




# STEVENS COUNTY LAND SERVICES

## Notice of Decision

**To:** Dept. of Ecology, SEPA Register  
Dept. of Ecology, Eastern Regional Office  
Dept. of Natural Resources, NE Region  
Dept. of Natural Resources, SEPA Center  
US Army Corps of Engineers  
Dept. of Fish and Wildlife  
Stevens County Public Works Department  
FAA, NW Mtn Region

Building Division, Land Services Dept.  
Stevens County Fire Marshal  
Northeast Tri-County Health District  
Valley School District No. 70  
Avista  
Qwest Communications  
Lupito Flores, KYRS Station Manager

**From:** Paulette Yochum, Planner 

**Date:** August 18<sup>th</sup>, 2010

**Subject:** Notice for ACU 2010-007

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Enclosed please find a DNS and Final Decision for the referenced project permit application. Copies of the submitted application, environmental checklist, and other related materials were routed to you with the Notice of Application on July 21<sup>st</sup>, 2010. If you did not receive any of these documents, or require additional information, please contact our office.

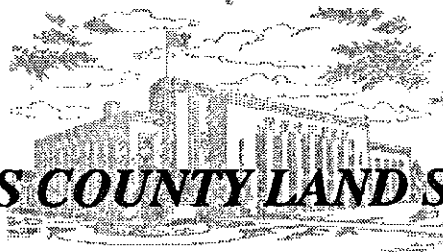
Pursuant to SCC 3.30.210, any person with standing may appeal this decision to the Stevens County Hearing Examiner within 14 calendar days of the issuance of the decision. Appeals must be filed with the Planning Division of the Stevens County Land Services Department, 215 S. Oak—Courthouse Annex, Colville. Appeals must contain the appeal application and be accompanied by a \$400.00 filing fee. The appeal application is available at the office of the Planning Division of the Stevens County Land Services Department or at the following web address: [www.co.stevens.wa.us/plandservices/planning\\_forms](http://www.co.stevens.wa.us/plandservices/planning_forms). **The deadline for filing an appeal is 4:30 p.m. on Thursday, September 2<sup>nd</sup>, 2010.**

The findings and facts of the final decision and complete file for this project is available for inspection at the Planning Division of the Stevens County Land Services Department located at 260 S Oak, Colville, Washington, from 8:00 a.m. to Noon and 1:00 p.m. to 4:30 p.m., excluding County holidays. To obtain a copy of the Final Decision or to arrange for an inspection of the file, contact Paulette Yochum, Planner, Planning Division of the Stevens County Land Services Department, 215 S. Oak—Courthouse Annex, Colville, WA, 99114, phone (509) 684-2401 or fax (509) 684-7525.

**Building Division:** (509) 684-8325  
**FAX:** (509) 685-0674

**Planning Division:** (509) 684-2401  
**FAX:** (509) 684-7525

**MAILING ADDRESS:** 215 S. Oak St. – Courthouse Annex • Colville, WA 99114  
**STREET ADDRESS:** 260 S. Oak St. – Courthouse Annex • Colville, WA 99114



# STEVENS COUNTY LAND SERVICES

## DETERMINATION OF NONSIGNIFICANCE

**Applicant:** KYRS, Thin Air Community Radio  
**Primary Contact:** Lapito Flores, KYRS Station Manager  
**Property Owner:** Washington Department of Natural Resources

**File No.:** ACU 2010-007

**Description of Proposal:** The applicant is proposing to construct a 70 foot tall FM radio tower with a 3-bay directional antenna on a 20 foot x 20 foot platform and a relocate a 8 foot by 16 foot equipment shed within a fenced compound of approximately 15 feet by 36 feet. The proposed development will be located on an abandoned telecommunications site and adjacent to an existing DNR site on Stensgar Mountain. The site is currently zoned Forestland.

**Location of Proposal:** Southwest quarter of Section 14, Township 31 North, Range 38 East, W.M., in Stevens County, Washington. Assessor's Tax Parcel Number 1784005.

**Lead Agency:** Planning Division of the Stevens County Land Services Department

**Determination:** The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. Comments were received with the Notice of Application with Optional DNS issued on July 21<sup>st</sup>, 2010. **There is no further comment period on the DNS.**

Pursuant to SCC 3.80.270 there is no administrative appeal for this proposal.

**Responsible Official:** Paulette Yochum, Planner for the Planning Division of the Stevens County Land Services Dept., 215 South Oak Street—Courthouse Annex, Colville, WA 99114, phone (509) 684-2401

Signature

Date Issued: August 18<sup>th</sup>, 2010

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# STEVENS COUNTY LAND SERVICES

## STEVENS COUNTY LAND SERVICES, PLANNING DIVISION TYPE 2 ADMINISTRATIVE DECISION

### **A. PROJECT SUMMARY:**

**Applicant:** KYRS, Thin Air Community Radio

**Primary Contact:** Lapito Flores, KYRS Station Manager

**Property Owner:** Washington Department of Natural Resources

**File No.:** ACU 2010-007

**Description of Proposal:** The applicant is proposing to construct a 70 foot tall FM radio tower with a 3-bay directional antenna on a 20 foot x 20 foot platform and a relocate a 8 foot by 16 foot equipment shed within a fenced compound of approximately 15 feet by 36 feet. The proposed development will be located on an abandoned telecommunications site and adjacent to an existing DNR site on Stensgar Mountain. The site is currently zoned Forestland.

