

BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF THE  
ADOPTION OF AN UPDATED  
SHORELINE MASTER PROGRAM  
TITLE 12

Ordinance No. 2019- 05

Adoption of Stevens County Code Title 12,  
Shoreline Master Program (SMP)

Repealing Resolution 78-1999

- 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 Shoreline Master Program (SMP), was adopted on July 27, 1999, pursuant to Resolution 78-1999; and
- WHEREAS,** The Stevens County Critical Areas Ordinance, Title 13, was adopted on March 4, 2004, pursuant to Resolution 32-2003 and amended on July 6, 2004, pursuant to Resolution 80-2004; and
- WHEREAS,** Chapter 90.58, RCW requires local governments to develop or amend a Shoreline Master Program for regulation of uses on the shorelines of the state consistent with the guidelines of Title 173-26, Washington Administrative Code (WAC); and
- WHEREAS,** Chapter 36.70A, RCW requires local governments planning under the Growth Management Act (GMA), to adopt the goals and policies of the Shoreline Management Act (SMA) as a shoreline element of the Comprehensive Plan; and
- WHEREAS,** Chapter 36.70A.480, RCW provides that upon approval of a local Shoreline Master Program (SMP) by the Department of Ecology, critical areas within shoreline jurisdiction shall be regulated under the SMP.
- WHEREAS,** Chapter 90.58, RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a SMP. Stevens County, the City of Kettle Falls, the Town of Marcus and the Town of Northport formed a partnership to update the SMP to consistently implement the requirements of the Shoreline Management Act (SMA). As a part of the formal adoption process, each jurisdiction is required to adopt the SMP in accordance with their respective legislative requirements.

**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 reasoned decision on the Shoreline Master Program update based upon the following findings:

- 1. The updated Shoreline Master Program (SMP) reflects changes in the state law and includes Development Regulations, an Inventory, Analysis and Characterization Report (IAC), Cumulative Impacts Analysis Report, Restoration Plan and Public Access Plan.

2. SCC 3.31.140 and WAC 173-26-030 encourages public participation and provides for early and continuous involvement in the update process. In October 2015, Stevens County notified approximately 21,600 property owners within the County of the update process. (SMP Index #8.) A website ([www.stevensmpupdate.com](http://www.stevensmpupdate.com)) containing information, draft documents and scheduled events was established and maintained throughout the process. Information regarding available materials and scheduled events was also posted to the Land Services page of the Stevens County Web site. (SMP Index 3, 10, 27, 33, 39, 40, 56, 60, 67, 69, 73, 83, 85, 87, 118, 132 and 139). A contact list of interested parties was established and maintained throughout the process. Notification of workshops/meetings was distributed to the contact list throughout the process. (SMP Index 1A, 7, 35, 36, 37, 53, 57, 59, 61, 74, 79, 86, 90, 94 and 117.)
3. Beginning in October 2015, approximately 16 public workshops/meetings were held to receive both oral and written comments on the proposed update. At least one workshop/meeting was held in or within the vicinity of each jurisdiction. (SMP Index 6, 17, 18, 19, 20, 48, 50, 54, 64, 81, 89, 92, 93, 123, 124 and 127)
4. Pursuant to SCC 3.30.080 and WAC 173-26-100, the formal local adoption process began on January 23, 2019. Notice of the Public Comment Period, SEPA DNS and Public Hearings was given to interested parties on the SMP update contact list and required agencies on January 23, 2019. (SMP Index 135 and 142) Legal notice was published in the *Chewelah Independent* on January 21 and 28, 2019. (SMP Index 141) Legal notice was also published in the *Statesman Examiner* on January 23 and 30, 2019. (SMP Index 140) The notice and associated file information was posted on the Land Services (SMP Index 139) and SMP Update websites.
5. Pursuant to RCW 36.70A.106, notice of the proposed amendment was given to the Department of Commerce on January 22, 2019. Commerce acknowledged receipt of the materials (ID #25716) on January 23, 2019. This satisfies the requirement for a 60-day notice prior to adoption. (SMP Index 137)
6. Pursuant to SCC 3.31, WAC 197-11-340 and WAC 173-26-100, a SEPA DNS was issued for the proposed amendments on January 23, 2019 along with the Notice of Public Comment and Hearings. The SEPA DNS was posted on the DOE SEPA Register (Ecology SEPA Number 201900373). Legal notice for the SEPA DNS was published in the *Chewelah Independent* and *Statesman Examiner* as cited in Finding #4. (SMP Index 138)
7. Comments from agencies or members of the public were received throughout the update process. Oral comments received during workshops/meetings were addressed and/or incorporated into draft document. A matrix with a synopsis of written comments and a response was developed and published on the SMP Update website. (SMP Index 134 and 172)
8. Pursuant to SCC 3.30.080 and WAC 173-26-100, public hearings were held in each local jurisdiction. The City of Kettle Falls Planning Commission recommended adoption of the SMP on February 11, 2019 and the City Council considered the matter on March 5, 2019. (SMP Index 152 and 155) The Council for the Town of Marcus Town considered the matter on February 19, 2019. (SMP Index 154) The Council for the Town of Northport considered the matter on March 20, 2019. (SMP Index 167)
9. The Stevens County Planning Commission considered the matter at a public hearing on February 14, 2019. No members of the public were present. After a review and discussion of the proposed shoreline master program and proposed text changes, the County Planning Commission voted unanimously to recommend that the Board of County Commissioners approve the updated SMP along with any amendments deemed necessary by the Board.
10. Pursuant to SCC 3.31.050, the updated shoreline master program is consistent with and supported by applicable Comprehensive Plan policies.
11. Pursuant to RCW 36.70A.480, the goals and policies of the SMP are to be incorporated into the Stevens County Comprehensive Plan as a part of the County's GMA update process scheduled for 2020.
12. Pursuant to RCW 90.58.030 and 36.70A.480, the WA State Legislature intended that critical areas within the jurisdiction of the Shoreline Management Act were to be governed by the SMA. The Stevens County

Board of Commissioners finds that the proposed SMP includes development regulations that protect critical areas within shoreline jurisdiction and that such protective measures will ensure no net loss of ecological functions.

13. The Stevens County Board of Commissioners held an open record public hearing on March 19, 2019. An opportunity for public testimony was given. Members of the public testified regarding the proposal. The Board of County Commissioners continued the public hearing to April 2, 2019. The Board of County Commissioners closed the record to further written and oral comment on April 2, 2019 and continued the hearing to April 15 and 29, 2019 for the purpose of deliberating on the proposed update.

**NOW, THEREFORE BE IT ORDAINED,**

That concurrent with the Department of Ecology adoption, the Shoreline Master Program (SMP) shall be adopted as Stevens County Code Title 12, Shoreline Master Program Development Regulations.

**BE IT FURTHER ORDAINED** that concurrent with the Department of Ecology adoption of the SMP, the SMP companion documents consisting of the Inventory, Analysis and Characterization Report, the Cumulative Impacts Analysis Report, the Restoration Plan and the Public Access Plan shall be adopted as referenced attachments.

**BE IT FURTHER ORDAINED** that concurrent with the Department of Ecology adoption of the SMP, critical areas *within* shoreline jurisdiction shall be regulated by the Shoreline Master Program Development Regulations, Title 12 and the critical areas *outside* shoreline jurisdiction shall continue to be regulated by the Stevens County Critical Areas Regulations, Title 13.

**BE IT FURTHER ORDAINED** that concurrent with the Department of Ecology adoption of the updated SMP, the Shoreline Master Program adopted July 27, 1999, under Board of County Commissioners Resolution #78-1999 is repealed in its entirety.

**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 official newspaper of the County and shall take effect and be in full force upon the adoption by the Department of Ecology.

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 April, 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:

  
Patricia A. Chester  
Clerk of the Board