BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF AMENDING STEVENS COUNTY CODE, TITLE 3, DEVELOPMENT REGULATIONS, SECTIONS 3.06.080.C.2 AND 3.06.080.D.4

Ordinance No. 2018-02

ADOPTING INTERIM ZONING ORDINANCE AND INTERIM OFFICIAL CONTROL TO REMOVE AND REPEAL STEVENS COUNTY CODE, TITLE 3, DEVELOPMENT REGULATIONS, SECTIONS 3.06.080.C.2 AND SECTION 3.06.080.D.4

WHEREAS, the Board finds that RCW 36.70.795 and RCW 36.70A.390 authorize local governments to adopt interim zoning ordinances and interim official controls as an emergency measure to protect public health welfare and safety; and

WHEREAS, the Board finds that properly regulated Wireless Telecommunication Facilities are necessary to protect public health welfare and safety; and

WHEREAS, the Board finds that in Case ACU 2017-005, Desert Winds v. NCI Datacom, the Office of the Hearings Examiner for Stevens County ruled that the requirements of Stevens County Code (SCC) 3.06.080.C.2 address subject matter that falls under the jurisdiction of the Federal Communications Commission (FCC), and

WHEREAS, the Board finds that in Case ACU 2017-005, Desert Winds v. NCI Datacom, the Office of the Hearings Examiner for Stevens County ruled that applicants for a conditional use permit to construct Wireless Telecommunication Facilities must comply with SCC 3.06.080.C.2, and

WHEREAS, the Board finds that SCC 3.06.080.C.2 and SCC 3.06.080.D.4, interferes with proper regulation of Wireless Telecommunication Facilities in Stevens County, because the County lacks jurisdiction to impose the requirements contained therein, and

WHEREAS, the Board finds, based on the rate of prior applications to construct Wireless Telecommunication Facilities, that additional applications are likely to be submitted before SCC 3.06.080.C.2 can be repealed in the ordinary course, and

WHEREAS, the Board finds that this interim zoning ordinance and interim official control is necessary as an emergency measure for the protection of the public health, welfare and safety; and

WHEREAS, the Board finds that this interim zoning ordinance and interim official control is categorically exempt from the State Environmental Policy Act (SEPA) as a text amendment that results in no substantive changes respecting use of modification the environment because the subject matter of SCC 3.06.080.C and SCC 3.06.080.D.4. falls within the regulatory jurisdiction of the FCC. WAC 197-11-800(19)(b).

WHEREAS, the Board finds that RCW 36.70.795 and RCW 36.70A.390 require the County to hold a public hearing on the subject within sixty (60) days of the interim zoning ordinance approval; and

WHEREAS, the Board approves these findings of fact as justification for the adoption of this interim zoning ordinance and interim official control.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED

1. Revision to Land Use Code. Stevens County Code, Title 3, Development Regulations, Sections 3.06.080.C.2 and 3.06.080.D.4 are repealed.

Ordinance 2018-02
2. Time Period of Interim Zoning Control and Interim Official Control. 
The interim zoning control shall be for a maximum of six months from the effective date of this 
ordinance. This interim zoning control and interim official control may be renewed for additional six 
month periods pursuant to RCW 36.70.795 and RCW 36.70A.390.

If any provision of this ordinance or its application to any person, entity or circumstance is for any 
reason held invalid, the remainder of the ordinance, or the application of the provisions to other 
persons, entities or circumstances is not affected.

4. Effective Immediately. 
This interim zoning ordinance and interim official control is an emergency measure that is necessary 
for the protection of the public health, public safety, public property, or public peace, shall be effective 
immediately upon its passage.

Passed 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 2nd day of January, 2018.

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

BOARD OF COUNTY COMMISSIONERS OF 
STEVENS COUNTY, WASHINGTON

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