

BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

**IN THE MATTER OF GROWTH
MANAGEMENT**

Ordinance No. 2013-03

Adoption of Comprehensive Plan Land Use Open
Space Policy LU/OS-4 Identification of Open Space
Corridors

Adoption of Identification of Open Space Corridors
Comprehensive Plan map

Adoption of the revision of the Logical Outer Boundary
of the West Kettle Falls LAMIRD Comprehensive Plan
map and Title 3 zoning map amendment

Adoption of the revision of the Logical Outer Boundary
of the Loon Lake LAMIRD Comprehensive Plan map
and Title 3 zoning map amendment

WHEREAS, Stevens County opted in to the Growth Management Act (GMA), RCW 36.70A on September 28, 1993 pursuant to Resolution 112-1993; 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 2007-001; and

WHEREAS, The identification of open space corridors, the logical outer boundary of the West Kettle Falls Limited Area of More Intense Development and the logical outer boundary of the Loon Lake Limited Area of More Intense Development are the subject of a citizen petition for review, under Eastern Washington Growth Management Hearings Board Case #06-1-0009c; and

WHEREAS, In response to the Eastern Washington Growth Management Hearings Board Final Decision and Order dated March 12, 2007, Order on Clarification, Reconsideration and Order on Invalidity dated June 12, 2007, Order on Compliance dated May 22, 2008 and Order on Motion for Reconsideration and Clarification dated June 25, 2008;

BE IT HEREBY ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF STEVENS COUNTY, WASHINGTON, AS FOLLOWS:

FINDINGS:

The Board of County Commissioners has made a reasoned decision on the proposed amendments after reviewing and deliberation upon the entire record and that the decision is supported by the following findings:

- . Proper notice and an opportunity to comment on the proposed amendments was given to affected property owners, required agencies and service providers and interested parties on April 4, 2013, July 18, 2013 and August 12, 2013. The comment period extended from April 4 to December 10, 2013.
- . Legal notice of the proposed amendments was published in the *Chewelah Independent*. Affidavits of Publication are in the record.
- . Notice of the proposed amendments was posted on the Land Services website. Evidence of said postings is found in the record.
- . Notice of Intent to Adopt Amendment was given on April 4, 2013 and October 24, 2013, to the WA Department of Commerce. These notices satisfy the 60 days prior to adoption requirement of RCW 36.70A.106. Evidence of said notices and DOC acknowledgement are found in the record.
- . A SEPA DNS, SEPA Checklist and Environmental Summary were issued for the proposed amendments on October 24, 2013, pursuant to the SEPA/GMA Integrated procedures pursuant to WAC 197-11. Evidence of the posting of the environmental review on the DOE SEPA Register is found in the record.
- . Legal notice of the SEPA Threshold Determination was published in the *Chewelah Independent*. An Affidavit of Publication is in the record.
- . For these proposed amendments to the Stevens County Comprehensive Plan and SCC Title 3, the record includes public comments, agency comments, County documents, attachments, and anything that was requested to be part of the record.
- . The County has reviewed and considered the record to ensure the proposed amendments are consistent with the Stevens County Comprehensive Plan and maintain a balance of the competing goals of the GMA.
- . Based on the record, the County has made a reasoned decision on the proposed amendments to the Comprehensive Plan and pursuant to RCW 36.70A.3201 the County has considered the record to harmonize the planning goals with local circumstances.
- . RCW 36.70A.160 requires counties to identify open space corridors within and between urban growth areas. The May 22, 2008, Order on Compliance, Issue #20, concluded that Stevens County had not properly identified open space corridors by failing to depict them on a map.
- . An Open Space Corridors map has been prepared to depict open space corridors within and between Urban Growth Areas consistent with the proposed amendment of Comprehensive Land Use Policy LU/OS-4.
- . Proposed Comprehensive Land Use Policy LU/OS-4 describes the types of land that may identified as open space corridors within and between UGAs as required in the May 22, 2008, Order on Compliance.

- . Open space corridors do not restrict the use or management of any lands identified in LU/OS-4 or depicted on the open space corridor map.
- . In accordance with RCW 36.70A.070(5)(d), Stevens County has designated various Limited Areas of More Intense Rural Development (LAMIRD).
- . The May 22, 2008, Order on Compliance, Issue #21, concluded that LAMIRDs designated at West Kettle Falls and Loon Lake do not comply with the statutory requirements of RCW 36.70A.070(5)(d)(iv).
- . Regarding the West Kettle Falls LAMIRD, the May 22, 2008, Order on Compliance, specifically identified the following designated areas and issues: 1) the industrial area North of Watertank/West Schreibner Road and West of Hwy 395; 2) the commercial area South of Hwy 395; 3) the industrial area West of Peachcrest, South of Hwy 395 and North of the settling pond; and 4) the residential area South of Schreibner Road located on both sides of Peachcrest.
- . The industrial area North of Watertank/West Schreibner Road and West of Hwy 395 in the West Kettle Falls LAMIRD includes the Avista power generation facility, which was constructed prior to 1993 to provide rural services. The property surrounding the Avista generation facility serves as a necessary buffer between the generation facility and existing residential uses. The buffer is an integral part of the existing industrial use and part of the predominant built environment. Removing the buffer lands from the designated LAMIRD would result in irregular boundaries.
- . The Stevens County Comprehensive Plan's Economic Development Policies are consistent with and encourage the inclusion of the existing industrial development within the West Kettle Falls LAMIRD.
- . The parcels in the commercial area South of Hwy 395 in the West Kettle Falls LAMIRD were all part of the built environment in 1993. The parcels include commercial uses such as a restaurant, building supply store, tire store, recycling center and a mobile home park. These uses serve the West Kettle Falls LAMIRD and surrounding rural areas.
- . The industrial area West of Peachcrest, South of Hwy 395 and North of the settling pond in the West Kettle Falls LAMIRD is a working railroad spur built prior to 1993. It provides service for existing industrial and commercial uses.
- . On judicial review, it was determined that platted lands may not be considered part of the built environment. In response, the County has proposed to amend the West Kettle Falls LAMIRD by removing 258 acres of predominantly platted lands in the residential area South of Schreibner Road located on both sides of Peachcrest. The remaining residential areas within the West Kettle Falls LAMIRD are part of the predominately built environment. There are adequate public services to meet the needs of the West Kettle Falls LAMIRD, including allowable infill.
- . Stevens County finds the West Kettle Falls LAMIRD is consistent with regional planning efforts. Stevens County specifically points to Ferry County's designation of Barney's Junction as a Rural Service Area. Barney's Junction contains commercial development, including a gas station, restaurant and fire hall, along with high-density rural development, including mobile home and RV parks. Ferry County and Stevens County share a common border. Barney's Junction and West Kettle Falls are commercially and economically interdependent.

