Welcome to
A Short Course
On Local Planning

*Training citizen planners since 1977*

I. Comprehensive Planning Basics
II. Washington’s Legal Framework for Land Use Planning
III. Open Government Laws
IV. Roles in Planning and Effective Meetings

February 2015
A SHORT COURSE ON LOCAL PLANNING

Part I

Comprehensive Planning under the Growth Management Act

A. Why Plan?
B. Comprehensive Planning
C. Implementing your Plan
D. Updating your Plan

December 2014
Why Planning is Important?

- Protect the good things about your community
- Agree on a shared vision for the future of your community
- Identify community needs
- Identify strategies to implement the vision and meet needs
- Agree on local spending priorities
- Build your sense of community
Why a Growth Management Act (GMA)?

The GMA was adopted in 1990 as a statewide planning framework to:

- Address uncoordinated development and urban sprawl
- Manage threats to the quality of life in Washington
- Require local planning, guided by state law, and regionally enforced

RCW 36.70A

Between 1990 and 2010, our state’s population grew from 4.1 to 6.7 million people. We are expected to reach 8.8 million by 2040. (OFM)
14 GMA Goals

• Encourage compact urban growth
• Reduce sprawl
• Encourage coordinated, multimodal transportation
• Encourage affordable housing
• Encourage economic development
• Protect property rights
• Predictable permitting

• Maintain natural resource industries
• Retain open space, enhance recreation
• Protect the environment
• Encourage citizen participation
• Ensure availability of public facilities and services
• Encourage historic preservation
• Manage shoreline development

RCW 36.70A.020
The Planning Process

All counties in Washington must address those features of the landscape that influence land uses.
Conserve Natural Resource Lands

All counties must designate and conserve natural resource lands of long-term commercial significance.

- Agricultural lands
- Forest lands
- Mineral resource lands

RCW 36.70A.170
All jurisdictions must **designate and protect** environmentally critical areas.

“Best available science” must inform regulations that protect the functions and values of:

- Frequently flooded areas
- Geologically hazardous areas
- Aquifer recharge areas
- Wetlands
- Fish and wildlife habitat conservation areas
Faster Growing Counties Must Do More

The Land Speaks First

Countywide Planning Policies

Local Comprehensive Plan

Regulations and Permitted Projects

Updating your Plan and Regulations

Growth Management Act Mandate to Plan

GMA Required to Plan:
RCW 36.70A.040

- Fully Planning
- Critical Areas and Resource Lands

Department of Commerce
Innovation is in our nature.

GMS/GIS OCT 2011
Countywide Planning Policies

Regional framework to:

• Plan for future growth and address countywide population projections from the State Office of Financial Management.
• Designate and plan for urban growth areas and expansions to designated urban areas
• Plan for countywide facilities such as highways or airports
• Consider affordable housing needs
• Plan for countywide economic development
• Puget Sound region has multicounty planning policies assembled in Vision 2040.
Designate Urban Growth Areas

Fully planning counties must work with the cities to designate existing and future urban growth areas.
Fully Planning Counties Identify Resource, Urban, and Rural Lands

1. Resource lands (agricultural, forested, mineral)  
   *RCW 36.70A.170*

2. Urban lands (cities, towns and unincorporated urban growth areas)  
   *RCW 36.70A.110*

3. Rural lands (not resource or urban)  
   *RCW 36.70A.070(5)*
Next Step: Develop Local Comprehensive Plan

Inputs to Local Plans

- Public input to affirm a future vision for the community
- Countywide Planning Policies
- Urban growth area and land capacity analysis
- Adopted plans and regulations
  - Comprehensive Plan
  - Capital Facilities Plan
  - Special District Plans
  - Parks and Open Space Plan
  - Adopted Regulations
Required Elements of the Comprehensive Plan

- **Land Use**: Land uses, stormwater planning, ground water, physical activity
- **Transportation**: Inventory, assessment of current and future needs, bicycle and pedestrian component
- **Housing**: Inventory, assessment of current and future needs, affordability analysis
- **Utilities**: Inventory, assessment of current and future needs, coordination between providers and land development.
- **Capital Facilities**: Inventory, assessment of current and future needs, coordination of planning affordability analysis of serving the land use plan.
- **Rural** (counties only): Define and protect rural character.
Optional Elements of the Comprehensive Plan

