

### A Short Course on Local Planning

Tuesday, January 23, 2024, 6:00 – 9:00 p.m.

Q&A After

In-person: city council chambers, 119 West First Street, Cle Elum, WA 98922

Online: [Zoom Video Conference](#)

Meeting ID: 892 3236 7286 Passcode: 756731

#### Agenda:

- 6:00 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:05 THE LEGAL BASIS OF PLANNING IN WASHINGTON.....Becky Rude, Attorney**  
The statutory basis of planning in Washington State, and early planning statutes.  
Constitutional issues in land use planning.
- 6:35 COMPREHENSIVE PLANNING BASICS.....Deanah Watson, Senior Planner**  
What is planning, and why is it important? Overview of the Growth Management Act requirements for local planning.
- 7:05 BREAK (10 minutes)**
- 7:15 ROLES AND RESPONSIBILITIES .....Christina Wollman, Planner**  
Roles and responsibilities in the planning process. The process for public participation in local planning, and best practices for effective meetings.
- 7:45 OPEN GOVERNMENT LAWS .....Becky Rude, Attorney**  
Open Public Meetings Act and Introduction to the Public Records Act. This training meets the requirements of RCW 42.30.205, requiring every member of a governing body to take Open Public Meetings Act training within 90 days of taking an official role, and every four years thereafter.
- 8:20-8:30 QUESTIONS AND ANSWERS.....All**

REGISTER FOR THE SHORT COURSE AT: [Short Course on Local Planning - Washington State Department of Commerce](#). Or, send an email with your name, organization and title (if applicable) and the date of the short course you wish to attend to [shortcourse@commerce.wa.gov](mailto:shortcourse@commerce.wa.gov) or by leaving the same information at 360-259-5216. All will be welcome at the on-line virtual meeting. There is no in-person attendance, and no cost to attend.



**PRESENTERS:** **Becky Rude, Assistant City Attorney**  
City of Vancouver  
[Becky.Rude@cityofvancouver.us](mailto:Becky.Rude@cityofvancouver.us), 360-487-8500

**Christina Wollman, AICP, CFM**  
Perteeet  
[Christina.Wollman@perteeet.com](mailto:Christina.Wollman@perteeet.com), 509-619-7031

**Deanah Watson, Senior Planner**  
Washington State Department of Commerce  
[Deanah.Watson@commerce.wa.gov](mailto:Deanah.Watson@commerce.wa.gov), 564-200-4496

## **ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON**

**Department of Commerce, Growth Management Services** [www.commerce.wa.gov/serving-communities/growth-management/](http://www.commerce.wa.gov/serving-communities/growth-management/). See the Short Course Resource Manual and Videos on the “Short Course on Local Planning” web page

**Municipal Research and Services Center of Washington** at [www.mrsc.org](http://www.mrsc.org): See [A Planner’s Pocket Reference](#) at [www.mrsc.org/subjects/planning/PocketRef.aspx](http://www.mrsc.org/subjects/planning/PocketRef.aspx), which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

**Washington State Office of the Attorney General** Trainings on Open Government, Open Public Meetings Act and Public Records Act training at [www.atg.wa.gov/OpenGovernmentTraining.aspx](http://www.atg.wa.gov/OpenGovernmentTraining.aspx)

## **OUR SHORT COURSE PARTNERS**

**Planning Association of Washington (PAW)** is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to “provide unbiased practical planning education to the citizens of Washington State”. PAW created the Short Course on Local Planning and is a Founding Partner. [www.planningpaw.org](http://www.planningpaw.org)

**Washington Chapter of the American Planning Association (WA-APA)** [www.washington-apa.org/](http://www.washington-apa.org/)

**The Washington Cities Insurance Authority (WCIA)** is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. [www.wciapool.org/](http://www.wciapool.org/)

**Association of Washington Cities (AWC)’s Risk Management Services Agency (RMSA)**  
[www.awcnet.org/PropertyLiability.aspx](http://www.awcnet.org/PropertyLiability.aspx)

City elected officials will earn 3 CML credits in Community Planning and Development

County elected officials will receive 2 core credits towards Certified Public Official Training

For WCIA members, attendance at the Short Course provides COMPACT training credit

For RMSA members, the Short Course meets the requirements of the land use advisory member standards

For WSBA, viewing the videos provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

## **A Short Course on Local Planning: Training citizen planners since 1977**

The Short Course is an opportunity for planning commissioners, local government staff, elected officials, and community members to learn about our state’s legal framework for planning, comprehensive planning and community development processes, and public involvement in the planning process.

# A Short Course on Local Planning

Training citizen planners since 1977

---



Washington State  
Department of  
**Commerce**

# We strengthen communities



HOUSING AND HOMELESSNESS



INFRASTRUCTURE AND BROADBAND



SMALL BUSINESS ASSISTANCE



ENERGY



PLANNING AND TECH ASSISTANCE



COMMUNITY SERVICES AND FACILITIES



CRIME VICTIMS AND PUBLIC SAFETY



ECONOMIC DEVELOPMENT

# A SHORTCOURSE

## ON LOCAL PLANNING

In partnership with



Planning Association  
of Washington



American Planning Association  
Washington Chapter





# Short Course Resources

<https://www.commerce.wa.gov/serving-communities/growth-management/short-course/>



[Short Course Video Study Guide](#)



[Get credit for taking the Short Course!](#)

## Read the Short Course Guidebook:

[\*A Short Course on Local Planning: Resource Guide \(295 pages, 2017\)\*](#)

## Watch the Short Course Videos:

[Introduction to the Short Course](#) 5 minutes

[Comprehensive Planning Basics](#) 11 minutes

[Implementing Your Plan](#) 10 minutes

[Updating Your Plan](#) 10 minutes

[Washington's Legal Framework for Land Use](#)

