

G r o w t h M a n a g e m e n t A c t
G M A J o i n t P l a n n i n g
I N T E R L O C A L A G R E E M E N T

THIS INTERLOCAL AGREEMENT, is entered into by and among the cities of Airway Heights, Cheney, Deer Park, Fairfield, Latah, Liberty Lake, Medical Lake, Millwood, Rockford, Spangle, Spokane Valley, Spokane, and Waverly, hereinafter sometimes jointly referred to as "Cities," and the County of Spokane, sometimes hereinafter referred to as the "County," jointly, hereinafter referred to along with the Cities as the "Parties," or "Jurisdictions."

FURTHERMORE, THIS INTERLOCAL AGREEMENT, having been finalized at the November 19, 2008 Steering Committee meeting, will replace the GMA Joint Planning Interlocal Agreement, as amended on October 9, 2003, and originally adopted August 24, 1995 by Resolution 94-1686.

W I T N E S S E T H

WHEREAS, pursuant to the provisions of RCW Section 36.70A.210, the legislative authority of a county that plans under the Growth Management Act (GMA) shall adopt a Countywide planning policy or policies in cooperation with the Cities located in whole or in part within the County; and

WHEREAS, the Parties realize the Countywide Planning Policies call for the continued collaboration and cooperation among the parties in their respective obligations under the Growth Management Act (GMA) to adopt comprehensive plans and development regulations implementing such plans; and

WHEREAS, pursuant to the provisions of RCW Section 36.70A.110, each county that is required or chooses to plan under the Growth Management Act (GMA) shall designate an urban growth area or areas in consultation/agreement with cities within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature; and

WHEREAS, pursuant to the provisions of chapter 39.34 RCW, two or more public agencies may enter into agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the above-cited statutory provisions, the parties hereto desire to enter into an interlocal cooperation agreement pursuant to which the parties will (1) establish a Steering Committee of elected officials and other committees to perform certain duties and provide recommendations to the Parties in conjunction with their respective obligations under the Growth Management Act (GMA); (2) establish the responsibilities of the Steering Committee of elected officials and other committees; (3) establish a process to amend the adopted Countywide Planning Policies; (4) establish a distribution formula for grant funds received from Washington State Department of Commerce, Trade and Economic Development or its successor for growth management; and (5) provide for other matters related to the preceding items.

NOW, THEREFORE, for and in consideration of the mutual obligations hereinafter set forth, and as authorized by chapter 39.34 RCW, RCW Section 36.70A.210 and RCW Section 36.70A.110, the parties hereto do mutually agree as follows:

Section 1: PURPOSE

The parties hereto recognize that it is in the public's interest that local governments cooperate with each other and coordinate their respective obligations for planning under the Growth Management Act (GMA). The Growth Management Act (GMA) mandates that the County adopt Countywide Planning Policies in cooperation with cities located in whole or in part within the county. Additionally, the Growth Management Act (GMA) mandates that the County designate urban growth areas in cooperation and consultation with Cities within the County.

The parties have entered into prior interlocal cooperation agreement(s) establishing a collaborative process for the adoption of Countywide Planning Policies and related matters. These interlocal agreement(s) terminate upon the County's adoption of Countywide Planning Policies. The parties now desire to enter into another interlocal agreement which will continue the cooperative and collaborative process in conjunction with their respective obligations under the Growth Management Act (GMA). The purpose of this interlocal agreement is to (1) establish a steering committee of elected officials and other committees to perform certain duties and provide recommendations to the parties in conjunction with their respective obligations under the Growth Management Act (GMA); (2) establish the responsibilities of the steering committee of elected officials and other committees; (3) establish a process to amend the adopted Countywide Planning Policies; (4) establish a distribution formula for grant funds received from the Washington State Department of Commerce, Trade and Economic Development or its successor for growth management; and (5) provide for other matters related to the preceding items.

