

TOWN OF FARMINGTON ORDINANCE NO. 225-13 2013 BUDGET AMENDMENT December 16, 2013

AN ORDINANCE OF THE TOWN OF FARMINGTON, WASHINGTON, amending Ordinance No. 220-12 thereby revising the Current Expense Fund, Street Fund, Special Equipment Reserve Fund, Capital Projects Fund, Water Fund, Short Lived Asset Replacement Fund, Sewer Fund and CDBG – Well One Improvement Fund which were set forth in the 2013 Annual Budget for the Town of Farmington.

THE TOWN COUNCIL OF THE TOWN OF FARMINGTON does ordain as follows:

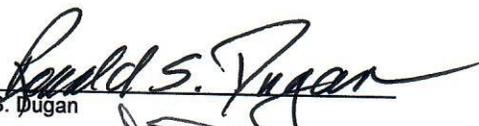
SECTION 1. Ordinance No 220-12 adopting the "2013 Annual Budget for the Town of Farmington, Washington" is hereby amended to include those particular budget revisions set forth in Section 2, below.

SECTION 2. Estimated resources, including fund balances for each separate fund of the Town of Farmington, and aggregate totals (net of transactions between funds) for such funds combined, for the year 2013 are set forth below and are hereby appropriated for expenditure at the fund level during the year 2013 as set forth below:

Fund	Estimated Revenues	Expenditures
001 Current Expense Fund	\$ 143,400	\$ 87,000
101 Street Fund	\$ 26,000	\$ 22,000
306 Special Equipment Reserve Fund	\$ 9,195	\$ 7,000
307 Capital Projects Fund	\$ 700	\$ 0
401 Water Fund	\$ 55,800	\$ 45,000
407 Short Lived Asset Replacement Fund	\$ 15,800	\$ 15,000
409 Sewer Fund	\$ 57,000	\$ 23,000
413 CDBG/Rehabilitation of Well #1	\$ 75,000	\$ 75,000
 Total All Funds	 \$ 382,895	 \$ 274,000

SECTION 3. This ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the Town of Farmington as required by law.

PASSED by the Town Council of the Town of Farmington at its regular meeting on December 16, 2013

Mayor: 
Ronald S. Dugan

Attest: 
Barbara Dial-Flomer, Clerk-Treasurer

APPROVED AS TO FORM:

By: _____
Stephen Bishop, Town Attorney

Passed: _____

Published: _____

Effective date: _____

**TOWN OF FARMINGTON
ORDINANCE NO. 220-12
ADOPTION OF 2013 BUDGET**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FARMINGTON, WASHINGTON, ADOPTING THE BUDGET FOR 2013, setting forth appropriations and estimated revenues and adopting, by reference, the final budget for 2013.

THE TOWN COUNCIL OF THE TOWN OF FARMINGTON DO ORDAIN AS FOLLOWS:

SECTION 1: The Mayor of the Town of Farmington completed and placed on file with the Clerk a preliminary budget, including estimates of revenues and expenditures for operations of the town for the fiscal year beginning January 1st, 2013 and ending December 31st, 2013.

SECTION 2: The Town Council has made such adjustments and changes to said preliminary budget, as it deems necessary or proper at the time.

SECTION 3: The Town advertised and properly held the statutory public hearings on October 15th and November 19st, 2012.

SECTION 4: The proposed budget, as revised, was fixed by the Town Council on December 27th, 2012 and is now on file in the Office of the Clerk, and is hereby adopted by fund, and incorporated herein as set forth, in full, in this ordinance.

