of the channel migration zone;
 4. When the habitat area is in an area of high blowdown potential, the riparian habitat area shall be expanded an additional fifty (50) feet on the windward side, in accordance with

"Management Recommendations for Washington's Priority Habitats: Riparian " from the Washington Department of Fish and Wildlife; or

5. When the habitat area is within an erosion or landslide hazard area or buffer, the riparian habitat area shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.

5. Waters of the state. -Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in RCW 90.48.020.

6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity (these include water bodies planted under auspices of a federal, state or local program, or which support important fish species as identified by Washington Department of Wildlife).

7. Federal and State natural area preserves, natural resource conservation areas, and state wildlife areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the state Department of Natural Resources of the U.S. Bureau of Land Management. State wildlife areas are defined, established, and managed by the Washington state department of fish and wildlife, which provides information about state wildlife areas for each county

- ~~5.8.~~ **In order to accommodate the needs and desires of the people of Franklin County, public input shall be required to include species and/or habitats in the "Important Habitat Area" classification identified in this section. Where the habitats and species classified as "Priority Habitat Areas" are responsive, concurrently, with official changes in federal and/or state threatened or endangered listings/de-listings, to include or un-include species and/or habitats in the "Important Habitat Areas" classification, these regulations must be amended through a formal process for nomination as described in this regulation;**

- ~~96.~~ **It is recognized that the list of Fish and Wildlife Habitat Conservation Areas (including species and habitats) will change from time to time. Further, the locations of species may also change over time. With this, the Planning Department will maintain and update, as necessary, its list and mapping data of Federal and State threatened, endangered, and candidate species and habitats for Franklin County. Coordination with the necessary Federal and State agencies will need to occur to obtain the applicable data updates. Restrictions may apply as to the County's ability to disseminate, both written and mapped sensitive fish and wildlife information, to the general public.**

- B. **Fish and wildlife habitat conservation areas will be classified by Franklin County as follows, based on a variety of data sources as identified herein:**

1. **Priority Habitat Areas — seasonal ranges and habitat elements with which federal and/or state-listed endangered and threatened species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;**
2. **Important Habitat Areas — habitat areas that are associated with and actively utilized by federal and/or state candidate species and species designated as being of local importance according to the nomination process described in Section 18.08.510 6.050(A)(34) and (45).**

18.08.520 Determination process.

- A. **The ~~Planning Director~~ Planning and building director will review each development permit application in accordance with Section 18.08.090 of this chapter and to determine if the provisions of this section ~~will be applied~~ apply to the project.**
- B. **In making the determination, the ~~Planning Director~~ Planning and building director may use any of the inventories or reference maps identified in Section 18.08.080, Section 18.08.510, or the applicable best available science described in Appendix ~~AB~~ the ordinance codified in this chapter.**

- C. The following progressive steps will occur upon a determination by the ~~Planning Director~~ Planning and building director that a fish and/or wildlife habitat conservation area may exist on a site proposed for a development permit.
1. The ~~Planning Director~~ Planning and building director will determine if the proposed development activity is within an Area of Project Review. If the proposal is in or near an Area of Project Review, a site inspection and consultation with federal and/or state wildlife agency personnel or a qualified biologist may be conducted to more definitively determine if a fish and/or wildlife habitat conservation area exists on the site if deemed necessary by the County.
 2. If it is determined by the ~~Planning Director~~ Planning and building director that the proposed development activity is within an Area of Project Review, compliance with Section 18.08.090 of this chapter and development of a Critical Area Report is required. If it is determined that the activity is not in an Area of Project Review, this section shall not apply to the review of the proposed permit activity.

18.08.530 Designation.

- A. Areas of Project Review shall be designated as Priority Habitat Areas, Important Habitat Areas, or other areas as defined by Fish and Wildlife Habitat Conservation Areas.
- B. If an area that is subject to a development permit application is determined to be a Priority or Important Habitat Area after going through the determination process described herein, it shall be designated as such, and a habitat boundary survey and a habitat management and mitigation plan shall be developed as provided for in this section.
- C. Designation as either a Priority or Important Habitat Area is not intended to deny development opportunities; rather, it is aimed at either steering growth to more suitable areas where fish and wildlife values will not be unduly compromised, or developing appropriate and adequate mitigation measures to alleviate potential negative impacts.