Section 2: ESTABLISHMENT OF STEERING COMMITTEE OF ELECTED OFFICIALS, EX-OFFICIO MEMBERS THEREOF, AND A TECHNICAL SUPPORT COMMITTEE

There is hereby established a steering committee of elected officials, hereinafter referred to as the Steering Committee, having those responsibilities set forth in Section 3 hereof. The Steering Committee shall consist of three (3) County Commissioners from the Spokane County Board of Commissioners, three (3) elected officials from the City of Spokane, two (2) elected officials from the City of Spokane Valley, one (1) elected official each from Liberty Lake, Airway Heights, Cheney, Deer Park, Medical Lake and Millwood; and one (1) elected official to represent the five towns of Fairfield, Latah, Rockford, Spangle and Waverly. Representatives will be selected by the legislative bodies of each jurisdiction in any manner they choose. Jurisdictions may also appoint alternates, who must be an elected official. Alternates may vote during the absence of the regular representative.

The Steering Committee will strive for consensus on all matters; however, when a vote is required, each member shall have one vote and a majority of the voting members in attendance is required for a motion to succeed, unless otherwise specified within this interlocal agreement. In order to conduct business, a quorum must be present; a quorum will consist of a simple majority of the total Steering Committee voting membership.

The Steering Committee shall at the end of its regular meeting in June of each year, elect from among its voting members a Chair and Vice Chair, each of whom shall serve for a period of one year and thereafter until their respective successors have been elected, but the Chair and Vice Chair may be removed at any time by a vote of 2/3 of the total voting membership. The Chair and Vice Chair shall be elected on a rotational basis in the following order: Spokane County, City of Spokane, City of Spokane Valley, Small City (under 15,000 population). The Vice Chair is intended to serve as Chair the following year. In the event of a vacancy of the Chair or Vice Chair, another Chair or Vice Chair shall be elected from that same category. In the absence of both the Chair and Vice Chair at a meeting, a Chair Pro Tem shall be selected by a majority of those members present to serve as Chair.

Subcommittees of the Steering Committee will be appointed by the Chair as needed on an ad hoc basis. Ad hoc committees are intended to serve a specific purpose for a limited amount of time.

In addition to the voting members of the Steering Committee, the Steering Committee shall also include three (3) elected officials as non voting members representing the school districts, water districts, and fire protection districts-and one (1) citizen-at-large member representing the urban

growth areas of Spokane County. Elected non voting members are nominated by consensus among their peers and are then appointed by the Steering Committee. The citizen-at-large member shall be nominated by the Board of County Commissioners and appointed by the Steering Committee at the applicable June meeting for a four-year term.

A Planning Technical Advisory Committee (PTAC) is hereby established to advise and provide support to the Steering Committee. The PTAC shall consist of the staff personnel of the Parties plus the Spokane Regional Transportation Council. A Chair for the PTAC will be selected by the PTAC on an annual basis to chair the PTAC meetings and serve as liaison to the Steering Committee. It is the intention to rotate the chair of the PTAC among jurisdictions and to share responsibilities for specific tasks among the PTAC members.

Spokane County Building and Planning Department will serve as the repository for all records of the Steering Committee and will provide administrative staff to work in conjunction with the Chair to arrange meetings, prepare agendas and minutes, advertise public hearings, and provide notice and necessary documents to the Steering Committee.

In the event that additional general purpose governmental entities are created through incorporation, they shall become represented in such number(s) as may be hereafter agreed to by the Steering Committee on the effective date of their incorporation, and their adoption of this document. In all subsequent decisions, the number of the Steering Committee members needed to reach a decision will be adjusted to account for the new member(s). However, prior decisions will not be reconsidered and re-voted. Such entities shall be entitled to a non-voting seat until the official date of incorporation. The Representatives will be selected by the legislative body in any manner it chooses.