- . Regarding the Loon Lake LAMIRD, the May 22, 2008, Order on Compliance, Issue #21, concluded that the County failed to “minimize and contain” the existing areas and uses within the LAMIRD by including undeveloped parcels within a boundary defined by existing roadways without due consideration of the predominantly built environment or the requirement to ensure adequate public services and facilities exist to serve the Loon Lake LAMIRD. In reaching this conclusion the Order on Compliance states: “Perhaps the most important criteria for this LAMIRD is the provision of public sewer and water because of its proximity to Loon Lake, a body of water already showing serious water quality problems.”
- . Proposed amendments to the Loon Lake LAMIRD establishes a logical outer boundary based predominately on the existing built environment and due consideration of available public facilities and services needed to serve the Loon Lake LAMIRD.
- . Ensuring the availability of public water and public sewer to property within the proposed logical outer boundary of the Loon Lake LAMIRD is an important aid in protecting the water quality of Loon Lake.
- . The Stevens County Public Utility District and Loon Lake Sewer District #4 have adequate existing capacity to serve the proposed LAMIRD, including infill consistent with existing uses, with public water and public sewer.
- . In multiple meetings with Department of Ecology and Department of Commerce staff, no significant environmental impacts were identified and no potential inconsistencies with GMA were identified. Agency staff present included the DOE SEPA coordinator, DOE shoreline manager, DOE water quality manager, DOE flood ordinance manager, DOE wetlands staff, and DOC Eastern Washington Senior Planner. No written comments have been received from these agencies, which changes the outcome of these meetings.
- . No written comments have been received from agencies regarding any potential deficiency in the DNS, SEPA checklist and Environmental Summary issued on October 24, 2013, in connection with the proposed amendments. Pursuant to WAC 197-11-545, lack of comment is interpreted as lack of objection to the environmental analysis.
- . Subarea planning in the Loon Lake area is addressed in the Stevens County Comprehensive Plan and an existing agreement between Stevens County and citizens of the Loon Lake area, pursuant to Hearings Board Stipulated Motion for Partial Dismissal and Continuation of Limited Issues, Case #07-1-0014c, sub-area planning will not occur until compliance efforts on Stevens County Comprehensive Plan and Development Regulations are completed.
- SCC Title 3.11.225 and 3.16.225, currently require a stormwater/impervious surface review checklist for all proposed subdivisions within 200 feet of a critical area and/or with proposed land disturbance that exceeds 10% of the project area to provide additional review to evaluate the potential adverse impact from stormwater and impervious surfaces.
- The establishment of the proposed Loon Lake LAMIRD could help facilitate the construction of a stormwater system, identified as an urban government service pursuant to RCW 36.70A.020(20), to further protect the water quality of Loon Lake.

NOW, THEREFORE BE IT ORDAINED:

That the Board of County Commissioners, after due deliberation, hereby adopts new Comprehensive Land Use Policy LU/OS-4, Identification of Open Space Corridors, which states:

"Open space corridors within and between Urban Growth Areas in Stevens County are identified as lands that provide recreation, trails, wildlife habitat and connection of critical areas. They are identified on the Open Space Corridors Map and include: trail systems, riparian corridors, wetlands and their associated buffers, publically owned lands, transportation corridors, and golf courses."

BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby adopt the Comprehensive Plan Identification of Open Space Corridors map, identified as Exhibit "A" and attached hereto.

BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby adopt the revised logical outer boundary Comprehensive Plan map and associated SCC Title 3 zoning map for the West Kettle Falls LAMIRD, identified as Exhibits "B" and "C" and attached hereto.

BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby adopt the revised logical outer boundary Comprehensive Plan map and associated SCC Title 3 zoning map for the Loon Lake LAMIRD, identified as Exhibits "D" and "E" and attached hereto.

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,

BE IT FURTHER ORDAINED that this ordinance shall take effect and be in full force on the date as signed hereon.

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 this 23rd day of December, 2013.

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

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



Donald Dashiell, Chairman

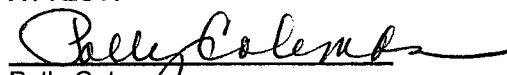


Wes McCart, Commissioner



Steve Parker, Commissioner

ATTEST:



Polly Coleman
Clerk of the Board