Optional Elements

- Parks and Recreation*
- Economic Development*
- Urban Design
- Human Services and Health
- Historic Preservation
- Climate Change and Energy
- Sustainability
- Sub-area plans

* Listed in RCW 36.70.070 as required, but unfunded, so are considered optional.
The Plan Must Be Coordinated and Consistent

**Internal consistency**
- Is the plan based on the same set of assumptions? Do the plan elements all tell the same story?
- Can adequate public facilities be provided with planned development? (concurrency)

**External consistency**
- Countywide planning policies
- Adjacent jurisdictions
Comprehensive Planning Process

Environmental Review

Yes

No

Local Adoption

Adjust plan
- Land use mix
- Level of service
- Use of resources

Public Involvement

Is the Plan in balance?

Comprehensive Plan Goals and Policies
- Land Use
- Housing
- Capital Facilities
- Transportation
- Utilities
- Rural (counties only)
- Shorelines Master Program
- Optional Elements

Local Vision

Local Plan and Regulations

Urban Growth Area Boundary

Countywide Planning Policies
Adopting the Comprehensive Plan

Plan Adoption Process
• Public outreach early and often
• Review by Planning Commission
• Complete SEPA environmental review
• 60-days notice to state before adopting
• City or County Council must adopt the comprehensive plan

Plan Updates and Appeals
• Can be amended only once per year
• Must be updated every 8 years
• Appealable within 60 days to a regional Growth Management Hearings Board
  www.gmhb.wa.gov
Next Step: Plan Implementation

Three major ways to implement your plan:

1. Development regulations set standards for how development occurs.

2. Capital Improvement Plans (CIP) govern how local infrastructure investments are made.

3. Other programs that implement the local vision.
1. Development regulations set the standards for development

- **Traditional zoning** considers *maximum* densities and *minimum* lot sizes for efficient land use. Form based codes focus on design details.
- **Critical area regulations** set buffers and restrictions in critical areas.
- **Subdivision regulations** set out the process for dividing land and ensure “adequate provisions” for utilities, parks, schools, and other requirements of development.
- **Public works standards** set out street widths and other standards related to public facilities.
- **Other regulations** such as design standards, signs, landscaping, and parking regulate appearance, health, and safety within the community.
2. Capital Facility Planning: Where the “rubber meets the road” in the GMA.

- Capital Improvement Plans (CIPs) set priorities for infrastructure investments in roads, parks, water and sewer service, schools, and other community facility needs.
- Plan for existing needs, and those due to growth.
- Steps:
  - Inventory existing facilities
  - Establish levels of service
  - Prioritized project needs (typically based on facility condition and population growth)
  - Plan for financing the project list.
Capital Facilities: What can we afford?

**Level of Service:** Local expectation for a facility as development occurs.
- Required for transportation facilities.

**Concurrency programs** ensure that transportation and other facilities keep pace with growth.
- If a new development would decrease system level of service, the development must be denied, or the levels of service must be reassessed.

**Reassessment:** If revenues can’t pay for needed facilities over the life of the plan, the land use element must be reassessed.
3. Other programs can implement comprehensive plan goals

- Interlocal agreements
- Planned action (Upfront environmental review of a sub-area)
- Streamlined development process for specific types of development
- Incentives such as tax exemptions for community benefits such as Open Space or Multifamily Housing
- Impact fees
- Transfer of development rights.
- Volunteer programs
Successful Planning

- Regulations are clear and flexible and reflect the goals of the plan
- Incentives encourage the type of development envisioned in the plan
- A clear process for reviewing development proposals against the plan and regulations
- Leadership is involved at all levels

Community Vision

Comprehensive plan goals and policies

Implementation strategies regulations; capital facilities; programs

- Every permitted project
- Every spending decision is consistent with the vision
Why Update your Plan?

The Land Speaks First

Countywide Planning Policies

Local Comprehensive Plan

Regulations and Permitted Projects

Updating your Plan and Regulations

Updating Your Comprehensive Plan and Regulations

Why Update your Plan?