Section 3: RESPONSIBILITIES OF STEERING COMMITTEE

The Steering Committee, as established under Section 2, will have those responsibilities as set forth in the Countywide Planning Policies adopted under RCW Section 36.70A.210. Rather than repeat those responsibilities verbatim within this section, the parties agreed to generally outline those responsibilities referencing the exact policy. It is expected that the parties, when necessary, will look to the exact language when further explanation is necessary of any responsibility set forth hereinafter. The parties further recognize that from time to time the Countywide Planning Policies may be amended as provided for in section 4 hereinafter. In instances where such amendments occur, the parties agree that the responsibilities set forth within this section shall automatically be

amended, when applicable, to include such changes without the necessity of formal amendment of the agreement.

The general outline of Steering Committee responsibilities are as follows:

A. Recommendations to the Board of County Commissioners (BOCC) of Spokane County

The Steering Committee will:

1. establish a date by which each jurisdiction will submit proposals for interim Urban Growth Areas (IUGAs) (*Urban Growth Areas #4*).
2. analyze each jurisdiction's interim and final Urban Growth Area (UGA) proposal (*Urban Growth Areas #6*).
3. analyze each jurisdiction's UGA amendment proposals and population allocations for recommendation to the Spokane County Board of County Commissioners.
4. oversee development of a carrying capacity study for regional capital facilities (*Promotion of Contiguous and Orderly Development and Provision of Urban Services #8*).
5. recommend allocation of population growth to jurisdictions (*Promotion of Contiguous and Orderly Development and Provision of Urban Services #9*).
6. review amendment proposals to the Countywide Planning Policies and/or UGAs (*interlocal agreement*).

B. Recommendations to all the jurisdictions

The Steering Committee will:

1. specify minimum levels of service (*Urban Growth Areas #2 and Promotion of Contiguous and Orderly Development and Provision of Urban Services #1*).
2. establish employment projections and ratios in cooperation with the Spokane area business community (*Urban Growth Areas #9*).
3. develop regionally consistent programs to protect natural resource lands, critical areas, and open space (*Urban Growth Areas #15*).
4. oversee preparation of a regional utility corridor plan (*Promotion of Contiguous and Orderly Development and Provision of Urban Services #11*).
5. identify or establish siting and service delivery criteria to locate essential public facilities (*Siting of Capital Facilities of a Countywide or State wide Nature #2*).
6. establish a process for distributing essential public facilities among jurisdictions (*Siting of Capital Facilities of a Countywide or State-wide Nature #3*).

C. Miscellaneous responsibilities

The Steering Committee will:

1. prepare a regional formula to designate and acquire public access to open space corridors (*Promotion of Contiguous and Orderly Development and Provision of Urban Services #4*).
2. pursue strategies for regional water resource management (*Promotion of Contiguous and Orderly Development and Provision of Urban Services #14*).

3. promote a proactive planning approach between Washington and Idaho to establish uniform environmental protection measures (*Economic Development #6*).

D. Official Actions

All official actions of the Steering Committee shall be reduced to writing and incorporated in the official minutes and signed by the Chair. Recommendations from the Steering Committee shall be transmitted to the Board of County Commissioners by a letter from the Chair of the Steering Committee and shall include the motion and vote of the Committee including an indication of which members supported and which did not support the motion.

E. Public Participation Guidelines

The Steering Committee will use the Public Participation Program Guidelines adopted by the Board of County Commissioners on February 24, 1998 and as amended on September 29, 1998.

F. Regular Meeting

The Steering Committee will set a regular meeting time, date, and place on or before its July meeting of each year.