[Planning](#) 7 minutes

[Constitutional Issues and Other Protections](#) 8 minutes

[Roles and Responsibilities in Planning](#) 7 minutes

[Public Participation and Effective Meetings](#) 7 minutes

[Open Public Meetings Act](#) 27 minutes | [OPMA Certificate](#)

[Appearance of Fairness Doctrine](#) 17 minutes

# More Washington Places to Learn About Planning

---

## **Municipal Research and Services Center**

- [www.mrsc.org](http://www.mrsc.org)

## **Planning Association of Washington**

- [www.planningassociationofwa.org/](http://www.planningassociationofwa.org/)

## **Washington Chapter of the American Planning Association**

- [www.washington-apa.org/](http://www.washington-apa.org/)

## **Regional Planner's Forums**

- [www.commerce.wa.gov/serving-communities/growth-management/regional-planners-forums/](http://www.commerce.wa.gov/serving-communities/growth-management/regional-planners-forums/)

## **A Short Course on Local Planning**

- <https://www.commerce.wa.gov/serving-communities/growth-management/short-course/>

**Any Questions  
Before We Begin?**

---



Washington State  
Department of  
**Commerce**



A SHORTCOURSE

ON LOCAL PLANNING

# Comprehensive Planning under the Growth Management Act

---

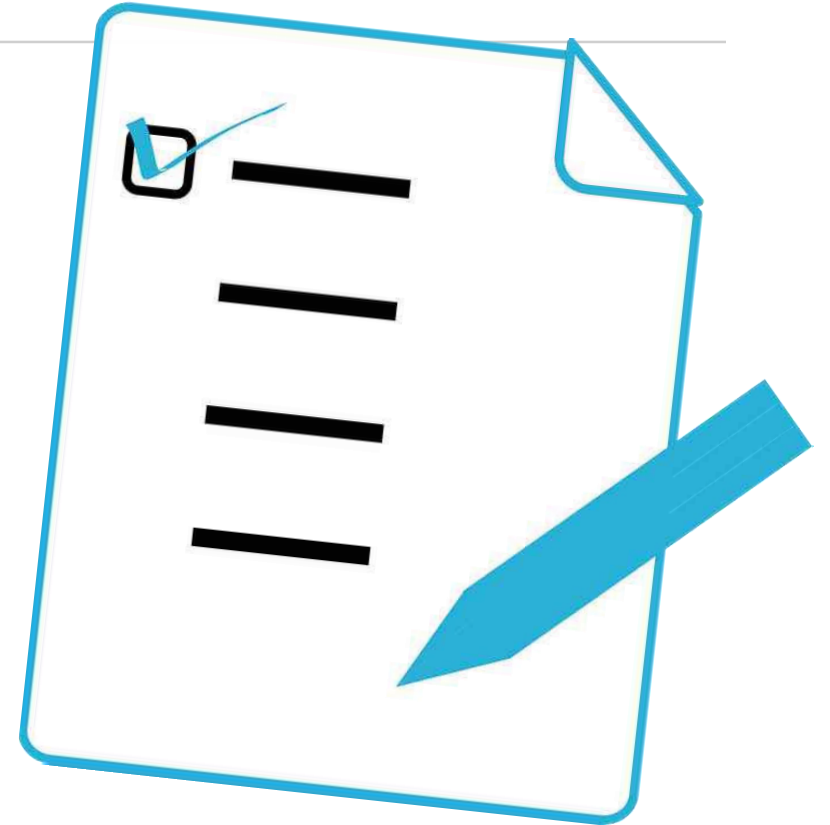


Washington State  
Department of  
**Commerce**

# Contents

---

- Why Plan?
- GMA Framework
- Implementing the Plan
- Updating the Plan



# Values in tension

“I need to know what I can do and when I can get my permit”



“This affects my neighborhood and my home. I should have a say in what happens.”



# What Makes a Good Plan?

## Disciplined Imagination

### Realistic:

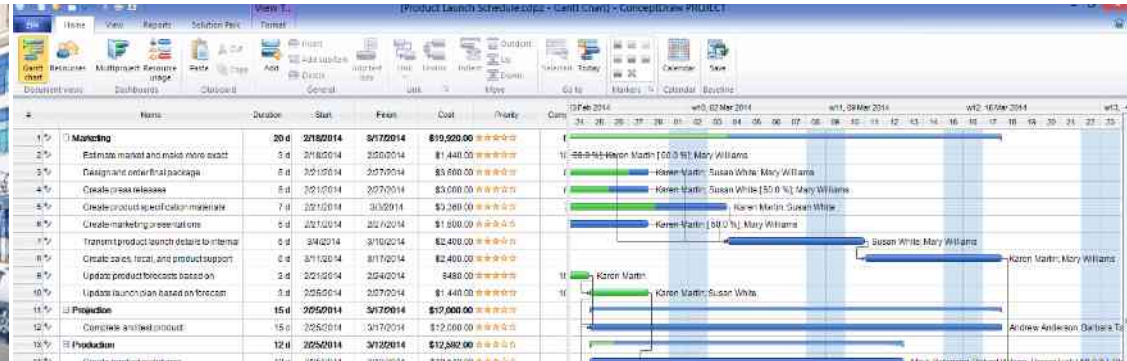
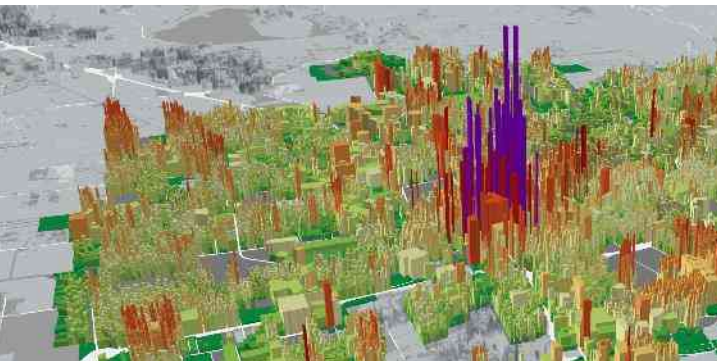
- Forecast
- Inventory
- Analysis