SECTION 5: The following is a summary of the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all funds combined:

FUND	Revenues	Expenditures
Current Expense Fund	\$ 143,400.00	\$ 70,157.00
City Street Fund	\$ 22,100.00	\$ 18,577.00
Special Equipment Reserve Fund	\$ 9,195.00	\$ 7,000.00
Capital Projects Fund – REET	\$ 700.00	\$ 000.00
Water Fund	\$ 55,800.00	\$ 33,450.00
Short-Lived Asset Replacement Fund	\$ 15,800.00	\$ 15,000.00
Sewer Fund	\$ 60,100.00	\$ 16,740.00
CDBG/Rehabilitation of Well #1Fund	\$ 3,000.00	\$ 3,000.00
TOTAL BUDGET	\$ 310,095.00	\$163,924.00

SECTION 6: The Clerk is directed to transmit a copy of the budget, as hereby adopted, to the State Auditor's Office, Division of Municipal Corporations, and to the Association of Washington Cities.

**ORDINANCE NO. 192-07 - CRITICAL AREAS
ORDINANCE**

**AN ORDINANCE FOR THE TOWN OF FARMINGTON,
WHITMAN COUNTY, WASHINGTON MUNICIPAL CODE,
RELATING TO THE IDENTIFICATION, CLASSIFICATION
AND REGULATION OF CRITICAL AREAS**

WHEREAS, the Town Council did hold a duly advertised public hearing on June 11, 2007, and;

WHEREAS, the Town Council did consider the following Findings of Fact, and;

WHEREAS, after entering these Findings, having fully considered all public testimony and the entire public record, as well as the requirements of the Growth Management Act (GMA) including the submission of a draft Critical Areas Ordinance to the GMA review team, and;

WHEREAS, recommendations of the GMA review team were considered and included in the following ordinance, and;

WHEREAS, the proposed critical areas regulations are necessary to protect the health, safety and general welfare of the community and its residents, and;

WHEREAS, the proposed critical areas regulations have been found consistent with the comprehensive plan, and;

WHEREAS, the proposed critical areas regulations do not produce a significant adverse environmental impact, and;

WHEREAS, the proposed critical areas regulations have been found consistent with existing development regulations and State and federal laws,

NOW, THEREFORE, the Town Council of the Town of Farmington does hereby **ORDAIN** as follows:

Section 1. Establishment of the Critical Areas Overlay District as follows:

Critical Areas Overlay (CAO) District

Section 1.0 Purpose, Intent and Applicability.

The purpose of this section is to designate, classify and protect the functions and values of critical areas in a manner consistent with State law while allowing for reasonable use of private property. By adopting this section, the Town of Farmington acknowledges that critical areas provide a variety of important biological and physical functions that benefit the community and its residents or may pose a threat to human safety or property.

The Critical Area Overlay Zone consists of that area within the designated Zone A of the Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency (FEMA). Any development proposed on a parcel of land within the Critical Area Overlay Zone shall be subject to project review as required in this section unless specifically exempted.

Section 2.0 Definitions.

Advance mitigation: Mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

Applicant: A person who files an application for permit under this ordinance and who is either the owner of the land on which that proposed activity would be located, a lessee of the land, the person who would actually control and direct the proposed activity or the authorized agent of such a person.

Aquifer Recharge Areas: Aquifer Recharge Areas are areas having a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the certifiable potability of water (WAC 365.190.030).

Aquifer, sole source: An area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent (50%) or more of the drinking water for an area without a sufficient replacement available.

Area of shallow flooding: An area designated AO, or AH Zone on the flood insurance map(s). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Base flood: A flood event having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

Best available science: Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas" published by the state Office of Community Development.

Best management practices: Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by high

concentrations of nutrients, animal waste, toxics, and sediment; minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; protect trees and vegetation designated to be retained during and following site construction.

Critical aquifer recharge area: Areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

Developable area: A site or portion of a site that may be utilized as the location of development.

Development : Any activity upon the land consisting of construction or alteration of structures, earth movement, dumping, grading, filling, mining, driving of piles, drilling operations, or bulkheading. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the town that binds land to specific patterns of use, including but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

- Interior building improvements.
- Exterior structure maintenance activities, including painting and roofing.
- Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding.
- Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

Flood insurance map: The official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and include the risk premium zones applicable to the community. Also known as "flood insurance rate map" or "FIRM."