• Respond to changes in state law or new regional policies

• Agree on priorities for infrastructure renewal or expansion

• Evaluate progress towards meeting plan goals

• It’s required
Plans and regulations should be reviewed, and if needed, revised by 2015-2018.

*Every eight years, the Growth Management Act requires each local government to take a fresh look 20 years into the future, and make appropriate updates to the comprehensive plan and development regulations.*
New Issues to consider in your update

- Your community has evolved and has new challenges such as traffic or demand for parks
- Rapidly changing technologies, such as on-line shopping and electric vehicles
- Changing demographics: immigration and aging with changing lifestyle preferences
- Impacts of climate change, such as sea-level rise, drought, or severe storms
- Local food production, physical activity and health, and sustainability concerns such as local power production.
- Plan for newly annexed areas
1. Plan and announce a plan and regulations update so the public can be involved

2. Review existing plan and make a list of items to include in the update, and document what does not need to be updated

3. Review implementation strategies, such as regulations that may need to be updated

4. Update comprehensive plan policies and text with lots of public notice and involvement

5. Update regulations to be consistent

6. Adopt updated plan and regulations by the deadline

Comprehensive Plan Update Meeting
Today
City Hall, 7:00 p.m.
- What is the vision for the future our community
- What is good
- What is wrong
- What else do we need?
Some tips for a smooth update

- **Realistic budget**: time and money.
- **Involve the public and put the ideas on paper**: If citizens aren’t finding you, go find them. Meet with other planning groups. Visit other communities; take pictures and share. Develop options and alternatives where appropriate.
- **Communicate with decision makers**: Meet with your elected officials as many times as necessary. Be very clear in discussions: “What is it that we want?”

**Resources for Your Update**

- *Keeping your Plan Current* guidance document from Commerce. [www.commerce.wa.gov](http://www.commerce.wa.gov)
- *Planning pages from the MRSC* [www.mrsc.org](http://www.mrsc.org)
- *AWC GMA Comp Plan Conversation Starter videos* at [www.awcnet.org](http://www.awcnet.org)
A SHORT COURSE ON LOCAL PLANNING

Part II
Washington’s Legal Framework for Land Use Planning

A. Early Planning Laws
B. Constitutional Protections
C. Other Laws

December 2014
Constitutional Basis of Planning Authority in Washington

Village of Euclid v Ambler Realty Co. (1926)

Legitimized validity of existing laws regulating:

- Height, bulk & scale
- Open spaces
- Nuisances

Declared police power authority for:

- Horizontal use districts (i.e., “zoning”)
- Zoning maps
- Variances
Constitutional Basis of Planning Authority in Washington

Planning is recognized as a legitimate exercise of the police power (i.e., power to protect public health, safety and welfare):

– Any county, city, town or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.

Washington State Constitution (Article 11, Section 11)
The Planning Commission Act
RCW 35.63
RCW 35A.63 (Code cities, 1976)

The Planning Enabling Act
RCW 36.70 (Counties, 1935)
- Allowed planning through a planning commission.
- Required comprehensive plan with land use and circulation elements.
- Created roles: staff, Board of Adjustment, Hearing Examiner, City Council.
Early on, “planning” decisions were often made at the subdivision level

The City legislative body . . . shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, . . .

for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school,

and determine whether the public interest will be served by the subdivision and dedication.

RCW 58.17 (1969)
Washington’s Major Land Use Laws

The State Environmental Policy Act (SEPA)
Environmental review of land use actions
RCW 43.21, 1971

The Shorelines Management Act (SMA)
Planning for shorelines of the state
RCW 90.58, 1971

The Growth Management Act (GMA)
Comprehensive planning framework, especially for Washington’s more populous counties and cities.
RCW 36.70A, 1990
What are the Limits of Planning Authority?

It is well established that every person has the right to use his property in his own way and for his purposes, *subject only to the restraints necessary to secure that common welfare.*

*Hauser v. Arness*

44 Wn.2d 358 (1954)

The basic rule in land use law is still that, absent more, an individual should be able to utilize his land as he sees fit.

*Norco Construction v. King County*

97 Wn.2d 680 (1982)
Due Process

Community planning must balance many issues while creating a plan for managing growth. Constitutional rights and responsibilities must be respected.