### Compelling:

- Vision
- Goals and policies

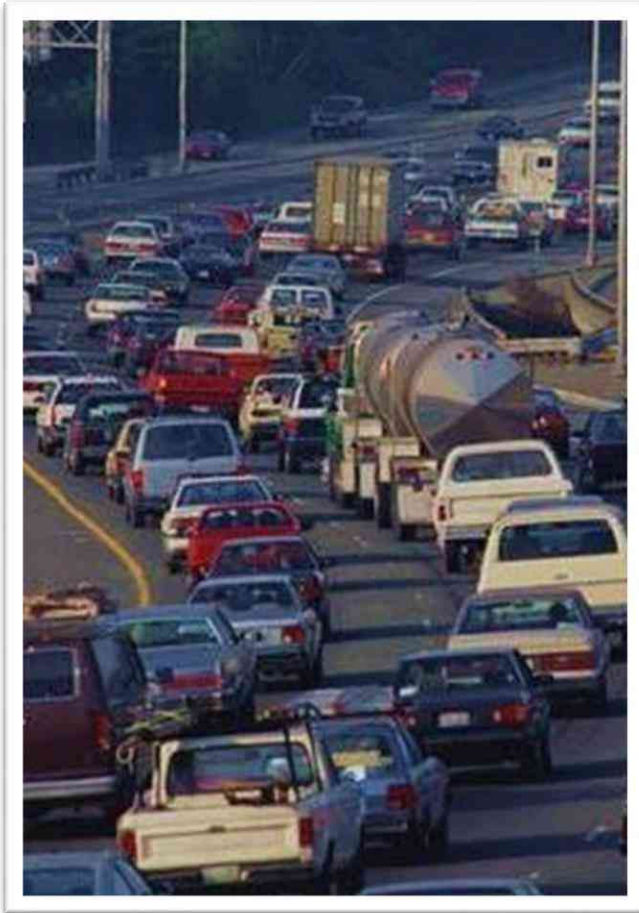
### Specific:

- Level of service
- Performance measures
- Implementation plan
- Projects



# The Growth Management Act (GMA)

---



- **Adopted in 1990 to:**
- Address urban sprawl
- Manage threats to quality of life in WA
- Establish statewide planning framework

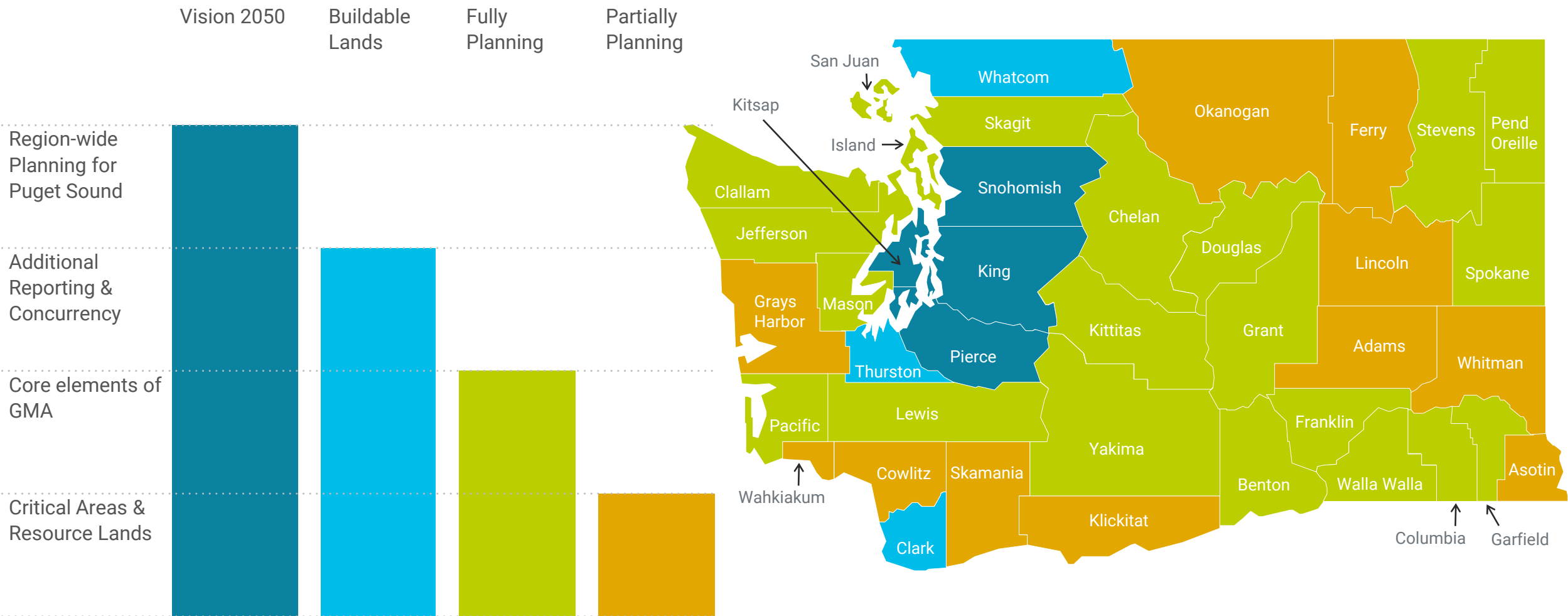
See **RCW 36.70A** (state law) & **WAC 365-196** (advisory recommendations)

# Growth Management Act - 15 Planning Goals

---

- **Encourage** compact urban growth
- **Reduce sprawl**
- **Encourage** coordinated, multimodal transportation
- **Plan for and accommodate** housing affordable to all economic segments
- **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
- **Ensure** comprehensive plans adapt & mitigate effects of **a changing climate**