**Location of Proposal:** Southwest quarter of Section 14, Township 31 North, Range 38 East, W.M., in Stevens County, Washington. Assessor's Tax Parcel Number 1784005.

### **B. DECISION SUMMARY:**

The Planning Division of the Stevens County Land Services Department grants **Approval** of the Conditional Use Permit.

### **C. PUBLIC NOTICE AND ENVIRONMENTAL REVIEW:**

The Application, along with appropriate fees, was received on July 7<sup>th</sup>, 2010. It was determined to be complete and vested to the following regulations: Stevens County Comprehensive Land Use Plan, adopted under Resolution No. 59-2006 and amended by Resolution No. 16-2008; Stevens County Unified Development Regulations, Title 3, adopted by Ordinance No. 2007-01 and Amended by Ordinances 2008-01, 2008-03 and 3-2009; Chapters 36.70B; 58.17 and 43.21C, RCW.

Pursuant to SCC 3.30, a "Notice of Complete Application" (NOA) document was issued and mailed on July 21<sup>st</sup>, 2010, to three (3) property owners within 300 feet of the subject parcel and sixteen (16) agencies/service providers. Legal notice was published in the *Chewelah Independent* on July 29<sup>th</sup> and August 5<sup>th</sup>, 2010. An Affidavit of Publication is on file.

A 14-day comment period on the NOA closed on August 6<sup>th</sup>, 2010. Three (3) comments were received.

A SEPA threshold determination was made after review of the comments received on the NOA and a Determination of Nonsignificance (DNS) was issued in accordance with WAC 197-11-340 on August 18<sup>th</sup>, 2010. The DNS was mailed on the same day to three (3) property owners within 300 feet of the subject parcel and sixteen (16) agencies/service providers. Legal notice for the DNS was published in the *Chewelah Independent* on August 19<sup>th</sup> and 26<sup>th</sup>, 2010. No additional public comment period was issued in accordance with WAC 197-11-355.

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**D. PUBLIC COMMENT AND RESPONSE:**

A total of three (3) comment letters were received during the comment periods which addressed the following issues:

Comment: The Building Division of the Stevens County Land Services Department commented on the NOA. Their comments included the following issues: Structure setbacks to protect from tower collapse; Screening, Lighting and Tower Color proposals; Building permit requirements; Co-location requirements; Other State and Federal permitting requirements. Please see letter for specifics.

Response: The proposed site is approximately 700 feet from an existing communications cluster, however, co-location on the existing structure is not feasible as they are operated by the Department of Natural Resources and Homeland Security. Neither entity allow co-location due to interference and security issues.

Screening, Lighting and Tower Color issues have been addressed in the SEPA Checklist.

Conditions of Approval include requirements to comply with all local, state and federal permitting requirements.

Comment: The Washington State Department of Ecology responded to the NOA. Their comments included the issues with the Air Quality Program.

Response: Conditions of Approval include requirements to comply with all local, state and federal permitting requirements.

Comment: Stevens County Public Works Department responded and stated that they had no comments on the proposal.

Response: None needed.

**E. FINDINGS:**

This Approval is hereby granted based on the following Findings of Fact:

1. Pursuant to SCC 3.30.110, all required information was submitted with the Administrative Conditional Use Application on July 7<sup>th</sup>, 2010.
2. Pursuant to SCC 3.30.120, the "Notice of Complete Application with Optional DNS" document, dated July 21<sup>st</sup>, 2010, was sent that same day to adjacent property owners within 300 feet, service providers and agencies.
3. Pursuant to SCC 3.30.120, a "Notice of Complete Application with Optional DNS" for the project was published in the *Chewelah Independent* on July 29<sup>th</sup> and August 5<sup>th</sup>, 2010.
4. A SEPA Determination of Nonsignificance (DNS) was issued on August 18<sup>th</sup>, 2010.
5. Proper publication and circulation of the DNS has been made by publishing a "Notice of Determination of Nonsignificance" in the *Chewelah Independent* on August 19<sup>th</sup> and 26<sup>th</sup>, 2010.
6. Pursuant to SCC 3.20.010, Administrative Conditional Use Permits may be approved provided they meet the certain criteria. The criteria of this section as follows:

Requirement: The proposal is consistent with the goals and policies of the Comprehensive Plan and Subarea Plan.

Finding: The subject property is located on lands designated as Forest Resource Lands in the Stevens County Comprehensive Plan. The project has been found to be consistent with the goals and policies in Section 4.0 of the Stevens County Comprehensive Plan. Specifically, Section 4.2, NR-6, NR/CA-1 and NR/CA-2 which require development applications to provide adequate protection of Critical Areas and proper review pursuant to SEPA regulations.