**Procedural Due Process** is the right to know about proposed changes together with the opportunity to be heard.

**Substantive Due Process** means the rules are reasonable and appropriate, and they have a reasonable connection to the project impact.
Does your regulation avoid Due Process challenges?

Can you answer “yes” to these four questions?

✓ Is the regulation for a legitimate public process?
✓ Is the regulation appropriate to accomplish the purpose?
✓ Is the regulation reasonable to meet the purpose?
✓ Is the regulation clear and easy to apply at the permit level?
Takings

U.S. Constitution (Fourth Amendment)
Nor shall private property be taken for public use without just compensation

Washington Constitution (Art. I, Section 16)
Private property shall not be taken for private use. No private property shall be taken or damaged for public or private use without just compensation having been first made.
Takings fall into 5 general categories

1. **Physical Takings**
   Appropriation of land/property

2. **Regulatory Takings**
   Deprivation of all economic use

3. **Exactions & Dedications**
   Nexus AND Proportionality

4. **Reasonable Use Exceptions**
   e.g. Critical areas

5. **Partial Takings**
   Economic Interests/Investments
Conditions on Development (Exactions) are not Takings IF:

The condition:

• Establishes that the proposed development will create or contribute to a problem.

• Identifies a condition designed to address the problem.

• Shows that the condition will solve or alleviate the problem.

• Shows that the proposed condition is “roughly proportional” to and shares an “essential nexus” with the problem created or contributed by the proposed development.
Impact Fees are not Takings

**RCW 82.02.020**
Generally prohibits “any tax, fee, or charge” on the construction of buildings or development, subdivision, classification, or reclassification of land.

**Exceptions:**
- 82.02.050 allows GMA planning cities and counties to impose impact fees.
- Also, exception for “voluntary agreements” that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat.
To avoid takings claims

Pay attention to these warning signs:

• Does the regulation or action result in a permanent or temporary physical occupation of property?
• Does the regulation or action deprive the owner of all economically viable uses of the property?
• Does the regulation or action deny or substantially diminish a fundamental attribute of property ownership?
• Does the regulatory action have a severe impact on the landowners economic interest?
Other Constitutional Protections

Equal Protection

• 14th Amendment to the US constitution (1868)
  • Laws must apply equally to all people and corporations

Commercial and Non-Commercial Expression

Religious Land Uses

Gifts of Public Funds and Property
A Few More Land Use Considerations

- **RCW 64.40 claims for damages** from governmental actions that are arbitrary, capricious, exceed lawful authority, or relief from failure to act.
- **Vesting development** under regulations in place at the time of complete application.
- **Moratoria** are temporary pauses on development, to allow for study and action on a particular issue.
Part III

Washington’s Open Government Laws
Open Public Meetings Act (OPMA)

“The people of this state do not yield their sovereignty to the agencies which serve them.

The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

The people insist on remaining informed so that they may retain control over the instrument they have created.”

Purpose statement of RCW 42.30.010 (1971)
Open Meetings Requirements

All *meetings* of the *governing body* of a public agency *shall be open and public*

and *all persons shall be permitted to attend* any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

RCW 42.30.030
What is a “Meeting”?  

A meeting occurs when the public agency takes *action*, including:

- Public testimony
- Deliberations
- Discussions
- Considerations
- Review
- Evaluations
- Final Action

Final Action is a decision or vote by the board or by a committee acting on behalf of the board. Final action **must** be taken in public.
What is a “Governing Body”?

“Governing body” means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

RCW 42.30.020(2)
Quorum and Committees

- A “Quorum” generally is the majority of the governing body

- If a governing body has delegated authority to a committee to take action, conduct hearings, and take testimony then, even if quorum of “governing body” isn’t present, still must comply with OPMA
Meetings in Disguise

Email conversations, serial phone calls, texting and messaging involving quorum and city/county business will probably be considered a meeting.

- Only two-way communications a violation.
- Parties “cc’d” count towards quorum.
- Staff emails are okay, as long as no two-way communication amongst governing body.
- E-mails are public records subject to disclosure and retention.

A quorum at a parking lot, late night dinner, cocktail party, or site visit could be considered a meeting.
It is Easy to Comply With OPMA

• Provide notice of meeting
• The Public has right to attend
• Record minutes and make them available to the public  
  *RCW 42.32.030*
All regular meetings must be advertised as to the time, place and agenda items.

