

**CITY OF FIRCREST
ORDINANCE NO. 1761**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, RELATING TO UPDATES TO CRITICAL AREAS REGULATIONS; AMENDING FIRCREST MUNICIPAL CODE (FMC) SECTIONS 22.92.040, .090, .100, .110, .130, .150, .160, .180, .190, .290, .300, AND .340; AMENDING FMC SECTIONS 22.93.020, .040, .070, and .100; AMENDING FMC SECTIONS 22.94..010, .030, .050, AND .080; AMENDING FMC SECTIONS 22.97.010, .020, .030, AND .040; AMENDING FMC SECTIONS 22.98.179, .285, .298, .447, .579, .623, AND .753; AMENDING FMC SECTIONS 22.100.010, .020, .040, AND .050; REPEALING FMC SECTIONS 22.98.080, 22.98.180, 22.98.350, 22.98.544, 22.98.752, AND 22.98.785; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Fircrest's ("City") Critical Areas Ordinance ("CAO") is a collection of locally determined development regulations intended to conserve the functions of environmentally sensitive areas and protect the public from hazards that may be associated with developing in areas with certain environmental characteristics such as areas prone to flooding and posing geological hazards; and

WHEREAS, Chapter 365-190 of the Washington Administrative Code ("WAC") requires the protection of critical areas through buffer standards, mitigation requirements, and habitat conservation provisions; and

WHEREAS, Section 36.70A.130(5) of the Revised Code of Washington ("RCW") requires cities to incorporate development regulations involving wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, and flood hazard areas, and to evaluate and revise their Critical Areas Ordinance and associated development regulations every ten years; and

WHEREAS, the purpose of the City's critical areas regulations is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property, and to implement the goals, policies, guidelines, and requirements of the City's Comprehensive Plan and the Growth Management Act (Chapter 36.70A RCW); and

WHEREAS, the Planning Commission reviewed the amendments contained in Exhibit A, including holding briefings on December 2, 2025, January 6, 2026, March 3, 2026, April 7, 2026, and July 7, 2026, and a public hearing regarding the same on August 18, 2026; and

WHEREAS, the Planning Commission adopted Resolution No. 26-01 on August 18, 2026, recommending the City Council approve the proposed amendments as they appear in Exhibit A; and

1 **WHEREAS**, the City Council of the City of Fircrest has reviewed and approves of the
2 findings of the Planning Commission as described in Planning Commission Resolution
3 No. 26-01, attached hereto as Exhibit B and incorporated by this reference; and

4 **WHEREAS**, the City Council has reviewed the proposed amendments in light of the
5 factors in FMC 22.92.040 and finds that such factors have been considered in reviewing
6 the proposed development regulation amendments in Exhibit A; and

7 **WHEREAS**, after providing legally required public notice, the City Council held a
8 public hearing on September 8, 2026, to accept public testimony and comment on the
9 proposed code amendments; and

10 **WHEREAS**, the City Council finds that the amendments to critical areas regulations as
11 proposed in Exhibits A-G attached hereto are consistent with and supportive of goals,
12 policies, and implementation strategies in the Fircrest Comprehensive Plan and Fircrest
13 Municipal Code ("FMC"), bear a substantial relation to public health, safety, and
14 welfare, and promote the best long-term interests of the community of the City of
15 Fircrest;

16 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIRCREST DO**
17 **ORDAIN AS FOLLOWS:**

18 **Section 1. FMC Chapter 22.92 (Critical Areas) Amendments.** The following
19 Sections of Fircrest Municipal Code Chapter 22.92 (Critical Areas) are amended as set
20 forth in Exhibit A attached hereto and by this reference fully incorporated herein:

21 FMC 22.92.040 Jurisdiction – Critical Areas,
22 FMC 22.92.090 Exception – Public agency and utility,
23 FMC 22.92.100 Exception – Reasonable use,
24 FMC 22.92.110 Allowed activities,
25 FMC 22.92.130 Critical area preapplication consultation,
26 FMC 22.92.150 Public notice of initial determination,
27 FMC 22.92.160 Critical area report – Requirements,
28 FMC 22.92.180 Mitigation requirements,
29 FMC 22.92.190 Mitigation sequencing,
30 FMC 22.92.290 Unauthorized critical area alterations and enforcement,
FMC 22.92.300 Critical area markers and signs, and
FMC 22.92.340 Building setbacks.