18.08.540 Fish and/ wildlife habitat boundary survey.

- A. If it is determined through the process identified herein that a Priority or Important Habitat Area exists on a site that is the subject of a development permit application, a fish and/ wildlife habitat boundary survey and evaluation shall be conducted by a professional biologist, as appropriate, who is knowledgeable of wildlife habitat within Franklin County. The wildlife habitat boundary shall be field staked, as necessary, by the biologist and surveyed by a State of Washington registered land surveyor for disclosure on all final plats, maps, etc.
- B. The fish and/ wildlife habitat boundary and any associated buffer shall be identified on all plats, maps, plans, and specifications submitted for the project.

18.08.550 Critical area report - Additional Requirements for /fish- and wildlife habitat management and mitigation plans.

- A. A fish and/ wildlife habitat management and mitigation plan is required for all proposed developments determined to be within a "Priority Habitat Area" or an "Important Habitat Area".
- B. ~~When required, a~~ A fish and/ wildlife habitat management and mitigation plan shall be prepared by a qualified professional as specified in section 18.08.070.
~~professional biologist who is knowledgeable of wildlife habitat within Franklin County.~~
- C. The fish and/ wildlife habitat management and mitigation plan shall demonstrate, when implemented, that the net loss of ecological function of habitat is minimal.
- D. Based on the best available science, the fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and

contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

- E. The fish and wildlife habitat management and mitigation plan shall include maps and narrative descriptions that address at least the following items:
1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; and
 4. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- F. A plan by the applicant that explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:
1. Use of any federal, state, or local management recommendations which have been developed for the species or habitats in the area;
 2. Establishment of appropriate and adequate buffer zones;
 3. Preservation of critically important plants and trees;
 4. Limitation of access to the habitat conservation area;
 5. Seasonal restriction of construction activities;
 6. Establishment of a timetable for periodic review of the plan.
- G. A detailed discussion of on-going management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance, and surety programs.

18.08.555 Development standards- Mitigation

- A. Mitigation for alterations to fish and wildlife habitat conservation areas shall be consistent with the Washington State Department of Fish and Wildlife and other state or federal agencies' management recommendations and guidance documents for best practices mitigation.
- B. Mitigation shall be required to the level or extent necessary to achieve no net loss of critical area functions and values.
- C. Proposed mitigation for impacts within fish and wildlife habitat conservation areas may be conditioned by the county on a case-by-case basis using recommendations provided by Washington Department of Fish and Wildlife.

18.08.560 Management standards.

The following management standards will apply to development proposals determined to be located within Fish and Wildlife Habitat Conservation Areas, as defined and described herein:

- A. Anadromous Fish.
1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
 - a. Activities shall be timed to occur only during the allowable work window as designated by the Washington State Department of Fish and Wildlife for the applicable species;

- b. An alternative alignment or location for the activity is not feasible;
 - c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
 - d. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical areas report; and
 - e. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical areas report.
2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allows the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.
- B. Approvals of Activities May Be Conditioned. The county shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:*
- 1. Establishment of buffer zones;
 - 2. Preservation of critically important vegetation;
 - 3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
 - 4. Seasonal restriction of construction activities;
 - 5. Establishment of a duration and timetable for periodic review of mitigation activities; and
 - 6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.



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Attention: AP

FRANKLIN CNTY PLANNING & BUILDING/LEGALS
502 W BOEING ST.
PASCO, WA 99301

planninginquiry@franklincountywa.gov

**NOTICE OF OPEN RECORD
HEARING
TC 2023-02/SEPA 2023-06**

NOTICE IS HEREBY GIVEN that the Franklin County Board of County Commissioners will be holding a closed record hearing, regarding TC 2023-02/SEPA 2023-06, Franklin County, on August 23, 2023, at their regular meeting, scheduled to begin at 9:00 am. in the Franklin County Courthouse, Commissioners Meeting Room, 1016 North 4th Avenue, Pasco, WA 99301.