Effective June 12, 2014, the agenda of all regular meetings must be available online 24 hours in advance of a meeting, unless

- Agency is without a website
- Agency with fewer than 10 employees
  Agenda may be modified at the meeting.

24-Hour Notice of Special Meetings to:
- Each member of governing body
- Local media that has request for notice on file
- Posted to Website
- Prominently displayed at main entrance
- Exception for emergencies (RCW 42.30.080(4))
Public’s Right to Attend

• Does not require public comment period
• Does not require right to testify
• Does not require right to disrupt
• Does not require signing in or providing any other information as condition to attending
• Does not preclude recording (unless disruptive)
Executive Sessions

- Agencies may hold an executive session during a regular or special meeting only for limited purposes listed in OPMA.
- Before convening the executive session, the presiding officer must announce the purpose and the time the executive session is over.
- Discussion may take place behind closed doors, but decisions must occur within a meeting.
- Secret ballots are not allowed.

RCW 42.30.110  RCW 42.30.060
Continuing Meetings

• A governing body may decide to stop a meeting and resume the same meeting at another time and place.

• Less than a quorum may continue. The clerk may continue if no member present.

• Notice of time and place shall be conspicuously placed at or near door to meeting room.

• Notice shall be provided as for a special meeting.
Penalties for Violating the OPMA

• A court can impose a $100 civil penalty against each member (personal liability).

• Court will award costs and attorney fees to a successful party seeking the remedy (except for failure to post agenda on-line).

• Action taken at meeting can be declared null and void (except for failure to post agenda on-line).

• Loss of the public trust.

RCW 42.30.120; RCW 42.30.130; RCW 42.30.060
OPMA Risk Management Tips

• Avoid even the appearance of an OPMA violation.

• Socializing: Be careful when a quorum of your board is together outside of a meeting. Don’t sit together. Don’t talk business.

• Group travel: Bus trips and site visits may appear as meetings. If part of your work, notice as a meeting. If not, don’t do it.

• Notice: When in doubt, treat it like a meeting and do the notice!

www.atg.wa.gov/OpenGovernmentTraining.aspx
Public Records Act (PRA)

- Public records of government agencies are presumed open.
- Purpose: The “free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.”

RCW 42.56.550 (3)
“any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

RCW 42.56.030
Avoiding PRA Violations

• **Know the law!** Staff are trained about the PRA’s requirements and will respond to a records request.

• **Protect the records.** Agency systems should be in place to file, track, retrieve and preserve records.

• **Create clear records.** Know when you are creating a public record, create it clearly.
  – Single topic emails
  – Clear titles
Avoid making private matters public...

• Electronic records are public records.
  – E-mails concerning agency business, sent from a private email or personal device should be copied to an agency server. All email should be saved using specific folders based on how long the law says they must be kept.

  WAC 434-662-150

• Avoid making records that you don’t want to see on the front page of the paper.
More Resources

Additional Public Records Training is required for all elected officials and local public records officers. Video training at:

www.atg.wa.gov/OpenGovernmentTraining.aspx

Public Records Retention

Common Law Origin

“It is axiomatic that, whenever the law requires a hearing of any sort as a condition precedent to the power to proceed, it means a fair hearing, a hearing not only fair in substance, but fair in appearance as well.”

“Motives of Council Members, Commissioners, Hearing Examiner must be above reproach, and so far as practicable, these persons must be fair, open-minded, objective, impartial, and free of entangling influences or the taint thereof.”

Chrobuck v. Snohomish County, 78 Wn.2d 858 (1971)
When does it Apply?

Applies to:

Quasi-Judicial Actions
• Development permit applications
• Plats, subdivisions, variances
• Special use permits, site-specific rezones

But Not Legislative Actions
• Comprehensive plan amendments
• Area-wide rezones
What are the Rules?

The Rule: No *ex parte* contacts with opponents or proponents of a particular project coming before your board. RCW 42.36.060.

The Test: Would a disinterested person, having been apprised of the totality of a board member’s personal interest in a matter being acted upon be reasonably justified in thinking that partiality may exist?

