

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