Flood plain: The total land area adjoining a river, stream, watercourse or lake subject to inundation by the base flood.

Frequently flooded areas: Lands in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property as designated by WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year flood plain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Functions and values: The beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

Ground water: Water in a saturated zone or stratum beneath the surface of land or a surface water body.

Mitigation: A negotiated action involving the avoidance, reduction or compensation for possible adverse impacts. In the following order of preference this includes:

1. Avoiding the impacts altogether by not taking action;
2. Reducing or eliminating impacts by preservation or maintenance;
3. Minimizing impacts by limiting degree or magnitude;
4. Rectifying impacts by repairing, rehabilitating or restoring;
5. Compensating for impacts by in kind replacement; or
6. Monitoring impacts by a planned evaluation process.

Monitoring: Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

Native vegetation: Plant species that are indigenous to the area in question.

Off-site compensation: To replace critical areas away from the site on which a critical area has been impacted.

On-site compensation: To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Permeability: The capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.

Porous soil types: Soils, as identified by the National Resources Conservation Service, U.S. Department of Agriculture, that contain voids, pores, interstices or other openings which allow the passing of water.

Potable water: Water that is safe and palatable for human use.

Priority habitat: Habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. (WAC 173-26-020(34))

Project area: All areas within the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.

Qualified professional: A person with experience and training in the applicable critical area. 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 qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.
- A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Restoration: Measures taken to restore an altered or damaged natural feature including:

- A. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

SEPA: Washington State Environmental Policy Act, Chapter 43.21C RCW.

Special flood hazard areas: The land in the flood plain within an area subject to a one percent (1%) or greater chance of flooding in any given year. Designations of special flood hazard areas on flood insurance map(s) always include the letters A or V.

Special protection areas: Aquifer recharge areas defined by WAC 173-200-090 that require special consideration or increased protection because of unique characteristics, including, but not limited to:

- A. Ground waters that support an ecological system requiring more stringent criteria than drinking water standards;
- B. Ground water recharge areas and wellhead protection areas, that are vulnerable to pollution because of hydrogeologic characteristics; and
- C. Sole source aquifer status.

Species, endangered: Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Water table: That surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

Well: A bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

Wetland, emergent: A regulated wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Section 3.0 Permitted, Conditional and Prohibited Uses.

Uses allowed by right or by conditional use permit or uses altogether prohibited in the Critical Areas Overlay Zone shall be the same as those listed in the underlying zoning district.

Section 4.0 Project Review Required.

- A. Land use or building permits for clearing or development activities within the Critical Areas Overlay Zone shall be subject to review under provisions of this ordinance unless specifically exempted in Subsection B below.
- B. The following activities shall be allowed in critical areas without a Critical Areas Permit provided they are conducted using best management practices and at a time and in a manner designed to minimize adverse impacts to the critical area:
1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;
 2. Outdoor recreational activities which do not involve disturbance of the resource or site area, including fishing, hunting, bird watching, hiking, horseback riding and bicycling;
 3. Harvesting wild crops in a manner that is not injurious to the natural reproduction of such crops and provided the harvesting does not require tiling of soil, planting of crops or alteration of the resource by changing existing topography, vegetation, water conditions or water sources;
 4. Education, scientific research and use of nature trails;
 5. Existing and ongoing agriculture activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals;
 6. Normal and routine maintenance of legally constructed irrigation and drainage ditches;
 7. Normal and routine maintenance, repair or operation of existing serviceable structures, facilities or improved areas, not including expansion, change in character or scope or construction of a maintenance road;
 8. Minor modification (such as construction of a patio, balcony or second story) of existing serviceable structures where the modification does not adversely impact the functions of the critical area.
- C. The Town requires applicants to demonstrate that development on a site determined to have critical areas will protect the resource by taking one of the following steps (listed in order of preference):
1. Avoid impacts to the resource altogether.
 2. Minimize the impact 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. Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project.
 4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

- 5. Compensate for the impact by replacing, enhancing or providing substitute resources or environments.
- D. If a critical resource are on the property that is being developed in the Town crosses a jurisdictional line, the Town of Farmington shall coordinate with Whitman County in the review of the project.