For example, do you have a *business, social or family connection* to a matter in front of the board?

What to do if someone approaches you?
• Tell the person you could be disqualified from participating in the hearing, and encourage them to make their point in writing or at the hearing to all of the people on the board.
1. Poll the board at the start of the hearing. Substance of any communication should be placed into the record.

2. Opposing party must be given the opportunity to rebut the substance of the communication.

3. Offer the opportunity to object to your participation, if there are objections, you must recuse yourself from participating, and leave the room.

**Time Limit:** Challenges must be timely, or the action at issue cannot be challenged on the basis of a violation of the Appearance of Fairness.

RCW 42.36.080
Exceptions to the Appearance of Fairness Doctrine

- Not participating would result in loss of quorum
- Objections were raised too late in the process
- Campaign statements or campaign contributions before becoming a member of the board
- Prior participation in advisory action

Consequences:
- Action will be void
- Final action is delayed
- Potential of civil damages for bad intent or abuse

Ch. 42.36 RCW
A SHORT COURSE ON LOCAL PLANNING

Part IV
Effective Public Process

A. Roles in Planning
B. Land Use Planning Decisions
C. Effective Meetings
Planning Involves a Range of Participants

- Elected Officials
- Planning Commission
- Staff or Hearing Examiner
- Other Appointed Bodies
- General Public, Developers
- Others (agencies, tribes, media, utilities, courts, districts (transit, school, water, sewer, fire) etc.)
Elected Officials

- Key leaders and decision makers on policy, adopting comprehensive plan policies and regulations.
- Make final decisions on funding decisions for operating and infrastructure funding programs.
- Communicate vision to citizens, Planning Commission, and staff.
- Appoints planning commissioners.
Planning Commission

- Created under the premise that citizens can best objectively review and recommend sound regulations, free of political influence.
- Provides recommendations to council on policy.
- May make quasi-judicial decisions.

RCW 35.63.080
Planning Staff

- Not just planners! Various Departments/Divisions are involved in Code development/development review.
- Makes recommendations to Hearing Examiner, Planning Commission and City Council on legislative and quasi-judicial actions.
- Implements the adopted policies and development regulations on a day-to-day basis.
- Provides technical assistance/guidance the public for permits.
- Code enforcement
Hearing Examiner

Typically involved in Quasi-Judicial activities.

• Professional hired/contracted to make permit recommendations/decisions based on the decisional criteria supported by an adequate record.

• Allows local legislative/advisory bodies that might otherwise conduct these public hearings to concentrate on policy-making (legislative) activities.

• Reduces local government liability exposure through more consistent and legally defensible quasi-judicial decisions.
Other Advisory Groups

• Understand & support comprehensive plan goals and strategies
• Focus on key projects
• Solicit/develop funding for implementation
• Communicate with their members and others in the community
General Public

- Long-term residents can provide **detailed and historical community knowledge**
- The public have **different perspectives** of what constitutes the big picture or public interest
- **The business community** can identify regulations and policies which may sound great in principle, but might be difficult to achieve.
- **Developers** can be a sounding board to help local government better understand markets, market demand and permit processes.
- **The media** offers a direct communication link to the larger community.
Land Use Planning Decisions

1. **Legislative (Long Range Planning)**
   Planning Commission developing and adopting policies and development regulations.
   *(Making the Rules)*

2. **Quasi-Judicial (Current Planning)**
   A board reviewing and making recommendations or decisions on permit applications.
   *(Acting as a judge)*

3. **Administrative (Current planning)**
   Staff reviewing land development applications.
   *(Applying the rules)*
Typical Steps in the Legislative Process

• Amendment to a plan or regulation proposed
• Professional review by staff or planning consultant
• Public involvement
• Planning Commission recommendation to elected officials
• Council review (may include more public review)
• Council decision and adoption.
• May be appealed to Hearings Board.
Typical Steps in the Project Review Process (RCW 36.70B)

**Administrative Decision by staff**

- Pre-application meeting
- Complete application must be submitted (vesting).
- Local review (may include opportunity for public comment)
- Decision required within tight timelines.
- Local appeal under Land Use Petition Act (LUPA, RCW 36.70C)

**Quasi-Judicial Decision by Planning Commission, Review Board or Hearings Examiner**

- One Open Record Hearing
- One Closed Record Appeal
Public Participation is Essential

“Each county and city that is required or chooses to plan...shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans.