The meeting agenda, links to view the meeting, and other information related to Franklin County Board of County Commissioners meetings can be found at: <https://franklincountywa.gov/614/Meeting-Agendas>

DATED AT PASCO, WASHINGTON ON
THIS 8th DAY OF AUGUST, 2023

PUBLISH:
Franklin County Graphic: August 10, 2023
Tri-City Herald: August 8, 2023
IPL0134449
Aug 8 2023

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 08/08/2023, and ending on 08/08/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:

08/08/23

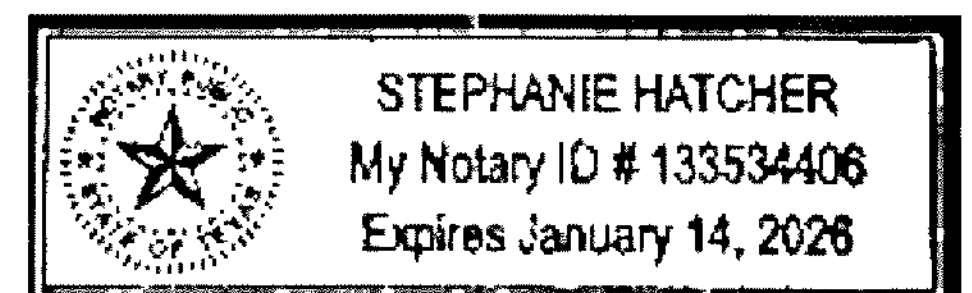
Stefani Beard

(Signature of Legals Clerk)

Sworn to and subscribed before me this 8th day
of August in the year of 2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in
Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON

SS:

COUNTY OF FRANKLIN

Katherine Trowbridge being first duly sworn on oath deposes and says that she is the manager of the FRANKLIN COUNTY GRAPHIC, a weekly newspaper. That said newspaper is a legal newspaper approved by the Superior Court of the State of Washington, in and for Franklin County, under order made and entered on the 11th day of January, 1955, and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper, in Connell, Franklin County, Washington, and that the annexed is a true copy of

FC PLANNING

NOTICE OF PUBLIC HEARING

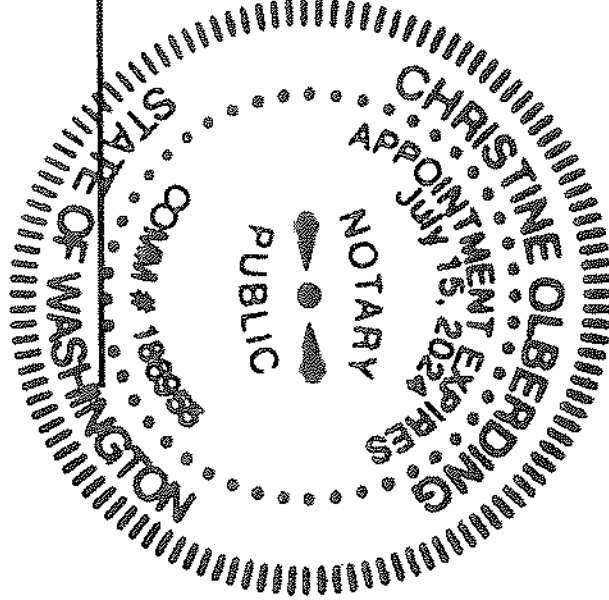
TC 2023-02

as it was published in regular issue (and not in supplemental form) of said newspaper, once each week for a period of one week to-wit, commencing on the 10th day of August, 2023, and that such newspaper was regularly distributed to its subscribers during all of said period, that the full amount of \$27.90 has not been paid in full at the legal rate.

Katherine Trowbridge
Manager

Subscribed and sworn to before me this 10th day of

August, 2023



Christine Oldering

Notary Public in and for the
State of Washington, residing in Connell.

NOTICE OF OPEN RECORD HEARING
TC 2023-02/SEPA 2023-06
NOTICE IS HEREBY GIVEN that the Franklin County Board of County Commissioners will be holding a closed record hearing, regarding TC 2023-02/SEPA 2023-06, Franklin County, on August 23, 2023, at their regular meeting, scheduled to begin at 9:00 am, in the Franklin County Courthouse, Commissioners Meeting Room, 1016 North 4th Avenue, Pasco, WA 99301.
The meeting agenda, links to view the meeting, and other information related to Franklin County Board of County Commissioners meetings can be found at: <https://franklincountywa.gov/614/Meeting-Agendas>.
DATED AT PASCO, WASHINGTON ON THIS 8th DAY OF AUGUST, 2023
(Published August 10, 2023 in the Franklin County Graphic).

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: Sept. 1, 2023	PREPARED BY: AHBL, Emily Weimer
Meeting Date Requested: October 4, 2023	PRESENTED BY: Emily Weimer
ITEM: (Select One) ☐ Consent Agenda ☒ Brought Before the Board Time needed: 15 minutes	
SUBJECT: Public Hearing for proposed Critical Areas Ordinance Periodic Update (File TC 2023-02/ SEPA 2023-06)	
FISCAL IMPACT: No direct fiscal impact. Completion of the periodic update to the Comprehensive Plan and Development Regulations will ensure that the County is not prevented from receiving certain state grants.	
BACKGROUND: The County is now in the process of adopting updates to its Development Regulations as part of the periodic update process, required under RCW 36.70A.130(5)(c). Staff proposed updates of Franklin County Code 18.08 "CRITICAL AREA/ RESOURCE AREA PROTECTION STANDARDS" as prepared by a consultant which incorporates updated guidance and Best Available Science to ensure compliance with the Growth Management Act (GMA), and to increase usability of the codes. Chapter 18.08 was last amended via Ordinance #1-2012 in January 2012. Under the state Growth Management Act (GMA), local governments are required to use the best available science in their policies and regulations on critical areas. The best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through 365-195-925. A technical consultant (Herrera Environmental, a sub-consultant to AHBL) prepared an update to the County's Best Available Science (BAS). The BAS is included in the Critical Areas adoption ordinance as Exhibit A. The update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The County also considers comments from stakeholders and the public, as well as Ecology and other reviewers. No changes are proposed to any maps maintained by the County pertaining to Critical Areas, and no field work or reconnaissance was completed.	
RECOMMENDATION: Staff and the Planning Commission recommend passage of an ordinance to adopt amendments to Franklin County Code Chapter 18.08 known as the County's Critical Areas Ordinance, including updates to the County's Best Available Science. <u>Suggested Motion:</u> I move to Pass Ordinance # <u>08</u> , amending FCC Chapter 18.08 and adopting Best Available Science.	

COORDINATION: All public notification requirements were met. Staff coordinated with the County Engineer; the County Surveyor; the County Building Official; the Benton-Franklin Health District; representatives from Fire Districts #1, 2, 3, 4, 5; the Fire Code Official; the Franklin PUD; BBEC; South Columbia Irrigation District; Franklin Irrigation District; U.S. Bureau of Reclamation; the City of Connell; WSDOT; the City of Pasco; WDFW; and the Department of Ecology. Staff issued a SEPA Determination of Nonsignificance (DNS) for the proposal on May 11, 2023. The County's Prosecuting Attorney's office has reviewed the ordinance.

ATTACHMENTS: (Documents you are submitting to the Board)

(1) Draft Ordinance (2) Minutes and packet from Planning Commission public hearing

HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list name(s) of parties that will need a pdf)

To the Clerk of the Board: 1 Original Ordinance; **To Planning:** 1 Copy Ordinance

I certify the above information is accurate and complete.

 Derrick Braaten