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. 2018-04

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3.06.080.C.2 can be repealed in the ordinary course, and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.

Ordinance 2018-04
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.

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 upon expiration of Ordinance No. 2018-02
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 upon expiration of Ordinance No. 2018-02 on July 2, 2018.

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 25th day of June, 2018.

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

BOARD OF COUNTY COMMISSIONERS OF
STEVENS COUNTY, WASHINGTON

Chairman Wes McCarl
Commissioner Don Dashiell
Commissioner Steve Parker

Attest:

Polly Coleman
Clerk of the Board