# The Growth Management Act exhibits regional variation



# Natural Resource Lands and Critical Areas

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**



Image: Growth Management Services, 2023

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
- Critical aquifer recharge areas
- Fish & wildlife habitat conservation areas
- Wetlands

**RCW 36.70A.172**



# Countywide Planning Policies

---



## Countywide Planning Policies (CCPs)

- **Provide a regional framework to:**
  - Plan for future growth
  - Designate and plan for urban growth areas
  - Plan for countywide facilities such as highways or airports
  - Consider affordable housing needs
  - Plan for countywide economic development

# Washington Urban Growth Areas

**Fully planning counties must work with the cities to designate existing and future urban growth areas.**

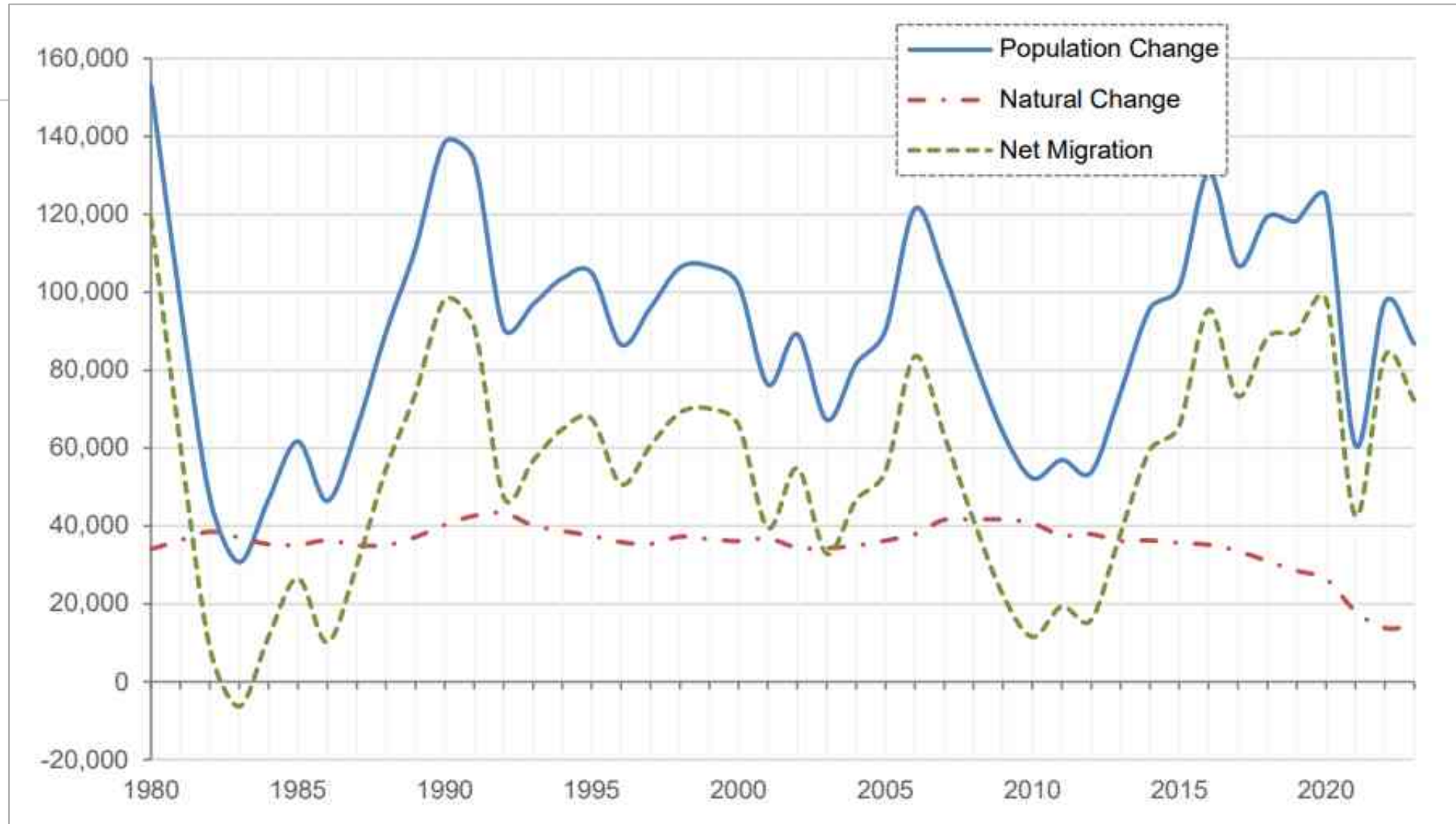


Washington Geospatial Open Data Portal: ArcGIS (Updated May 2022)

# Washington State Population Change and Components of Change (1980 – 2023)

**Population change involves many factors that must be considered to accommodate future population growth (births, deaths, migration, etc.).**

[Source: OFM](#)



# Allocating Population



## Urban areas to contain most of new growth

- Each Urban Growth Area (UGA) is sized based on 20-year countywide population projections from OFM **and countywide housing needs projections from Commerce.**
- Greater housing, greater job densities, efficient use of facilities/public dollars

## Rural areas to maintain rural character

- Low-density development, rural service levels, agriculture/forestry, and Local Areas of More Intense Rural Development (LAMIRDs)

## “Buildable lands” counties

- must consider “reasonable measures” before expanding a UGA.

