

**BOARD OF COUNTY COMMISSIONERS
of Stevens County, Washington**

Ordinance No. 2012- 01

Stevens County Development Regulations, Title 3, Zoning Map Amendment

WHEREAS, this ordinance, adopting zoning map amendment REZ 2011-002 to the Stevens County Development Regulations, Title 3, contains three different sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Findings
- Section III - Final Decision and Signatures

Section I--Procedural Findings

WHEREAS, Stevens County opted in to the Growth Management Act (GMA), RCW 36.70A on September 28, 1993, pursuant to Resolution #112-1993. RCW 36.70A.040 requires Counties to adopt a Comprehensive Land Use Plan and related development regulations; and

WHEREAS, The Stevens County Comprehensive Land Use Plan was adopted on July 11, 2006 pursuant to Resolution 59-2006; and

WHEREAS, The Stevens County Development Regulations, SCC Title 3, became effective July 12, 2007, pursuant to Ordinance 2007-01; and

WHEREAS, A "Notice of Complete Application With Optional DNS" was mailed December 30, 2011, to 23 property owners within 300 feet, agencies and service providers Legal notice was published in the *Chewelah Independent* January 5 and 12, 2012. An Affidavit of Publication is on file. Project information was posted on the Land Services website as required by SCC 3.30.125; and

WHEREAS, Pursuant to SCC 3.30 and 3.80, Stevens County Land Services conducted an environmental review in conjunction with the Notice of Application. A Determination of Non-Significance (DNS) was issued concurrently with the Board of County Commissioners action. Legal notice for the SEPA DNS was published in the *Chewelah Independent* along with the Board of Commissioners Notice of Decision; and

WHEREAS, The Stevens County Hearing Examiner held a public hearing on January 25, 2012, to consider the matter. The Hearing Examiner made findings of fact and recommended that the proposal be approved by the Board of County Commissioners; and

WHEREAS, The Stevens County Board of Commissioners held an open record public hearing on February 14, 2012 to consider the application. An opportunity for public testimony was given. The Board of County Commissioners closed the record to further written and oral comment at the conclusion of public testimony portion of the hearing; and

WHEREAS, The Board of County Commissioners fully considered the record and on February 14, 2012, the Board of County Commissioners reviewed and signed this Ordinance.

Section II--Findings

WHEREAS, The matter to be considered is REZ 2011-002, a proposal submitted by Onion Creek LLC, a successor in interest to Hemphill Brothers, Inc., to rezone approximately 195 acres from the Rural 10-acre zone to the Rural 5-acre zone. The property is described as that portion of Government Lots 1 and 2 lying East of State Highway 25 in Section 13 and Government Lot 5, the E1/2 of the SW1/4, the SW1/4 of the SW1/4 and that portion of Government Lot 6, lying East of the State Highway 25 in Section 14, all in Township 39 North, Range 39 East, W.M., in Stevens County, Washington. Tax Parcel Numbers 2375200 and 2375400. Site Address: 3800 Block of Hwy 25 N, Northport, WA

WHEREAS, The Board of County Commissioners entered the following specific findings of fact for the proposed amendment:

1. On October 12, 2011, Stevens County Land Services received a complete application from Onion Creek, LLC, a successor in interest to Hemphill Brothers, to rezone approximately 195 acres from the Rural 10-acre zone to the Rural 5-acre zone.
2. The Land Services Department has given proper legal and public notice pursuant to SCC 3.30.120.
3. The Stevens County Hearing Examiner held a public hearing on January 25, 2012. The Hearing Examiner heard testimony, reviewed the file and recommends to the Board of County Commissioners that the proposed amendment be approved.
4. The proposal is consistent with the goals and policies of the Comprehensive Plan.
5. The proposed project is not within a Subarea Plan.
6. Environmental impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions.
7. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses in the proposed zoning classification.
8. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification, or because the proposed classification is appropriate for reasonable development of the subject property.
9. The reclassification does not reflect special treatment of the subject property.
10. The reclassification would promote the general health, safety and welfare of the community.
11. Any future development of the property will have to comply with the applicable Stevens County Development Regulations and Critical Areas regulations, as well as other local, state, or federal regulations.
12. The Board of County Commissioners finds that additional conditions are not necessary to protect the public's interest.

Section III – Final Decision and Signatures

IT IS ORDAINED that the Board of County Commissioners, hereby approves REZ 2011-002, a proposal submitted by Onion Creek LLC, a successor in interest to Hemphill Brothers, Inc., to rezone approximately 195 acres from the Rural 10-acre zone to the Rural 5-acre zone. The property is described as that portion of Government Lots 1 and 2 lying East of State Highway 25 in Section 13 and Government Lot 5, the E1/2 of the SW1/4, the SW1/4 of the SW1/4 and that portion of Government Lot 6, lying East of the State Highway 25 in Section 14, all in Township 39 North, Range 39 East, W.M., in Stevens County, Washington. Tax Parcel Numbers 2375200 and 2375400. Site Address: 3800 Block of Hwy 25 N, Northport, WA. (See attached map.)