Section 4: AMENDMENTS TO THE COUNTYWIDE PLANNING POLICIES

Upon initial adoption of Countywide Planning Policies by the Board of County Commissioners of Spokane County pursuant to the provisions of RCW Section 36.70A.210, the Parties agree that such adopted Countywide Planning Policies may be amended only through the following procedures:

1. The Countywide Planning Policies may be reviewed and amendments considered, as appropriate, once every five years following the initial adoption date of the Countywide Planning Policies and each successive five year period thereafter. Amendment proposals must be submitted for Steering Committee consideration by a voting member of the Steering Committee. Members of the general public must submit amendment proposals through a voting member of the Steering Committee. All such amendments shall be considered concurrently so the cumulative effect of each individual proposal can be ascertained.
2. The Countywide Planning Policies may be reviewed and amended more frequently than prescribed in paragraph #1 above. Such amendment proposals must be submitted for Steering Committee consideration by a voting member of the Steering Committee. Members of the

general public must submit amendment proposals through a voting member of the Steering Committee. The Steering Committee must pass a motion by an affirmative vote of 2/3 of the total voting membership in order to place such an amendment proposal before the Steering Committee for review and recommendation. The Steering Committee may establish criteria to help assess the need for processing such amendments.

3. The process of amending the Countywide Planning Policies shall be consistent with the Growth Management Act (GMA) provisions for original adoption of the Countywide Planning Policies. The Steering Committee in reviewing and making recommendations on proposed amendments to the Countywide Planning Policies shall take into consideration the intent that Countywide Planning Policies are a written policy statement or statements used solely for establishing a Countywide framework from which county and city comprehensive plans are developed, amended, and adopted. As such, each jurisdiction's comprehensive plan relies upon the long term goal or vision statement of each policy. There is an expectation of policy stability which must be weighed, along with the impact to each jurisdiction's comprehensive plan, when considering an amendment to the Countywide Planning Policies.

4. The Steering Committee shall establish procedures for processing, reviewing, and recommending amendments to the Countywide Planning Policies.

5. The Steering Committee's recommendation or action on each and every amendment proposal shall be forwarded, together with all amendment proposals to the Board of County Commissioners in order for the Board to have the benefit of considering the amendment proposal(s) concurrently so the cumulative effect of each individual proposal can be ascertained.

Section 5: TERM, AMENDMENT, OR TERMINATION OF AGREEMENT

The term of this interlocal agreement shall commence upon the County's adoption of the Countywide Planning Policies as provided for in RCW Section 36.70A.210.

This interlocal agreement may be amended or terminated by an affirmative vote of 2/3 of the total voting membership of the Steering Committee and ratified by each jurisdiction.

Section 6: FUNDING

Grant funds received from the Washington State Department of Commerce, Trade and Economic Development or its successor for Growth Management Act (GMA) responsibilities shall be distributed to the Parties pursuant to a distribution formula mutually agreed upon. Prior to the end of each fiscal year, the distribution formula will be re-evaluated. Factors included in such re-evaluation will include per capita allocation based on the annual Office of Financial Management estimate of population and the projected need for multi-jurisdictional programs requiring special skills consultants.

Section 7: GENERAL PROVISIONS

1. Upon termination of this interlocal agreement, all real or personal property acquired by any of the Parties hereto with monies which they have respectively received under Section 6 herein above, shall remain the sole property of such Parties.
2. The Clerk of the Board of County Commissioners of Spokane County, shall, as provided for in RCW Section 39.34.040, file an executed copy of this interlocal agreement with the Secretary of State and Spokane County Auditor.
3. The section headings in this interlocal agreement have been inserted solely for the purpose of convenience and ready reference. In no way do they purport to, and shall not be deemed to, define, limit or extend the scope or intent of the sections to which they appertain.
4. This interlocal agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this interlocal agreement shall be deemed to exist or to bind any of the Parties hereto.
5. Should (1) any section or portion thereof of this interlocal agreement be held unlawful and unenforceable by any court of competent jurisdiction, and/or (2) should the Washington State Legislature adopt any legislation which is subsequently signed by the Governor affecting any sections or portions thereof within this interlocal agreement, and/or (3) should the qualified electorate voters approve a combined City-County form of government as provided for in Amendment 58 of the Washington State Constitution, the Parties agree to immediately meet and amend this interlocal agreement as may be deemed necessary.