# Buildable Lands: the review and evaluation component of the Growth Management Act

## The Buildable Lands Program

- **Looks back:** to what extent does achieved development, especially density, match planned development in the last period?
- **Looks forward:** is there sufficient capacity for residential and employment growth for the next 20 years?
- What reasonable measures could be used to better align actual development with planned development? **Then match future zoning with housing needs.**

## Applicable to seven counties



# What is in a comprehensive plan?

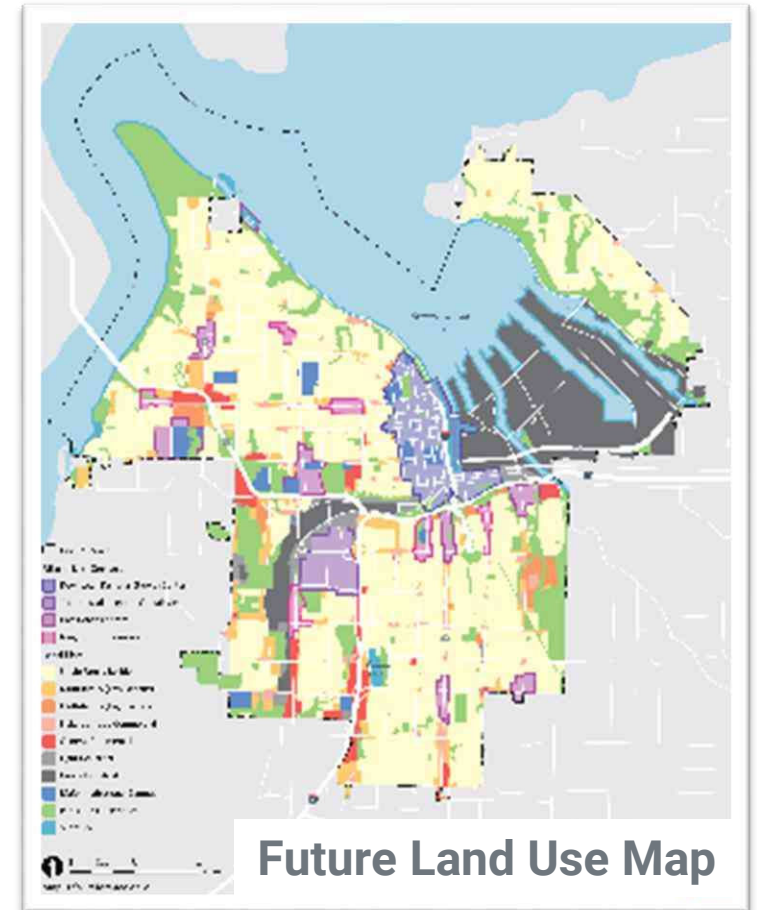
## Comprehensive plans

### Contain Elements (“Chapters”)

- Land use
- Housing
- Capital facilities
- Utilities
- Rural (for counties)
- Transportation
- Climate

- **Inventories**
- **Goals and policies**
- **Analysis and conclusions**
- **Strategies and commitments**

RCW 36.70A.070



# Required elements of a comprehensive plan

**Land Use:** Land uses, stormwater planning, ground water, physical activity.

**Housing:** Identifies the character of residential areas, Inventories existing and projected housing needs and types, Identifies sufficient land for all types of housing, and **addresses racially disparate impacts, displacement.**

**Transportation:** Inventory, assessment of current and future needs, bicycle and pedestrian component.

**Capital Facilities:** Inventory, current and future needs assessment, coordination of planning affordability analysis under the land use plan.

**Utilities:** Inventory, assessment of current and future needs, coordination between providers and land development.

**Climate Resilience:** Must enhance resiliency to and avoid the adverse impacts of climate change

**Rural (counties only):** Define and protect rural character.

# New Housing Element Requirements

---

**New GMA housing goal:** “Plan for and accommodate ~~encourage the availability of affordable housing~~ affordable to all economic segments.”

- 1) Conduct an **inventory and analysis of all housing needs by income**, PSH and emergency housing (#s from Commerce)
- 2) **Identify sufficient capacity of land** for identified housing needs
- 3) Include policies to **support middle housing** and other laws
- 4) Make adequate provisions for all housing needs, including “**document barriers to housing availability such as gaps in local funding, development regulations, etc.**”
- 5) Address **racially disparate impacts, displacement, exclusion and displacement risk** in housing through policies and regulations



# Process: Housing Element Update

**Use Commerce projected housing needs & allocate to jurisdictions**

Book 1: Establishing Housing Targets for Your Community & Housing for All Planning Tool

**Show sufficient land capacity for each income level and housing type**

**Identify barriers to housing needed & document programs and actions needed to achieve housing availability**

Book 2: Updating your Housing Element with HB 1220 (Ch. 3 & 4)

**Review, identify, and address racially disparate impacts, displacement and exclusion, and areas at high risk of displacement**