Requirement: Environmental impacts associated with the use can be adequately mitigated through the

imposition of reasonable conditions.

Finding: All environmental impacts have been adequately addressed in the SEPA review.

Requirement: It is designed in a manner which is compatible with the character of existing development in the vicinity of the subject property.

Finding: The project is in an area of Stevens County that is sparsely populated and is in an area near an existing tower cluster. Additionally, the Conditions of Approval will help to insure the proposal is compatible with the character of the area.

Requirement: It is not in conflict with the health and safety of the community.

Finding: The proposal will not create a health or safety issue for the community as insured by the Conditions of Approval.

Requirement: The Conditional Use will be supported by adequate services and facilities.

Finding: The project will require very little support services. There will be new electrical service installed to the site from the existing tower cluster.

7. The proposed use conforms or will conform with to all applicable development regulations. The following Development Standards are required to be met under SCC 3.06.080.D:

Requirement: The tower height is limited to 140 feet in the Forestry Zone.

Finding: The proposed tower will not exceed the maximum tower height. See also Condition of Approval number 2.

Requirement: A non-reflective color for the tower is preferred.

Finding: See Condition of Approval number 3.

Requirement: When lighting is required by the FAA or other federal or state authority, or for security of the site, it shall be oriented upward and outward, so as not to project onto surrounding property. Strobe lighting is prohibited.

Finding: No lighting is proposed nor required for this tower. See also Condition of Approval number 4.

Requirement: The facility shall conform to EMF and RF standards established by the FCC.

Finding: The Conditions of Approval will insure that the facility complies with EMF and RF standards.

Requirement: Co-location is required if a communication support structure is located within one mile of the proposed site.

Finding: The proposed site is approximately 700 feet from an existing communications cluster, however, co-location on the existing structure is not feasible as they are operated by the Department of Natural Resources and Homeland Security. Neither entity allow co-location due to interference and security issues.

#### **F. CONDITIONS OF APPROVAL:**

Approval of this Conditions Use Application is hereby granted provided the following Conditions are met:

1. Applicant must comply with applicable federal, state and local regulations governing development of a wireless communications tower.
2. Tower height shall not exceed 140 feet.
3. The tower shall be non-reflective such as grey, blue or green.

4. If lighting is required by the FAA or other federal or state authority, or for security of the site, it shall be oriented upward and outward, so as not to project onto surrounding property. Strobe lighting is prohibited.
5. The facility shall conform to EMF and RF standards established by the FCC. The telecommunication service provider shall submit a certification of compliance with the applicable standards prepared by a licensed RF engineer.
6. Any substantial changes to the tower plans as reviewed and approved by this application shall be required to be re-reviewed and approved prior to construction.
7. All publication costs associated with this application must be paid in full to the *Chewelah Independent*.

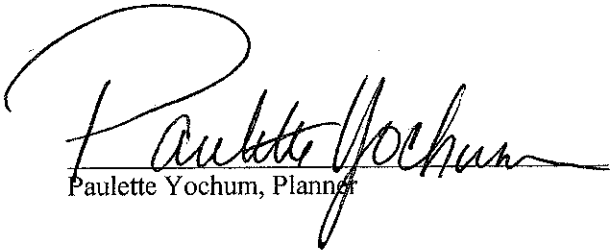
**G. APPEALS:**

Pursuant to SCC 3.30.210, any person with standing may appeal this decision to the Stevens County Hearing Examiner within 14 calendar days of the issuance of the decision. Appeals must be filed with the Planning Division of the Stevens County Land Services Department, 215 S. Oak—Courthouse Annex, Colville. Appeals must contain the appeal application and be accompanied by a \$400.00 filing fee. The appeal application is available at the office of the Planning Division of the Stevens County Land Services Department or at the following web address: [www.co.stevens.wa.us/plandservices/planning\\_forms](http://www.co.stevens.wa.us/plandservices/planning_forms). **The deadline for filing an appeal is 4:30 p.m. on Thursday, September 2<sup>nd</sup>, 2010.**

**H. DEPARTMENT FILE:**

The complete file for this project is available for inspection at the Planning Division of the Stevens County Land Services Department, 260 S. Oak—Courthouse Annex, Colville, Washington, from 8:00 a.m. Noon and 1:00 p.m. to 4:30 p.m., excluding County holidays.

**DATED** this 18<sup>th</sup> day of August, 2010.



Paulette Yochum, Planner

Transmitted this 18<sup>th</sup> day of August, 2010, to the following:

Applicant:	KYRS, Thin Air Community Radio
Property Owners:	Washington Department of Natural Resources
Persons who submitted comments:	Building Division, County Land Services Department Washington State Dept. of Ecology Stevens County Public Works
Other Interested Parties:	FAA, Northwest Mountain Region

The Notice of Decision was transmitted by email to the *Chewelah Independent* for publication on August 19<sup>th</sup> and 26<sup>th</sup>, 2010.