RCW 36.70A.140 (GMA)
Public Participation for Individuals

- Planning processes are a marathon; not a sprint.
- Stay informed; don’t drift in and out.
- You are not a “pest”—you are a citizen.
- Attend meetings versus letters & e-mail.
- Signing a petition does not excuse you from participating; attending meetings, etc.
- Fundamental choices are made at the time of planning, not permitting.
Tips for Managing Public Hearings

• May require that all persons wishing to present testimony sign in with the City Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise.

• May establish time limits and otherwise control presentations to avoid repetition.

• May arrange the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.)
Help people through the public hearing process.

Be respectful and patient:

• Patient with those uncomfortable with public speaking.
• Patient with those who are angry or perpetually challenging city government.
• Patient with other committee members who may not agree with you or understand your perspective.
Discussion, Evaluation & Deliberation

Decision making bodies should:

• Discuss why supporting approval or disapproval. Base reasons on criteria.

• Determine positions and/or consensus for action. Do not seek new evidence, though argument and comment may be allowed.

• Motion to approve or disapprove should instruct the staff to prepare draft findings and conclusions documenting the reasons.

• Discussion to be presented at the next regular meeting for final approval and passage by board.
A solid record is key for land use decisions.

The record should include:

- Application and supporting documentation
- SEPA determination and documentation
- Staff report and pre-hearing correspondence including references to relevant facts, local policies, and decision criteria needed to make the decision
- Minutes or a verbatim record of any hearing, and any exhibits offered during the hearing
- Findings supporting the reasons for approval or disapproval of the proposal
Effective Planning Commissions

Tips
For the Planning Commission

• Make an annual work plan
• Good communication with Council
• Read meeting packet ahead of time and come to meetings prepared
• Use staff resources well
• Welcome public involvement
Effective Planning Commission Meetings

- Ensure a quorum will be present
- Make staff reports available to the public well in advance
- Have adequate chairs, PA system, agendas and materials available
- Ensure that all graphics are visible by all
- Provide a procedure handout
- Explain the process before starting hearings

More Tips For the Planning Commission
Effective Commission Chairperson

- Make people feel at ease, encourage people to express their concerns
- Enforce the rules of procedure, ensure all have the opportunity to contribute
- Treat people fairly and equally, making no exceptions for VIPs or intimidators
- Run the meeting well – keep things moving
- Know the issues involved and make sure all are addressed

More Tips
For the Planning Commission
Effective Planning Commissioner

- Attend and participate
- Do your homework – be prepared for the discussion
- Listen, be polite and be patient
- Focus on the decision criteria
- Avoid jargon
- Keep the long-term goals in mind
- Don’t take anything personally
To Learn More About Planning

**Commerce Resources**  www.commerce.wa.gov/growth
- Attend quarterly Planner’s Forums
- Attend a Short Course
- Read the Short Course Resource Manual

**Short Course Partners**
Planning Association of Washington  www.planningpaw.org
American Planning Association  www.washington-apa.org
Washington Cities Insurance Authority  www.wciapool.org

**Planning resources on the Web**  www.mrsc.org
Thank you for attending

A Short Course on Local Planning

Disclaimer: This set of PowerPoint presentations is intended to provide an overview of the Short Course on Local Planning. Be aware that applicable laws and other information will change over time.
CERTIFICATE of TRAINING

Name:______________________________________________
Position or Title:_______________________________________

Completed the following training:
Open Public Meetings Act (RCW 42.30)
as a component of the Short Course on Local Planning

I hereby certify that I received this training: ________________________________

Signature  Date

Location and Date: _______________________________________________________
Name of Trainer: _______________________________________________________

Training on the Open Public Meetings Act (RCW 42.30) is required for every member of a
governing body. Training on the Public Records Act training is required for elected officials and
Public Records Officers. as required by ESB 5964 (Laws of 2014). Training on these items must be
completed no more than 90 days after assuming duties as a member of a governing body of a
public agency, and training must be renewed every four years.

For more information, please go to www.atg.wa.gov/OpenGovernmentTraining.aspx