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Miotke v. Spokane County

Court of Appeals of Washington, Division 2 - May 20, 2014 - P.3d - 2014 WL 2095072

County resident and neighborhood alliance sought review of a final decision and order of the regional growth management hearings board, which invalidated county resolution amending county's comprehensive plan to expand county's urban growth area, on grounds that ordinance failed to comply with relevant provisions of the Growth Management Act (GMA), and a subsequent determination by the board that county's repeal of invalidated ordinance was sufficient to establish GMA compliance. The Superior Court affirmed the board's determinations. Resident and neighborhood alliance appealed.

The Court of Appeals held that:

- After county resolution amending county's comprehensive plan to expand urban growth area was declared invalid for noncompliance with GMA, fact that certain property owners had acquired vested rights to develop urban projects did not excuse county from its obligation to comply with relevant provisions of GMA;
- County failed to carry its burden to establish that existing county development regulations adequately fulfilled GMA's goals pertaining to transportation and public services, so as to bring county into compliance with GMA; and
- County's action in repealing the invalid resolution, without more, was not sufficient to establish compliance with GMA.

Although property owners who obtained permits to pursue urban development pursuant to county resolution that amended county's comprehensive plan to expand urban growth area retained the right to develop the land, under the vested rights doctrine, after the regional growth management hearings board invalidated the resolution under which the permits were issued based on the ordinance's noncompliance with the Growth Management Act (GMA), the vested rights doctrine did not excuse the county from its obligation to take action to comply with the GMA's planning goals after the disputed resolution was declared invalid. Vested rights doctrine protected landowners and developers from unforeseeable changes in rules and regulations, but doctrine did not shield county from liability for its own errors in the process of planning for urban growth and enactment of its resolution.

Following determination of the regional growth management hearings board that county resolution amending county's comprehensive plan to expand urban growth area was invalid, on grounds that resolution interfered with goals set forth in Growth Management Act (GMA) regarding urban growth, sprawl reduction, transportation, and public services, county's action in repealing the invalid resolution, without more, was not sufficient to demonstrate county's compliance with GMA goals. Urban development rights had vested when property owners filed permit applications for urban development in period of time between ordinance's enactment date and date on which it was declared invalid, such that, even though county repealed challenged ordinance and reverted land to rural designation, certain urban development remained in place, and county was required to specifically demonstrate how GMA goals could be met despite presence of urban development in

rural area of county.

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