Section 5.0 Wetlands.

- A. The existence of a wetland and the location of its boundary shall be determined by the applicant through the performance of a field investigation applying a methodology acceptable to the US Army Corps of Engineers or Washington Department of Ecology. Qualified professionals shall perform wetland determinations and delineations using the acceptable methodology.
- B. Within the jurisdictional boundaries of Farmington, there are no Category I, II, or III Wetlands. There may be some Category IV Wetlands associated with the South and North Forks of Pine Creek.

Wetland Category	Description
Category IV Wetland	Hydrologically isolated wetlands that are less than or equal to one acre in size, have only one wetland class and are dominated (greater than 80% cover) by a single non-native plant species, or Hydrologically isolated wetlands that are less than or equal to two acres in size, have only one wetland class and greater than ninety percent cover of non-native plant species.

- C. Development near any identified Category IV Wetlands shall be setback fifteen feet from the edge of the wetland. No development or activity shall occur within the required setbacks unless the applicant can demonstrate that the proposed use or activity will not degrade the functions and values of the wetland and other critical areas according to the evaluation criteria from Subsection D below. In no case shall any development or activity be permitted closer to the edge of the wetland than within one-half of the required setback.
- D. Buffer zones may be decreased if the Town Council finds, on a case-by-case basis and based upon best available science, that all of the following apply:
 - 1. The critical area report provides a sound rationale for a reduced buffer, and
 - 2. The existing buffer area is well-vegetated with native species and has less than 10% slopes, and
 - 3. No direct or indirect, short-term or long-term adverse impact to the wetland will result from the proposed activity.

Section 6.0 Aquifer Protection Areas

- A. For the purposes of this Ordinance, areas which are designated as high susceptibility for aquifer contamination are those areas which lie within the A Zone on the FEMA maps. All development and all uses which lie within these areas shall be connected to the Town's

sewer system. No new uses on a septic system are permitted in high susceptibility areas of critical aquifer recharge.

- B. For uses locating within the critical aquifer recharge area and requiring site plan review, a disclosure form indicating activities and hazardous materials that will be used shall be provided for review and approval.
- C. Best management practices as defined by State and federal regulations shall be followed by commercial and industrial uses located in the critical aquifer recharge areas to ensure that potential contaminants do not reach the aquifer.

Section 7.0 Critical Wildlife Habitat.

- A. There is no identified Critical Wildlife Habitat within the jurisdictional boundaries of Farmington.

Section 8.0 Frequently Flooded Areas.

Applicants for development within frequently flooded areas shall comply with provisions of the Town's flood damage prevention ordinance.

Section 9.0 Geologically Hazardous Areas.

There are no Geologically Hazardous Areas within the jurisdictional boundaries of Farmington.

Section 10.0 Relief.

If application of the requirements in this section would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the Town as part of the critical area permit in addition to demonstrating all of the findings required of variances from provisions of the zoning ordinance:

- A. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area.
- B. The proposed development does not pose a threat to the public health, safety and welfare on or off of the subject property.
- C. Any alterations permitted to the requirements of this section shall be the minimum necessary to allow for reasonable use of the property.
- D. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line and creating the undevelopable condition after the effective date of this section.
- E. The proposal mitigates the impact on the critical area to the maximum extent possible.

Section 2. This ordinance shall be in full force and effect as so provided in the Farmington Municipal Code.

ADOPTED this 11th day of June, 2007.



Royce Johnson, Mayor

ATTEST:



Clerk/Treasurer