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause or phrase of this resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

BE IT FURTHER ORDAINED this Ordinance shall be published in the official newspaper of the County, and shall take effect and be in full force on the first date of publication.

Adopted by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 14th day of February, 2012.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

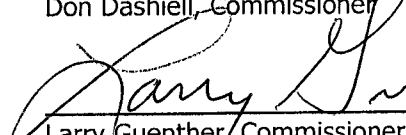
**BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON**



Malcolm Friedman, Chairman




Don Dashiell, Commissioner



Larry Guenther, Commissioner

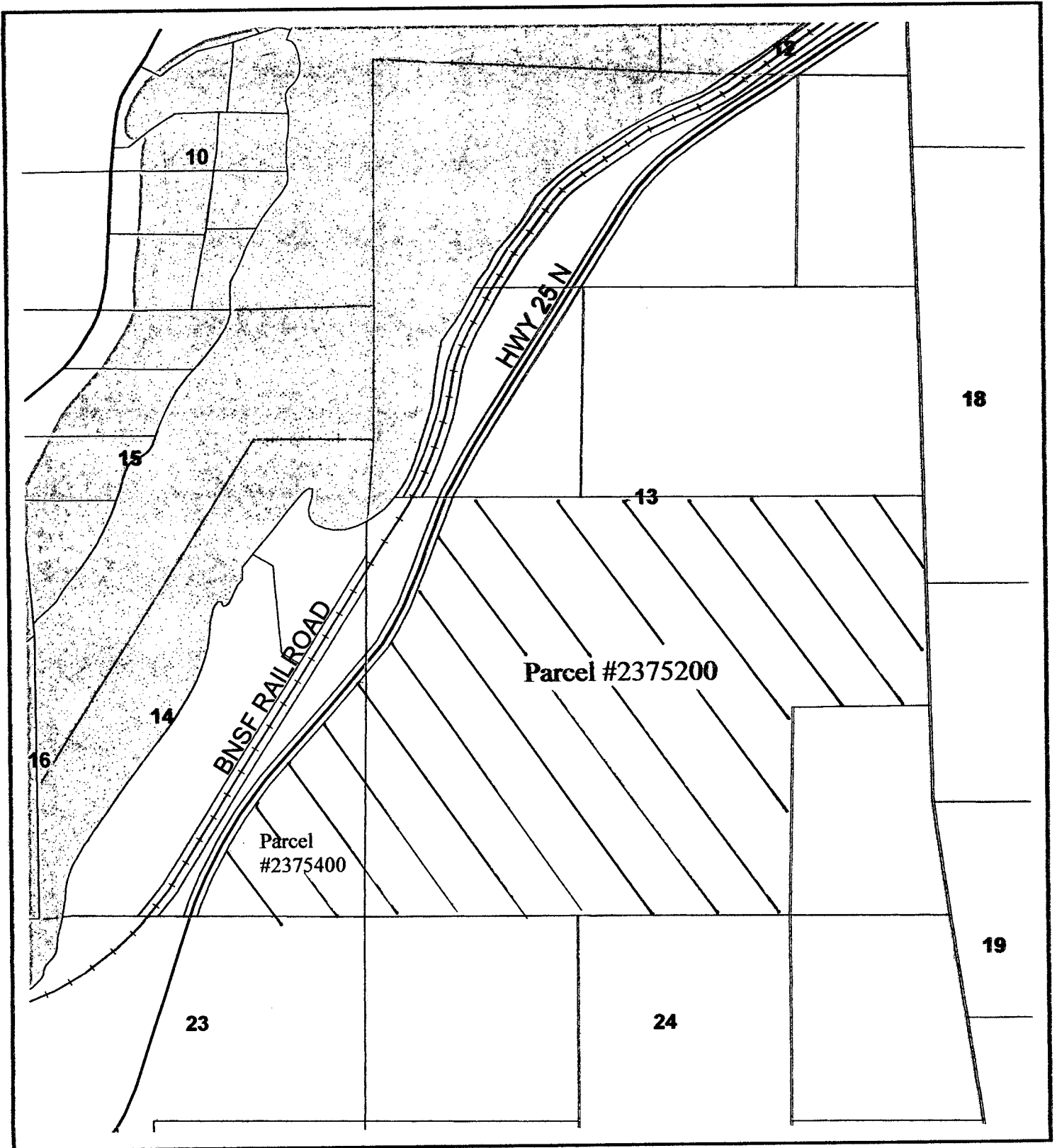


ATTEST:



Polly Coleman
Clerk of the Board

Parcel Map for REZ 2011-002 in Sec. 13 & 14, Twp. 39 N, Rge. 39 EWM for Onion Creek LLC









Disclaimer:

This GIS Data is deemed reliable but provided "as is" without warranty of any representation of accuracy, timeliness, reliability or completeness. These map documents do not represent a legal survey of the land and are for graphical purposes only. Use of this Data for any purpose should be with acknowledgment of the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction, and update.

Prepared by Stevens County Planning on 2/14/2012

1 Inch = 800 Feet

Legend

-  Parcels
-  State Highway
-  Paved Road
-  City Street
-  Railroad
-  Lakes2011

