

BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF)
GROWTH MANAGEMENT)
))
) **ORDINANCE NO.** 2012-05
) **APPROVAL OF ADDITIONS AND AMENDMENTS**
) **TO DEVELOPMENT REGULATIONS TITLE 3**
) **ADD SCC 3.11.225 AND SCC 3.16.225**
) **AMEND SCC 3.11.230(H) AND 3.16.232(H)**

WHEREAS, the Board finds that on July 12, 2007, Stevens County adopted Stevens County Code, Title 3, by Ordinance 2007-01; and

WHEREAS, the Board finds that amendments were made to Stevens County Code, Title 3 by Ordinance #2008-01 on February 21, 2008 and by Ordinance #08-2003 on August 7, 2008;

WHEREAS, the Board finds that the Eastern Washington Growth Management Hearings Board (EWGMHB) issued an Order on October 6, 2008 for Case #07-1-0013 finding portions of Title 3 out of compliance with the Growth Management Act; and

WHEREAS, the Board finds that Stevens County adopted language for SCC 3.11.230(H) and 3.16.232(H) under Ordinance #03-2009 on February 4, 2009; and

WHEREAS, the Board finds that the Eastern Washington Growth Management Hearings Board issued a First Order On Compliance on April 16, 2009 for Case #07-1-0013 finding the language adopted under Ordinance #03-2009 was out of compliance with the Growth Management Act; and

WHEREAS, the EWGMHB First Order on Compliance was upheld on judicial review, the Board now desires to make a permanent amendments to Stevens County Title 3.11 and 3.16 in order to comply with the Hearings Board order; and

WHEREAS, the Board finds that pursuant to SCC 3.31.040.G, proper notice was given to the public, the Department of Commerce, various state agencies as required by the Department of Commerce and interested parties and that legal notice was published in the *Chewelah Independent*; and

WHEREAS, the Board held an open record hearing on September 25, 2012, opportunity was given for public testimony and the hearing was continued to October 30, 2012 to allow additional time for agency comment and staff review of comments; and

WHEREAS, the Board finds that after a review of the comments submitted, revisions to the proposed amendments to SCC 3.11.230(H), 3.11.225, 3.16.232(H) and 3.16.225 were warranted and directed the Land Services Department to seek comment on those revisions, and

WHEREAS, the Board finds that proper public notice regarding the revised amendments to SCC 3.11.230(H), 3.11.225, 3.16.232(H) and 3.16.225 was given to the Department of Commerce, other state agencies and interested parties and that legal notice of the amendments was published in the *Chewelah Independent*; and

WHEREAS, the Board held a continued open record public hearing on November 20, 2012, opportunity was given for public testimony and all written comments were considered; and

- WHEREAS,** on November 20, 2012 the Board closed the public comment, continued the Hearing to December 3, 2012 and directed Land Services staff to consider the record and prepare the amended language for adoption; and
- WHEREAS,** the Board finds that the record includes best available science that demonstrates functions and values of critical areas are not typically degraded by runoff from impervious surfaces covering less than ten percent of a watershed; and
- WHEREAS,** the Board finds, based on current zoning and the recent land quantity analysis conducted in Water Resource Inventory Area (WRIA) 59, that impervious surface coverage does not and will not approach ten percent for any basin or sub-basin in Stevens County now or in the foreseeable future; and
- WHEREAS,** the Board finds no evidence in the record that shows the functions or values of any critical area in Stevens County has been or will be degraded by runoff from existing impervious surfaces, but that functions and values of critical areas may be adversely impacted by individual development proposals that are not properly mitigated; and
- WHEREAS,** the Board finds, having made a reasoned decision based on review of the entire record and in consideration of local circumstances, that existing functions and values of critical areas are protected by the methods adopted herein; and
- WHEREAS,** the Board finds additional environmental review is not required pursuant to RCW 43.21C.450.3(a) and WAC 197-11-230(3).

NOW, THEREFORE, IT IS HEREBY ORDAINED, THAT

Having fully considered the record, the Stevens County Board of Commissioners finds that the record supports the adoption of the following amendments to Stevens County Code, Title 3:

SCC 11.230(H) is amended to read: "When critical areas may be impacted, ensure that lot design protects the functions and values of critical areas from potential impacts created by impervious surfaces and storm water run-off consistent with SCC Title 13, SCC 3.04.020, and SCC 3.80."

NEW SECTION

SCC 3.11.225 STORM WATER AND IMPERVIOUS SURFACE MANAGEMENT

A storm-water/impervious surface review checklist must be submitted when:

- A. Critical areas are present or are within 200 feet of the project boundary and/or
- B. Proposed land disturbance exceeds 10% of the project area

The project proposal and checklist (if required) shall be reviewed consistent with SCC 13.30.032 to evaluate the potential adverse impacts from storm water/impervious surfaces to critical areas. If adverse impacts are identified, a storm-water/impervious surface management plan shall be submitted and approved prior to development activities. The plan shall be prepared by a qualified professional consistent with SCC 13.00.034 and SCC 3.04.020 to ensure the protection of the functions and values of critical areas.

SCC 3.16.232(H) is amended to read: "When critical areas may be impacted, ensure that lot design protects the functions and values of critical areas from potential impacts created by impervious surfaces and storm water run-off consistent with SCC Title 13, SCC 3.04.020 and SCC 3.80."

NEW SECTION

3.16.225 STORM WATER AND IMPERVIOUS SURFACE MANAGEMENT

A storm-water/impervious surface review checklist must be submitted when:

- A. Critical areas are present or are within 200 feet of the project boundary and/or
- B. Proposed land disturbance exceeds 10% of the project area


The project proposal and checklist (if required) shall be reviewed consistent with SCC Title 13.30.032 to evaluate the potential adverse impacts from storm water/impervious surfaces to critical areas. If adverse impacts are identified, a storm-water/impervious surface management plan shall be submitted and approved prior to development activities. The plan shall be prepared by a qualified professional consistent with SCC Title 13.00.034 and SCC 3.04.020 to ensure the protection of the functions and values of critical areas.

BE IT FURTHER ORDAINED, that this ordinance shall be published in the *Chewelah Independent*, the County's official newspaper, and shall take effect and be in full force on December 3, 2012.

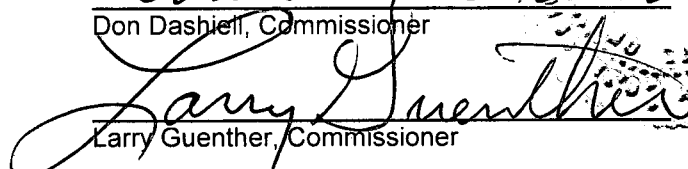
Adopted by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by the membership and attested to by its Clerk in authorization of such passage the 3rd day of December, 2012.

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

BOARD OF COUNTY COMMISSIONERS
STEVENS COUNTY, WASHINGTON

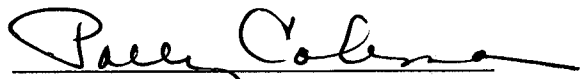

Malcolm Friedman, Chairman


Don Dashiell, Commissioner


Larry Guenther, Commissioner



ATTEST:
CLERK OF THE BOARD


Polly Coleman