

**BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS**

**IN THE MATTER OF A  
LAND USE TEXT AMENDMENT TO THE  
UNIFIED DEVELOPMENT REGULATIONS  
TITLE 3**

**Ordinance No. 2016-03**

**Adoption of Land Use Text Amendment to Title 3 for Use  
Table for Recreational and Medical Marijuana;  
Decision Making Process for Auto Sales, Equipment  
Rental, Adult Family Homes and Wireless  
Telecommunication Towers;  
Application Requirements for Wireless  
Telecommunication Towers;  
Clarify Definitions of Adult Family Home and Assisted  
Living Facility  
Repealing Definition of Group Home  
Repealing Resolution #16-2016**

**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 2007-01; and

**WHEREAS,** The Comprehensive Plan and Development Regulations provide for an amendment process; and

**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 decision on the proposed text amendment based upon the following findings:

1. Land Use Text Amendment LUTA 2015-02 is a text amendment by Stevens County Land Services to amend the Unified Development Regulations, Title 3, for the following code sections:
  - a. Add new table SCC 3.03.100 Marijuana Land Uses, with the following uses:
    - i. include the retail sales of recreational and medical marijuana as a Permitted Use within the Business zone;
    - ii. include the production or processing of recreational or medical marijuana as a Permitted Use within the Business, Industrial, RA-5, RA-10, RA-20, AR-10, NR Agriculture and NR Forest zones and to prohibit production or processing on parcels containing less than 5 acres within the RA-5, RA-10, RA-20, AR-10, NR Agriculture and NR Forest zones;
    - iii. include the production or processing of medical marijuana for personal medical use as a Permitted Use within the R-1, R-2, Business, Industrial, RA-5, RA-10, RA-20, AR-10, NR Agriculture and NR Forest zones.
  - b. Revise SCC 3.03.040 to change the decision making process to a Permitted Use for "auto sales, rental and leasing" and "equipment rental" within the Business zone;
  - c. Revise SCC 3.03.060 to change the decision making process to a Permitted Use for "Adult Family Home" within the R-1, R-2, B, RA-5, RA-10, RA-20, AR-10, NR Ag and NR Forest zones;

- d. Revise SCC 3.03.080 to change the decision making process to a Permitted Use for "Wireless Telecommunication Facilities" in the Business, Industrial and NR Forest zones;
  - e. Repeal SCC 3.06.080.C.2 and SCC 3.06.080.C.3 regarding additional application requirements for wireless telecommunication facilities;
  - f. Revise SCC 3.06.080.C.4 to clarify when and whom should prepare an interference certification for wireless telecommunication facilities; and,
  - g. Revise SCC 3.90 to clarify the definition of "Adult Family Home" and "Assisted Living Facility" and to repeal the definition of "Group Home".
2. The proposed amendments remove inconsistencies with state law, adopt development regulations to reflect changes in the state law, to clarify portions of the County Code and to provide for the efficient processing of land use applications.
  3. Pursuant to SCC 3.30 and 3.31, proper notice and an opportunity to comment on the proposed text amendments was given to required agencies on January 21, 2016. Legal notice was published in the *Chewelah Independent* on January 21 and 28, 2016. The notice and associated file information was posted on the Land Services website. Evidence of this notice is in the project file.
  4. Pursuant to RCW 36.70A.106, notice of the proposed text amendments was given to the Department of Commerce, on January 20, 2016. The Department of Commerce acknowledged receipt of the materials (ID #22022) on January 21, 2016. This satisfied for a 60-day notice prior to adoption.
  5. Pursuant to SCC 3.31 and WAC 197-11-340, a SEPA DNS was issued for the proposed amendments on January 21, 2016 along with the Notice of Application. The SEPA DNS was posted on the DOE SEPA Register (Ecology SEPA Number 201600288). Legal notice for the SEPA DNS was published in the *Chewelah Independent* on January 21 and 28, 2016. Evidence of this notice is in the project file.
  6. No comments from agencies, service providers or members of the public were received regarding the proposal.
  7. The Stevens County Planning Commission considered the matter at a public hearing on February 11, 2016. Members of the public were present and an opportunity for public testimony was given. No members of the public testified regarding the amendments. After a review of the project information, the Planning Commission by a vote of five in favor and one opposed recommended that the Board of County Commissioners approve the amendments.
  8. Pursuant to SCC 3.31.050, the proposed amendments are consistent with and supported by applicable Comprehensive Plan policies.
  9. Pursuant to SCC 3.20.020, the proposed amendments are consistent with the decision criteria for development regulations text amendments.
  10. The Stevens County Board of Commissioners held an open record public hearing on February 23, 2016, to consider the application. An opportunity for public testimony was given. No members of the public testified regarding the proposal. The Board of County Commissioners closed the record to further written and oral comment and continued the hearing to March 29, 2016.

**NOW, THEREFORE BE IT ORDAINED,**

That the Board of County Commissioners, hereby approves Land Use Text Amendment LUTA 201-02 to amend the following code sections of the Unified Development Regulations, Title 3 (the full text of which is attached as "Exhibit "A"):

- a. Add new table SCC 3.03.100 Marijuana Land Uses, with the following uses:

- i. include the retail sales of recreational and medical marijuana as a Permitted Use within the Business zone;
  - ii. include the production or processing of recreational or medical marijuana as a Permitted Use within the Business, Industrial, RA-5, RA-10, RA-20, AR-10, NR Agriculture and NR Forest zones and to prohibit production or processing on parcels containing less than 5 acres within the RA-5, RA-10, RA-20, AR-10, NR Agriculture and NR Forest zones;
  - iii. include the production or processing of medical marijuana for personal medical use as a Permitted Use within the R-1, R-2, Business, Industrial, RA-5, RA-10, RA-20, AR-10, NR Agriculture and NR Forest zones.
- b. Revise SCC 3.03.040 to change the decision making process to a Permitted Use for "auto sales, rental and leasing" and "equipment rental" within the Business zone;
  - c. Revise SCC 3.03.060 to change the decision making process to a Permitted Use for "Adult Family Home" within the R-1, R-2, B, RA-5, RA-10, RA-20, AR-10, NR Ag and NR Forest zones;
  - d. Revise SCC 3.03.080 to change the decision making process to a Permitted Use for "Wireless Telecommunication Facilities" in the Business, Industrial and NR Forest zones;
  - e. Repeal SCC 3.06.080.C.2 and SCC 3.06.080.C.3 regarding additional application requirements for wireless telecommunication facilities;
  - f. Revise SCC 3.06.080.C.4 to clarify when and whom should prepare an interference certification for wireless telecommunication facilities; and,
  - g. Revise SCC 3.90 to clarify the definition of "Adult Family Home" and "Assisted Living Facility" and to repeal the definition of "Group Home".

**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 April 7, 2016.

**BE IT FURTHER ORDAINED** that Resolution #16-2016, adopting interim zoning controls for the siting and development of production, processing and retail sales facilities for recreational and medical marijuana is hereby repealed.

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 29<sup>th</sup> day of March, 2016.

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

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

  
\_\_\_\_\_  
Don Dashiell, Chairman

  
\_\_\_\_\_  
Wes McCart, Commissioner

  
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Steve Parker, Commissioner

ATTEST:   
Clerk of the Board  
Ordinance #2016-03

Exhibit "A" of Ordinance 2016-03  
 Affected Sections from Unified Development Regulations, Title 3

**Proposal 1: Add SCC 3.03.100 Marijuana (recreational and medical) Land Uses Table as follows**  
 SCC 3.03.100 Marijuana (Recreational and Medical) Land Uses

Land Use/Activity	Zoning Classifications									Overlay Zones		
	R-1 and R-2	B	I	RA-5	RA-10	RA-20	AR-10	F	A	Cross-roads	Small Resort	MPR & FCC
Marijuana Retail Sales Recreational or Medical		P										
Marijuana Production, Recreational or Medical		P	P*	P*	P*	P*	P*	P*	P*			
Marijuana Processing Recreational or Medical		P	P*	P*	P*	P*	P*	P*	P*			
Marijuana, Production or Processing for Personal Medical Use	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted                      C = Conditional Use                      AC = Administrative Conditional Use

\*Production and/or processing, other than for Personal Medical Use, is prohibited on parcels containing less than 5 acres in these zones.

**Proposal 2: Revise SCC 3.03.040 Rural Business, Business Services and Government Land Uses Table as follows**

SCC 3.03.040 Rural Business, Business Services and Government Land Uses

Land Use/Activity	Zoning Classifications									Overlay Zones		
	R-1 and R-2	B	I	RA-5	RA-10	RA-20	AR-10	F	A	Cross-roads	Small Resort	MPR & FCC
Auto Sales, Rental and Leasing		P	P									
Equipment Rental		P	P									

**Proposal 3: Revise SCC 3.03.060 Personal & Health Services and Schools Uses Table as follows**

SCC 3.03.060 Personal & Health Services and Schools

Land Use/Activity	Zoning Classifications									Overlay Zones		
	R-1 and R-2	B	I	RA-5	RA-10	RA-20	AR-10	F	A	Cross-roads	Small Resort	MPR & FCC
Adult Family Home	P	P		P	P	P	P	P	P			

**Proposal 4: Revise SCC 3.03.080 Regional Facilities & Essential Public Facilities Table as follows**

SCC 3.03.080 Regional Facilities & Essential Public Facilities

Land Use/Activity	Zoning Classifications									Overlay Zones		
	R-1 and R-2	B	I	RA-5	RA-10	RA-20	AR-10	F	A	Cross-roads	Small Resort	MPR & FCC
Wireless Telecommunications Facilities	AC	P	P	AC	AC	AC	AC	P	AC	AC	AC	P

**Proposal 5: Repeal SCC 3.06.080.C.2 and SCC 3.06.080.C.3, which read as follows**

SCC 3.06.080.C.2: A report prepared by a licensed professional engineer demonstrating compliance with applicable structural standards of the current building codes and describing the general structural capacity of any proposed transmission structure(s).

SCC 3.06.080.C.3: A landscape plan, indicating the type and location of plant materials that will be used to screen to facility.

**Proposal 6: Revise SCC 3.06.080.C.4, for clarification purposes, to add the underlined text**

*"If the proposed new wireless support structure is within one mile of an existing support structure, interference certification, prepared by licensed radio frequency engineer as a neutral third party, certifying that the antenna will not interfere with adjacent or neighboring transmission or reception functions of other communication facilities is required."*

**Proposal 7: Revise SCC 3.90 Definitions to clarify the definition of "Adult Family Home" and "Assisted Living Facility" and repeal the definition of "Group Home", as follows:**

*Change "ADULT FAMILY HOME" definition to be consistent with RCW 70.128.010 to read: "a residential home in which a person(s), partnership, corporation, association or limited liability company licensed by the Department of Social and Health Services, provide personal care, special care, room and board to more than one but not more than six adults (persons who have attained the age of eighteen years), who are not related by blood or marriage to the providing the services."*

*Change "ASSISTED LIVING FACILITY" definition to be consistent with RCW 18.20.020 to read: "a home or other institution, which is licensed by the Department of Social and Health Services for the purpose of providing housing, basic services and assuming general responsibility for the safety and well-being of the residents and may provide domiciliary care, consistent with RCW 18.20.020. "Assisted living facility" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any independent senior housing, independent living unit in continuing care retirement community or other similar living situations including those subsidized by the Department of Housing and Urban Development."*

*Repeal "GROUP HOME" definition which is defined as "a home providing residential facilities in a homelike environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere."*