Book 3: Guidance to Address Racially Disparate Impacts

**Update policies and regulations**

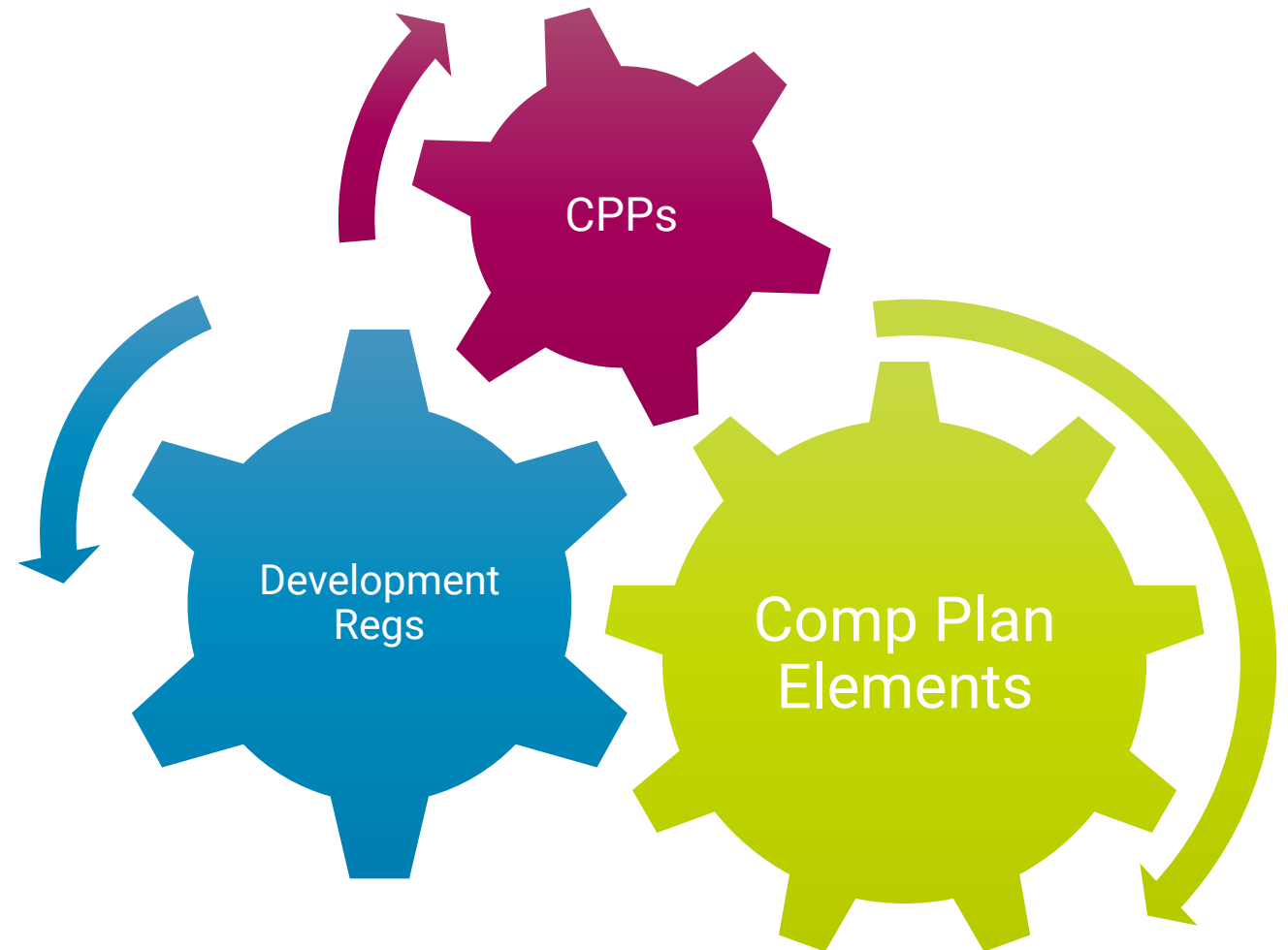
Books 2 & 3, plus HAP Guidance

# Mandatory Consistency & Coordination

**Internal consistency** – differing parts of the plan must fit together

**Interjurisdictional (external) consistency** – consistent with and carry out CPPs

Comprehensive plans **must be consistent and coordinated** with other county and city plans.



# Adopting the comprehensive plan

---

## Plan Adoption

- **Process:**
  - Public outreach early and often
  - Review by planning commission
  - Complete environmental review, per the State Environmental Policy Act (SEPA)
  - 60-days notice to state before adopting
  - City or county council must adopt the comprehensive plan
  - Transportation element to be certified by regional transportation organization

## Plan Updates and Appeals

- **Can be** amended only once per year
- **Must be** updated every 10 years
- **Appealable** within 60 days to a regional Growth Management Hearings Board ([www.gmhb.wa.gov](http://www.gmhb.wa.gov))



# Implementing your Comprehensive Plan



## Capital Improvement Plans

(CIP) priorities for local infrastructure investments must be consistent with the comprehensive plan.

## Development regulations

must be consistent with and implement the comprehensive plan.

# Capital facilities

---

## Comprehensive plan

- **Requirement to adopt a level of service (LOS)** and maintain that LOS as development occurs. \* Required for transportation facilities.
- **Reassess** If revenues can't pay for needed facilities over the life of the plan, the land use element must be reassessed.

## Development review

- **Concurrency programs** ensure that transportation and other facilities keep pace with growth. If a new development would decrease level of service:
  - The development must be denied,
  - The developer must provide the improvement
  - Or the levels of service may be reassessed.



# Development regulations implement the plan and set 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.

## **Public works standards**

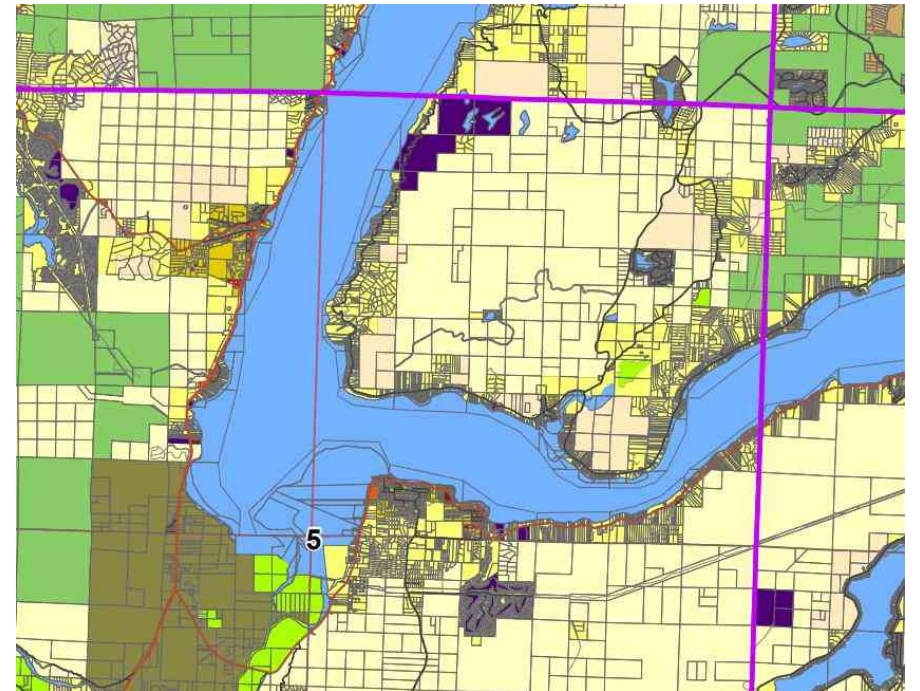
Set street widths and other standards related to public facilities.

