

## ORDINANCE NO. 2026-XX

### AN ORDINANCE OF THE CITY OF REPUBLIC, WASHINGTON, RELATING TO THE ADOPTION OF FERRY COUNTY'S CRITICAL AREAS REGULATIONS/ORDINANCE BY REFERENCE.

**WHEREAS**, RCW 36.70A.060 and RCW 36.70A.170 requires counties and cities to designate critical areas and adopt regulations to protect them; and

**WHEREAS**, the City of Republic has previously designated critical areas and adopted protective regulations codified under Chapter 18.04, Article II-Critical Areas and Natural Resource Lands of the Republic Municipal Code; and

**WHEREAS**, Ferry County has designated critical areas and adopted protective regulations as Ferry County Critical Areas Ordinance 2016-03; and

**WHEREAS**, Ferry County is actively working on updating its Critical Areas Ordinance 2016-03; and

**WHEREAS**, RCW 36.70A.060(4) allows cities with a population of fewer than 25,000 people the option to adopt the County's critical areas regulations by reference to satisfy the requirements of RCW 36.70A.130, provided that the City also incorporates future amendments to the County's critical areas regulations; and

**WHEREAS**, a city that adopts the County's critical areas regulations by reference is not required to take legislative action to review and update the law and regulations regarding the protection of critical areas under RCW 36.70A.130; and

**WHEREAS**, the City submitted a draft of this Ordinance and a copy of Ferry County's 2016 Critical Areas Ordinance to the Washington State Department of Commerce and other state agencies on January 21, 2026 to provide required 60-day state notification (under RCW 36.70A.106) and solicited agency comments; and

**WHEREAS**, the City held a Public Hearing on February 2<sup>nd</sup> 2026 to hear and discuss public testimony on this Ordinance; and

**WHEREAS**, the intent of the adoption by reference of Ferry County's critical areas regulations is to regulate critical areas within the City of Republic; and

**WHEREAS**, the City has complied with all the statutory requirements to allow the adoption of Ferry County's critical areas regulations by reference, including any amendments thereto; and

**WHEREAS**, the City finds that the City of Republic has fulfilled the requirement for the 2027 Periodic Update process as required by the Growth Management Act pursuant to RCW 36.70A.130; and

**WHEREAS**, the City Council finds this Ordinance to be in the best interests of the City.

**NOW, THEREFORE**, the City Council of the City of Republic, Washington, do ordain as follows:

**SECTION 1. REPEALER.** The Republic Municipal Code (“RMC”), Section 18.04.300-Authority, which reads as follows:

“The ordinance codified in this chapter is adopted pursuant to the authority granted the city under RCW 35.63 and in accordance with RCW 36.70A, implementing Engrossed Substitute House Bill No. 2929, known as the Growth Management Act, together with its remaining legislation, Section 11 of the Washington State Constitution, and RCW 36.32.120.”

Be and hereby amended to read as follows:

“The Ordinance codified in this Chapter is adopted pursuant to the authority granted the City under RCW 35.63 and in accordance with RCW 36.70A, as well as RCW 36.70A.060(4) which allows cities with a population of fewer than 25,000 people the option to adopt their County’s critical areas regulations by reference to satisfy the requirements of RCW 36.70A.130, provided that the City incorporates future amendments to the County’s critical areas regulations.”

**SECTION 2. REPEALER.** RMC Sections 18.04.320, 18.04.330, 18.04.340 and 18.04.360 are hereby repealed in their entirety.

**SECTION 3. ADOPTION OF FERRY COUNTY’S CRITICAL AREAS REGULATIONS.** There shall be a new section in Chapter 18.04, codified as RMC 18.04.325 and states as follows:

“Pursuant to RCW 36.70A.060, the City hereby adopts by reference Ferry County Critical Areas Ordinance 2016-03, Section 3.00- Definitions, Subsection 4.01 - Best Available Science, Subsection 4.02 – Use of Qualified Professionals, Section 5.00 -Wetlands, in its entirety, including subsections, Section 6.00 - Aquifer Recharge Areas, in its entirety, including subsections, Section 7.00 – Frequently Flooded Areas, in its entirety, including subsections, Section 8.00 – Geologically Hazardous Areas, in its entirety, including subsections, Section 9.00 – Fish and Wildlife Habitat Conservation Areas, in its entirety, including subsections, Subsections 10.01 through 10.13 of Section 10 - Administration, Appendix A, and including any future amendments to all referenced Sections and Subsections thereto.”

**SECTION 4. AMENDMENT BY ADDITION.** There shall be a new section in Chapter 18.04 of RMC as codified as RMC 18.04.335 and states as follows:

“18.04.335 – Applicability. The provisions of this Chapter shall apply to all development activities and designated critical areas outside of shoreline jurisdiction as regulated under the Republic Shoreline Master Program and within the City’s incorporated limits.

1. Land uses and/or development permit applications on all lots or parcels within the City that lie within critical areas as designated in the Republic Comprehensive Plan shall comply with the provisions of this Chapter. No action shall be taken by any person that results in the alteration of any critical area except as consistent with the purposes, objectives and intent of this Chapter.
2. If two or more types of critical areas overlap, the requirements for development shall be consistent with the standards for each critical area.
3. If it is determined that a designated critical area is located within the shoreline jurisdiction, the provisions of the Shoreline Master Program may be used to provide protection to that particular critical area. However, any standards found in this Chapter may also be applied to a proposal as optional and/or supplemental items to the provisions of the Shoreline Master Program to ensure adequate protection.
4. Critical Area Regulations shall apply concurrently with review conducted under the State Environmental Policy Act (“SEPA”) as adopted. Any conditions required pursuant to this Chapter shall be included in a SEPA review and threshold determination.
5. Any references to the following in sections adopted by reference in the Ferry County Critical Areas Ordinance No. 2016-03 in RMC 18.04.325 shall have the following meanings:

“Administrator” shall mean Clerk-Treasurer.

“Planning Director” shall mean City of Republic City Council.

“Ferry County” or “County” shall mean the City or City of Republic.

“Ferry County Planning Department” shall mean City of Republic City Council.

“North Ferry County” shall not apply.

“Ferry County Board of County Commissioners” or “Board of County Commissioners” shall mean the City of Republic City Council.

“Planning Commission” shall mean City of Republic City Council.

**SECTION 5. SEVERABILITY.** If any section, clause or provision of this Ordinance or its application to any person or circumstances is declared by a court to be invalid, the remainder of this Ordinance or the application of any other section, clause or provision to other persons or circumstances shall not be affected.

**SECTION 6. SAVINGS.** RMC Sections 13.04.320, 330, 340 and 360, which are repealed by this Ordinance, shall remain in full force and effect until the effective date of this Ordinance.

**SECTION 7. EFFECTIVE DATE.** This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City of Republic and shall take effect five (5) days after passage and publication as required by law.

**PASSED** by the City Council of the City of Republic, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**APPROVED:**

\_\_\_\_\_  
Gabriel Becklin, Mayor

**ATTEST:**

\_\_\_\_\_  
Nicolas Olsen, City Clerk-Treasurer

**APPROVED AS TO FORM:**

\_\_\_\_\_  
W. Scott DeTro, City Attorney