

BEFORE THE BOARD OF COUNTY
COMMISSIONERS

IN THE MATTER OF ADOPTION AND ALLOCATION)	
OF A 20-YEAR POPULATION FORECAST FOR 2017-)	FINDINGS OF FACT
2037 TO IMPLEMENT THE SETTLEMENT)	AND
AGREEMENT RELATING TO GROWTH)	DECISION
MANAGEMENT HEARINGS BOARD CASES, NO. 05-)	
1-0007, No. 08-1-0002, No. 13-1-0006c, and No.14-1-0002)	

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County, Washington, hereinafter referred to as the "Board", have the care of County property and the management of County funds and business and in the name of the County prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law; and

WHEREAS, on June 1, 1993, Spokane County was mandated to update the Comprehensive Plan to conform with the requirements of the Growth Management Act and the provisions of RCW 36.70A; and

WHEREAS, pursuant to RCW 36.70A.210, the Steering Committee of Elected Officials (SCEO) was established by inter-local agreement (Resolution 94-1686, as amended) to assist in the development of Countywide Planning Policies and perform such other certain duties and provide certain recommendations as provided for in the inter-local agreement; and

WHEREAS, as required by RCW 36.70A.210, the Board adopted *Countywide Planning Policies for Spokane County (CWPPs)* on December 22, 1994 which have been amended from time to time (Resolutions 94-1719, 96-1205, 97-0297, 97-0937, 04-1075 and 08-0943); and

WHEREAS, pursuant to the requirements of RCW 36.70A.140, the Board adopted *Public Participation Program Guidelines* on February 24, 1998 and have amended said policies (Resolutions 98-0144 and 98-0788, respectively); and

WHEREAS, in 2001 by Resolutions 01-1059 and 01-1060 the Board adopted final Urban Growth Areas and population allocations, as required by RCW 36.70A.110; and

WHEREAS, in 2004 by Resolution 05-0649 the Board adopted an updated Urban Growth Area and population allocation, as required by RCW 36.70A.110; and

WHEREAS, the adoption of Resolution 05-0649 was appealed to the Growth Management Hearings Board (GMHB) under case No. 05-1-0007 and on February 14, 2006, the GMHB issued an Order finding Spokane County's adoption of Resolution 05-0649 does not comply with Chapter 36.70A RCW and remanded the matter for compliance under RCW 36.70A.300; the Order included findings that continued validity of the Resolution would substantially interfered with the fulfillment of GMA Planning Goals 1, 2, 3, and 12 of the Act

(RCW 36.70A.020) and held as to Amendments 03-CPA-31 through 36 of the Resolution 05-0649 are invalid; and

WHEREAS, the GMHB's ruling and Order of Invalidity under case No. 05-1-0007 was affirmed on appeal to the Washington State Court of Appeals on May 20, 2014 in *Miotke v Spokane County*, 181 Wash. App. 369, *review denied*, 181 Wash. 2d 1010 (2014) and remanded to the GMHB for compliance; and

WHEREAS, in 2013 by Resolution 13-0689 the Board adopted an updated Urban Growth Area and population allocation, as required by RCW 36.70A.110; and

WHEREAS, the adoption of Resolution 13-0689 was appealed to the Growth Management Hearings Board (GMHB) under case No. 13-1-0006c and on November 26, 2013, the GMHB issued an Order finding Spokane County's adoption of Resolution. 13-0689 does not comply with Chapter 36.70A RCW and remanded the matter for compliance under RCW 36.70A.300; the Order included findings that the continued validity of the Resolution would substantially interfered with the fulfillment of GMA Planning Goals 1,2,3,11, and 12 of the Act (RCW 36.70A.020) and held Resolution 13-0689 was invalid in its entirety; and

WHEREAS, the GMHB's ruling and Order of Invalidity under case No. 13-1-0006c was affirmed on appeal to the Washington State Court of Appeals on June 15, 2015 in *Spokane County v EWGMHB, et. al.*, 188 Wn. App. 467 (2015) and remanded to the GMHB for compliance; and

WHEREAS, GMHB assigned mediators as authorized under WAC 242-06-575(5) to assist in settlement and achieve compliance in remanded GMHB case Numbers 13-1-0006c, 05-1-0007, 08-1-0002, and 14-1-002; and

WHEREAS, RCW 36.70A.130(5)(c) requires Spokane County to conduct a periodic review of its comprehensive plan, development regulations and urban growth areas to ensure the plan and regulations comply with the requirements of the Growth Management Act with said review to be completed by June 30, 2017 and cover the planning horizon from 2017 to 2037; and

WHEREAS, an initial step in the periodic review process under the Growth Management Act is adoption of population forecasts and jurisdictional allocations to allow determinations concerning the adequacy of comprehensive plans and urban growth areas, including planned capital facilities (water, waste water treatment, schools, parks, public safety, etc.) and transportation facilities; and

WHEREAS, Chapter 36.70A RCW mandates counties utilize the most recent population forecasts generated by the office of financial management in determining their population projection; and

WHEREAS, Spokane County's adopted Countywide Planning Policies provide for the CEO to recommend adoption of certain population forecasts and allocations within the cities, towns and unincorporated areas of Spokane County based on the most recent Washington State

Office of Financial Management (OFM) population projections and analysis by the Planning Technical Advisory Committee (PTAC); and

WHEREAS, following a report and recommendation by the PTAC, the SCEO held a public hearing on November 4, 2015 to take public testimony regarding recommendation of a population forecast and associated jurisdictional population allocation for the 2017-2037 periodic update; and

WHEREAS, at the conclusion of the November 4, 2015 public hearing, the SCEO voted 6 to 3 to recommend a population forecast and associated jurisdictional population allocation consistent with OFM's medium forecast for 2037 and consistent with the recommendation of the PTAC; and

WHEREAS, on November 10, 2015, the Chairperson of SCEO submitted the recommendation on population forecast and associated jurisdictional population allocations to the Board; and

WHEREAS, on June 16, 2016, the Board provided public Notice of Special Meeting on June 20, 2016 regarding execution of a settlement agreement relating to GMHB case numbers 05-1-0007, 08-1-0002, 13-1-0006c and 14-1-002; and

WHEREAS, on June 20, 2016, at a specially scheduled public meeting, and after consideration and deliberation and a unanimous vote to approve, the Board executed the Settlement Agreement relating to pending litigation in GMHB case numbers 05-1-0007, 08-1-0002, 13-1-0006c and 14-1-002, and adopted Resolution 2016-0464; and

WHEREAS, on June 24, 2016 the GMHB assigned Mediators filed a Settlement Officers Report on GMHB case numbers 05-1-0007, 08-1-0002, 13-1-0006c and 14-1-002, indicating the Settlement Agreement when implemented resolves the litigation and brings closure to the pending cases; and

WHEREAS, provisions in the Settlement Agreement require Spokane County to adopt a 2017-2037 population forecast based on the 2012 OFM population forecast of 583,409 countywide and 474,746 for the urban growth area and the associated jurisdictional population allocations as recommended by a majority of the SCEO on November 10, 2015; and

WHEREAS, GMHB's remand and order of invalidity in GMHB cases numbers 05-1-0007 and 13-1-0006c, specifically involved noncompliance under RCW 36.70A.300 and noncompliance related to the adoption of population forecast and urban growth areas based on the OFM population forecast; and

WHEREAS, RCW 36.70A.140 provides the Board authority to amend the comprehensive plan when enacting legislation in response to GMHB decisions pursuant to RCW 36.70A.300 declaring part of the comprehensive plan or development regulation invalid, with appropriate public participation; and

WHEREAS, on July 29, 2016, the Board provided Public Notice of Meeting on August 3, 2016, regarding the adoption of SESO's recommendation on a 2017-2037 population forecast of

583,409 countywide and 474,746 for the urban growth area and the associated jurisdictional population allocations as agreed in the Settlement Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Board in adopting the 2017-2037 population forecast and associated jurisdictional population allocation recommended by the SCEO as described herein and set forth in Attachment ‘A’, adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein, in addition to the following:

FINDINGS OF FACTS

#1

The Board considered all of the requirements, objectives and goals of the Growth Management Act (RCW 36.70A) in making its decision and finds the decision to adopt is compliant with and furthers the goals of the Growth Management Act.

#2

The Board considered the Countywide Planning Policies in making its decision and finds the decision is compliant with the policies of the Countywide Planning Policies.

#3

The Board considered the population forecast and allocations recommended by the Steering Committee of Elected Officials on November 10, 2015 and finds them consistent with the County’s adopted Public Participation Program *Public Participation Program Guidelines* (BoCC Resolutions 98-0144 and 98-0788, respectively) and with RCW 36.70A.140.

#4

The Board finds the Attachment “A”, 2017 - 2037 Forecast and Allocation for Spokane County, accurately reflects the population forecast and associated jurisdictional population allocations recommended by the PTAC and incorporates it herein by reference; and

#5

The Board’s finds the decision is consistent with the provisions of WAC 365-196-725, and the provisions of RCW 36.70A.370 and the Washington State Attorney General’s memorandum, *State of Washington Attorney General’s Recommended Process and Advisory Memorandum for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Taking of Private Property*, March 1995, and does not unconstitutionally infringe upon private property rights.

#6

The Board’s decision is consistent with and implements the provisions of the Settlement Agreement in GMHB case numbers 05-1-0007, 08-1-0002, 13-1-0006c, and 14-1-0002, executed on June 20, 2016 and is a legislative act in response to the GMHB’s decisions of noncompliance and remand under RCW 36.70A.300 and rulings of invalidity in GMHB case numbers 05-1-0007 and 13-1-0006c.

BE IT FURTHER RESOLVED, that the Board hereby adopts the 2017-2037 population projections and jurisdictional population allocations as recommended by the SCEO and set forth in Attachment 'A'.

BE IT FURTHER ROSOLVED, that the Board makes part of these findings and decision all files in the Spokane County Public Works Department, Department of Building and Planning, Planning Commission, Steering Committee of Elected Officials, and the Board of County Commissioners, along with the tapes and transcripts of all public hearings related to this matter.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 3rd day of August, 2016.



Ginna Vasquez
Ginna Vasquez, Clerk of the Board

Shelly O'Quinn
SHELLY O'QUINN, CHAIR

Al French
AL FRENCH, VICE CHAIR

Nancy McLaughlin
NANCY MCLAUGHLIN, COMMISSIONER

Attachment 'A'

2017 - 2037 Forecast and Allocation for Spokane County

Jurisdiction	2017 Population Estimate	2037 Population Forecast	2017 - 2037 Population Allocation
Spokane County	499,348	583,409	
Unincorporated Spokane County	144,903	176,780	
Unincorporated UGA	53,893	68,117	14,224
Unincorporated Rural	91,010	108,663	17,653
Urban Growth Area	408,338	474,746	66,408
Incorporated Spokane County	354,445	406,629	52,184
Airway Heights	9,071	14,298	5,226
Cheney	11,827	14,776	2,949
Deer Park	4,110	5,325	1,215
Fairfield	620	660	40
Latah	195	195	0
Liberty Lake	9,780	15,909	6,129
Medical Lake	5,072	6,042	970
Millwood	1,808	1,947	139
Rockford	470	470	0
Spangle	281	288	7
Spokane	215,839	236,698	20,859
Spokane Valley	95,264	109,913	14,650
Waverly	108	108	0