## **Subdivision regulations**

Set the process for dividing land and ensure “adequate provisions” for utilities, parks, schools, and other requirements of development.

## **Other regulations**

Such as design standards, signs, landscaping, and parking regulate appearance, health, and safety within the community.



*Clip of Mason County Development Areas Map*

# Periodic Review – Every 10 Years



## Grant and Loan Programs Requiring Periodic Update Completion\*:

- [Public Works Board](#)
- [Drinking Water State Revolving Fund](#)
- [Centennial Clean Water Fund](#)
- [Recreation and Conservation Office](#)
- [Pre-Disaster Mitigation Grants](#)

*\*and no active appeals*

# Growth Management Act amendments

---

**The Legislature has enacted a number of substantive reforms to the GMA in recent years:**

- **[HB 1220 \(2021\)](#) – Affordable Housing:** An act relating to supporting emergency shelters and housing through local planning and development regulations.
- **[HB 1337 \(2023\)](#) – Middle Housing and Accessory Dwelling Units:** An act relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units.
- **[HB 1717 \(2022\)](#) – Tribal Participation:** An act relating to tribal participation in planning under the Growth Management Act.
- **[HB 1181 \(2023\)](#) – Climate Change and Resiliency:** An act relating to improving the state's climate response through updates to the state's planning framework.

*Note: Jurisdiction size, planning status, and other criteria determine applicability for each bill.*



# Final thoughts: Suggestions for land use....

## Urban areas absorb most development

- Human-centered design is timeless
- The community (or neighborhood) is walkable
- Affordable housing options are available
- Diverse local economy



## Rural character is maintained

- Low-density development
- Rural service levels
- Natural resource lands





# Short Course Resources

<https://www.commerce.wa.gov/serving-communities/growth-management/short-course/>



[Short Course Video Study Guide](#)



[Get credit for taking the Short Course!](#)

## Read the Short Course Guidebook:

[\*A Short Course on Local Planning: Resource Guide \(295 pages, 2017\)\*](#)

## Watch the Short Course Videos:

[Introduction to the Short Course](#) 5 minutes

[Comprehensive Planning Basics](#) 11 minutes

[Implementing Your Plan](#) 10 minutes

[Updating Your Plan](#) 10 minutes

[Washington's Legal Framework for Land Use](#)

[Planning](#) 7 minutes

[Constitutional Issues and Other Protections](#) 8 minutes

[Roles and Responsibilities in Planning](#) 7 minutes

[Public Participation and Effective Meetings](#) 7 minutes

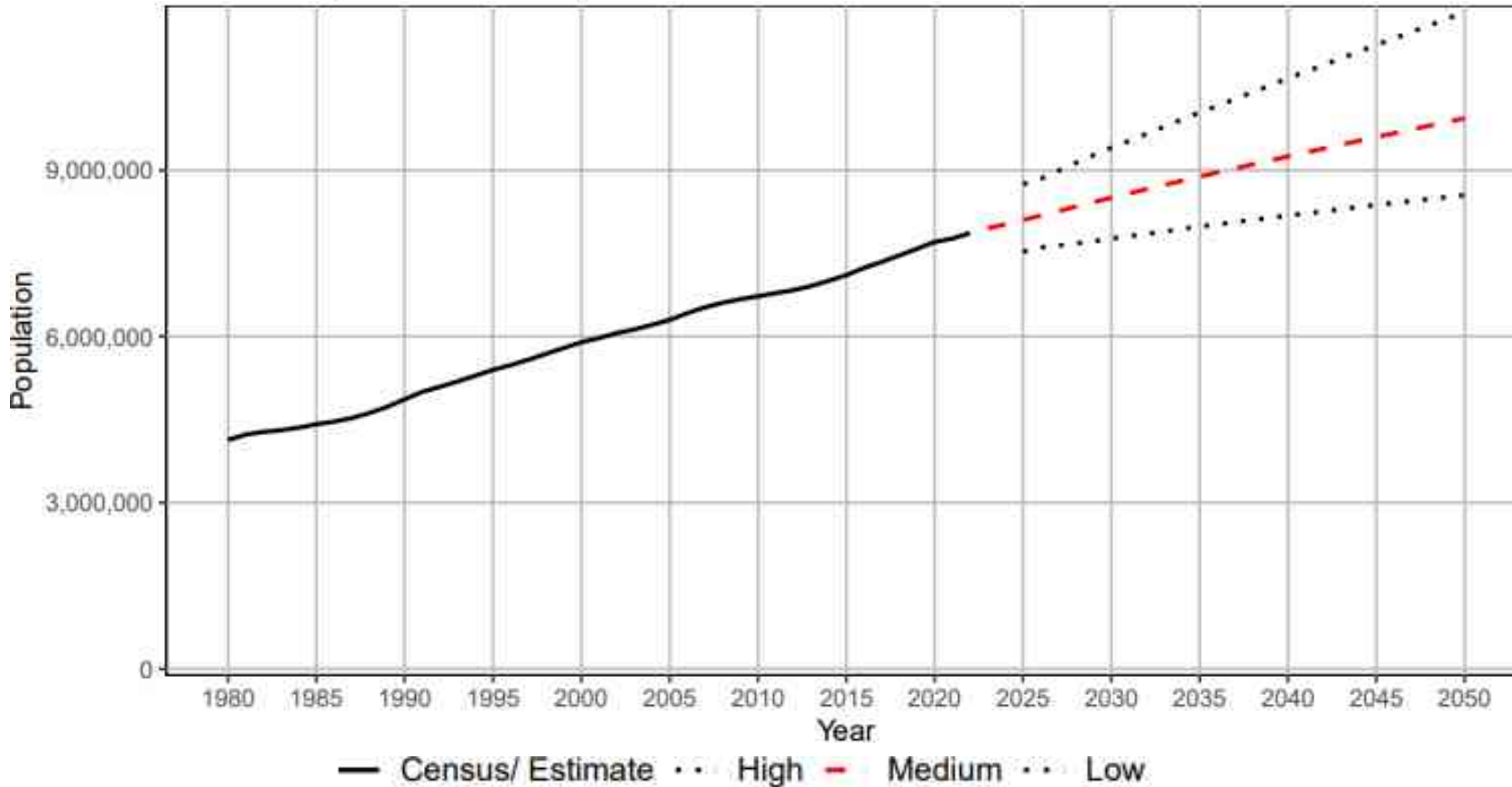
[Open Public Meetings Act](#) 27 minutes | [OPMA Certificate](#)

