

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF A SPECIAL MEETING)
OF THE BOARD OF COUNTY)
COMMISSIONERS OF SPOKANE COUNTY,)
WASHINGTON TO BE HELD ON MONDAY,)
JUNE 20, 2016 AT 3:00 P.M. REGARDING)
EXECUTION OF A SETTLEMENT)
AGREEMENT RELATING TO GROWTH)
MANAGEMENT HEARINGS BOARD CASE)
NOS. 05-1-0007, 08-1-0002, 13-1-0006c, AND)
14-1-0002)

MOTION

MOTION:

Madam Chair, I hereby move that the Board execute that document entitled "SETTLEMENT AGREEMENT", as generally presented this afternoon, which document has already been signed by all signatories but the Board of County Commissioners.

Motion made: Commissioner French

Motion Second: Commissioner McLaughlin

Motion unanimously approved: Yes X No _____

PASSED AND ADOPTED this 20th day of June, 2016.



ATTEST:

Ginna Vasquez
Ginna Vasquez, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Shelly O'Quinn
SHELLY O'QUINN, Chair

Al French
AL FRENCH, Vice-Chair

Nancy McLaughlin
NANCY MCLAUGHLIN, Commissioner

SETTLEMENT AGREEMENT

This Settlement Agreement is between and among the following parties: Kathy Miotke, the Neighborhood Alliance of Spokane County, Futurewise, the Five Mile Prairie Neighborhood Association, the Southgate Neighborhood Council, the Glenrose Association, Paul Kropp, Larry Kunz, Dan Henderson, Neil Membrey, Kasi Harvey-Jarvis, State of Washington Department of Commerce (Commerce), and Washington State Department of Transportation (WSDOT), collectively, Petitioners, and Spokane County (County), Respondent. The parties hereby agree to settle all of the disputes between them relating to Growth Management Hearings Board Case Nos. 05-1-0007, 08-1-0002, 13-1-0006c, and 14-1-0002 as detailed below, in consideration of the following terms and conditions.

RECITALS

WHEREAS, Spokane County is under an obligation to enact a comprehensive plan and development regulations that meet the requirements of the Growth Management Act, including adoption of an urban growth area (UGA);

WHEREAS, Growth Management Hearings Board (GMHB or Board) Case Nos. 05-1-0007, 08-1-0002, 13-1-0006c, and 14-1-0002 challenging Spokane County's adoption of various comprehensive plan amendments are pending before the Board;

WHEREAS, prior to further litigation of these cases, all parties requested that GMHB authorize mediation, and the Parties agreed that settlement negotiations were appropriate to either resolve the pending issues or reduce the number of unresolved issues. The Board granted the Parties request and assigned two settlement officers from the GMHB who are not on the panels hearing any of the cases. Formal settlement conferences were held in Spokane over six sessions – May 27-28, June 10, July 23, September 30, 2015, April 28-29, and June 2, 2016. Individual meetings among the parties and telephonic discussions among the parties and settlement officers also took place;

WHEREAS, at the initial May 27-28, 2015 settlement conference, the settlement officers (1) explained the ground rules for the settlement discussions, (2) explained the role of Intervenor, (3) organized the issues to be resolved into topics, and (4) identified and linked the parties to the issues presented in the several cases. All settlement participants signed confidentiality agreements;

WHEREAS, **Case No. 05-1-0007, the "Five Mile case,"** has been remanded from the Washington Court of Appeals under *Kathy Miotke, et al v Spokane County*, 181 Wn. App. 369 (2014). Petitioners Five Mile Neighborhood Ass'n and Kathy Miotke were represented by Rick Eichstaedt;

WHEREAS, **Case No. 08-1-0002, the "McGlades case,"** has been remanded from the Washington Court of Appeals under *Spokane County II v EWGMHB*, 176 Wn. App. 555 (2013). Petitioners Dan Henderson, Larry Kunz, Neil Membrey, Kasi Harvey-Jarvis and Neighborhood Alliance of Spokane County were represented by Rick Eichstaedt;