Section 2. FMC Chapter 22.93 (Wetlands) Amendments. The following sections
of Fircrest Municipal Code Chapter 22.93 (Wetlands) are amended as set forth in
Exhibit B attached hereto and by this reference fully incorporated herein:

FMC 22.93.020 Regulated activities,
FMC 22.93.040 Wetland ratings,
FMC 22.93.070 Compensatory mitigation requirements, and
FMC 22.93.100 Wetland buffers.

Section 3. FMC Chapter 22.94 (Critical Aquifer Recharge Areas) Amendments. The following sections of Fircrest Municipal Code Chapter 22.94 (Critical Aquifer Recharge Areas) are amended as set forth in Exhibit C attached hereto and by this reference fully incorporated herein:

- FMC 22.94.010 Critical aquifer recharge areas designation,
- FMC 22.94.030 Location and designation of critical aquifer recharge areas,
- FMC 22.94.050 Critical area report – Additional requirements for critical aquifer recharge areas, and
- FMC 22.94.080 Uses prohibited from critical aquifer recharge areas.

Section 4. FMC Chapter 22.97 (Fish and Wildlife Habitat Conservation Areas) Amendments. The following sections of Fircrest Municipal Code Chapter 22.97 (Fish and Wildlife Habitat Conservation Areas) are amended as set forth in Exhibit D attached hereto and by this reference fully incorporated herein:

- FMC 22.97.010 Designation of fish and wildlife conservation areas,
- FMC 22.97.020 Critical area report – Additional requirements for habitat conservation areas,
- FMC 22.97.030 Performance standards – General requirements, and
- FMC 22.97.040 Performance standards – Specific habitats.

Section 5. FMC Chapter 22.98 (Definitions) Amendments. The following sections of Fircrest Municipal Code Chapter 22.98 (Definitions) are amended as set forth in Exhibit E attached hereto and by this reference fully incorporated herein:

- FMC 22.98.179 Critical aquifer recharge area,
- FMC 22.98.285 Fish and wildlife habitat conservation areas,
- FMC 22.98.298 Frequently flooded areas,
- FMC 22.98.447 Mitigation,
- FMC 22.98.579 Qualified professional,
- FMC 22.98.623 Seismic hazard areas, and
- FMC 22.98.753 Wellhead protection area (WHPA).

Section 6. FMC Chapter 22.100 (Geologically Hazardous Areas) Amendments. The following sections of Fircrest Municipal Code Chapter 22.100 Geologically Hazardous Areas) are amended as set forth in Exhibit F attached hereto and by this reference fully incorporated herein:

- FMC 22.100.010 Designation of geologically hazardous areas,
- FMC 22.100.020 Designation of specific hazard areas,
- FMC 22.100.040 Mapping of geologically hazardous areas, and
- FMC 22.100.050 Activities allowed in geologically hazardous areas.

Section 7. FMC Section 22.98.080, Repealed. Fircrest Municipal Code Section 22.98.080 (Aquifer, confined) is hereby repealed in its entirety.

Section 8. FMC Section 22.98.180, Repealed. Fircrest Municipal Code Section 22.98.180 (Critical area inventory maps) is hereby repealed in its entirety.

Section 9. FMC Section 22.98.350, Repealed. Fircrest Municipal Code Section 22.98.350 (Hyporheic zone) is hereby repealed in its entirety.

Section 10. FMC Section 22.98.544, Repealed. Fircrest Municipal Code Section 22.98.544 (Porous soil types) is hereby repealed in its entirety.

Section 11. FMC Section 22.98.752, Repealed. Fircrest Municipal Code Section 22.98.752 (Well) is hereby repealed in its entirety.

Section 12. FMC Section 22.98.785, Repealed. Fircrest Municipal Code Section 22.98.785 (Zone of contribution) is hereby repealed in its entirety.

Section 13. Severability. If any section, sentence, clause, or phrase of this title shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this title.

Section 14. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after such publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 22nd day of September, 2026.

APPROVED:



Nikki Bufford, Mayor

ATTEST:



Arlette Burkhardt, City Clerk

APPROVED AS TO FORM:



Joanna Eide, City Attorney

Publication Date:

Effective Date: