

**BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS**

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

**Resolution No. 26-2016**

**Declined Text Amendment to Title 3 to repeal  
"Septage Facilities" from SCC 3.03.080 Use Table and  
include the use as a "Sewer and Water Facilities"  
Declined Text Amendment to Title 3 to amend SCC  
3.11.022 and SCC 3.16.022 to allow "Public Purpose  
Segregations"**

- 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 amendments based upon the following findings:

1. Land Use Text Amendment LUTA 2015-01 is a proposed text amendment by Stevens County Public Utility District to amend the Unified Development Regulations, Title 3, for the following code sections:
  - a. Revise SCC 3.03. 080 to change the decision making process for "Septage Facilities" to a "Conditional Use" from an "Administrative Conditional Use" in the Industrial, RA-5, RA-10, RA-20, AR-10, NR Forest and NR Agricultural zones. (As proposed on the application.)
  - b. Add new Section 3.11.022 and 3.16.022, "Public Purpose Segregation" to allow an exception to the minimum parcel size for the purpose of creating non-residential sites for public facilities, such as public water well sites, pumphouses, storage tanks and sewer lift stations.
2. Pursuant to SCC 3.30 and 3.31, proper notice and an opportunity to comment on the proposed text amendments were 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.
3. 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 #22021) on January 21, 2016. This satisfied for a 60-day notice prior to final action.
4. 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.

5. One comment from the Department of Ecology was received concerning the proposal. The Department outlined the State permitting process for Septage Facilities. The Department did not express an opinion regarding whether the decision making process should be changed. No other comments from agencies, service providers or members of the public were received regarding the proposals.
6. Members of the public were present and an opportunity for public testimony was given at a public hearing on February 11, 2016 before the Stevens County Planning Commission. Four persons, including the proponent testified in favor of the proposed amendments.
7. During the public testimony, Mr. Dick Price, of the Stevens County Public Utility District, presented a letter of request to revise the proposal concerning "Septage Facilities". The letter requested that "Septage Facilities" be deleted from the use tables with the understanding that septage facilities be included as a use under "Sewer and Water Facilities".
8. The Stevens County Planning Commission considered the proposed text amendments. After a review of the project information, the Planning Commission formed two motions. The Planning Commission moved to recommend to the Stevens County Board of Commissioners that the revised proposal to delete septage facilities from the use table and combine septage facilities with sewer and water facilities. The motion passed unanimously. The Planning Commission moved to recommend that the proposal to add a "Public Purposes Segregation" exception to the platting code be denied and that the provision be reconsidered as a part of the update to the code in 2018. The motion passed unanimously.
9. 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. One member of the public testified in favor of the proposal. The Board of County Commissioners closed the record to further written and oral comment regarding the proposed amendment for "Public Purpose Segregations". The Board of County Commissioners elected to continue receiving comment on the revised proposal regarding "Septage Facilities" and directed staff to advertise the continuation. The public hearing was continued to March 29, 2016.
10. Legal notice of the revised proposal regarding "Septage Facilities" was published in the *Chewelah Independent* on March 3 and 10, 2016. Notice of the continued comment was posted on the Land Services website. Notice of the revised proposal was sent to Commerce on February 25, 2016. Evidence of these actions is in the project file.
11. No comments have been received regarding the revised proposal.
12. Pursuant to SCC 3.31.050, the proposed amendments are not consistent with and supported by applicable Comprehensive Plan policies.
13. Pursuant to SCC 3.20.020, the proposed amendments are not consistent with the decision criteria for development regulations text amendments.
14. The Stevens County Board of Commissioners held a continued hearing on March 29, 2016. An opportunity for public testimony was given. No members of the public testified regarding the revised proposal. The Board of County Commissioners closed the record to further written and oral comment.
15. The Stevens County Board of Commissioners reviewed the record and deliberated on the proposed amendments. After fully considering the matters, the Board voted to decline the proposed amendments.

**NOW, THEREFORE BE IT ORDAINED,**

That the Board of County Commissioners, after considering the record and due deliberation, hereby declines Land Use Text Amendment LUTA 2015-01, submitted by the Stevens County Public Utility District to amend the Unified Development Regulations, Title 3, for the following code sections:

- a. As proposed in the original application: Revise SCC 3.03. 080 to change the decision making process for "Septage Facilities" to a "Conditional Use" from an "Administrative Conditional Use" in the Industrial, RA-5, RA-10, RA-20, AR-10, NR Forest and NR Agricultural zones; and  
As revised at the Planning Commission hearing: Revise SCC 3.03.080 to delete "Septage Facilities" from the use table and to include the use as under "Sewer and Water Facilities".
- b. Add new Section 3.11.022 and 3.16.022, "Public Purpose Segregation" to allow an exception to the minimum parcel size for the purpose of creating non-residential sites for public facilities, such as public water well sites, pumphouses, storage tanks and sewer lift stations.

**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 Resolution or its application to other persons or circumstances.

**BE IT FURTHER ORDAINED** notice of this Resolution shall be published in the official newspaper of the County, and shall take effect on April 7, 2016.

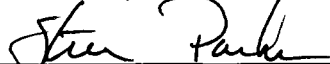
Adopted by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 29<sup>th</sup> day of March, 2016.

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

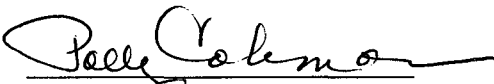
**BOARD OF COUNTY COMMISSIONERS  
OF STEVENS COUNTY, WASHINGTON**

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

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

  
\_\_\_\_\_  
Steve Parker, Commissioner

**ATTEST:**

  
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Polly Coleman  
Clerk of the Board