BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

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

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Land Use Text Amendment to Title 3
Repeal SCC 3.06.080.C.2 and SCC 3.06.080.D.4 Wireless Communications Interference Certifications

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 2018-01 is a text amendment to repeal:
   SCC 3.06.080.C.2 which states: “If the proposed new wireless support structure is within one mile of an existing support structure, interference certification, prepared by a 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.
   SCC 3.06.080.D.4 which states: “Electromagnetic Field (EMF)/Radio Frequency (RF) Emissions. Installation of a wireless communication facility shall conform to EMF and RF standards established by the FCC. The telecommunication service provider shall submit a certification of compliance with applicable standards prepared by a licensed RF engineer.”

2. Pursuant to SCC 3.30 and 3.31, proper notice and an opportunity to comment on the text amendment was given to required agencies on November 20, 2018. Legal notice was published in the Chewelah Independent on November 21 and 28, 2018. The notice and associated file information was posted on the Land Services website. Evidence of these actions are in the project file.

3. Pursuant to RCW 36.70A.106, notice of the text amendment was given to the Department of Commerce, on November 20, 2018. The Department of Commerce acknowledged receipt of the materials (ID #25508) on November 20, 2018.

4. Pursuant to SCC 3.31 and WAC 197-11-800(19)(b), Stevens County determined that the text amendment was categorically exempt from the State Environmental Policy Act (SEPA). The proposed text amendment results in no substantive changes respecting the use or modification of the environment because the subject matter relates solely to procedural actions. Notice of this determination was given to the DOE SEPA Register and circulated with the Notice of Public Participation. Legal notice of the determination was published in the Chewelah Independent along with the Notice of Public Participation.

5. One comment, from NCI Datacom, Inc., in support of the amendment was received. No other comments from agencies or service providers were received regarding the proposal.

6. The Stevens County Planning Commission considered the matter at a public hearing on December 6, 2018. No members of the public were present. After a review of the project information and discussion of the comment, the Planning Commission by a unanimous vote recommended that the Board of County Commissioners approve the amendment.
7. Pursuant to SCC 3.31.050, the proposed amendment is consistent with and supported by applicable Comprehensive Plan policies.
8. Pursuant to SCC 3.20.020, the proposed amendment is consistent with the decision criteria for development regulations text amendments.
9. The Stevens County Board of Commissioners held an open record public hearing on January 15, 2019, 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 January 22, 2019.

NOW, THEREFORE BE IT ORDAINED,

That the Board of County Commissioners, hereby approves Land Use Text Amendment LUTA 2018-01 to repeal SCC 3.06.080.C.2 and SCC 3.06.080.D.4 from Stevens County Code, Title 3. The text to be repealed is as follows:

SCC 3.06.080.C.2: “If the proposed new wireless support structure is within one mile of an existing support structure, interference certification, prepared by a 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.

SCC 3.06.080.D.4: “Electromagnetic Field (EMF)/Radio Frequency (RF) Emissions. Installation of a wireless communication facility shall conform to EMF and RF standards established by the FCC. The telecommunication service provider shall submit a certification of compliance with applicable standards prepared by a licensed RF engineer.”

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 Chewelah Independent, the official newspaper of the County, and shall take effect and be in full force on the date 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 the 3rd day of January 2019.

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

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON

Wes McCart, Chairman
Don Dashiell, Commissioner
Steve Parker, Commissioner

ATTEST:

Kelly Coleman
Clerk of the Board

Ordinance 2019-04