[Appearance of Fairness Doctrine](#) 17 minutes



# Why a Growth Management Act?

State Total, 2022 GMA Projections



OFM Forecasting & Research Division | December 2022

Washington adopted the GMA 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 36.70 and  
WAC 365-196

# The Growth Management Act consists of goals and requirements

**GOALS** are aspirational expressions of intent to *guide* local choices

36.70A.010	Legislative Findings	
36.70A.020	Goals	
Urban Growth Sprawl Transportation Housing Economic Development	Property Rights Permitting Natural Resource Industries Open Space Environment	Citizen Participation Adequate Public Facilities Historic Preservation Shoreline Management Climate Change

**REQUIREMENTS**  
*Core Substantive Mandates* have the force of law and compliance *must* be fulfilled.

36.70A.060,170, 172	Protect Critical Areas
36.70A.060,131,170,177	Designate & Conserve Resource Lands
36.70A.110	Direct New Growth to Urban Areas
36.70A.070(6)	Provide Adequate Public Facilities
36.70A.200	Allow Essential Public Facilities
36.70A.035	Early and Continuous Public Participation

# Review and revision

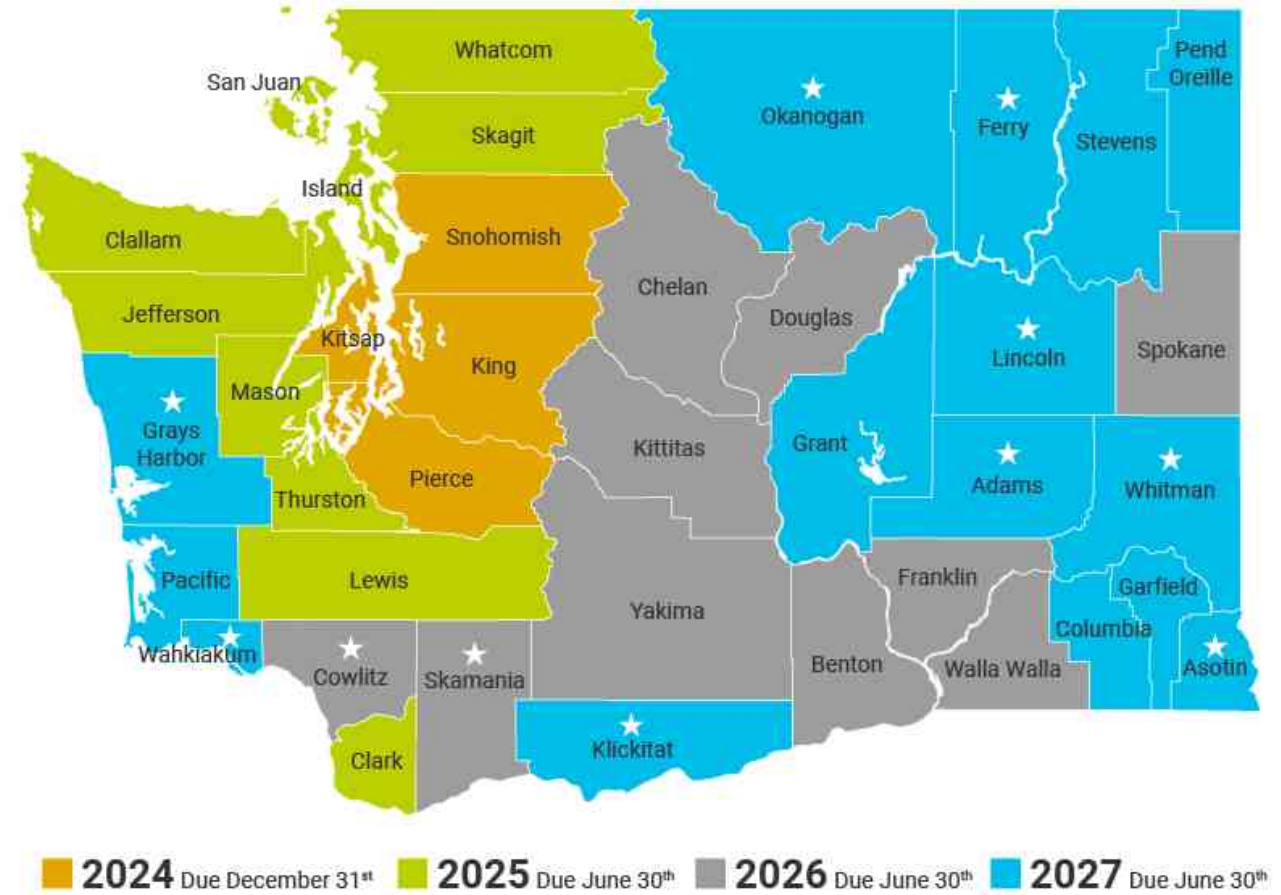
RCW 36.70A.130

## What to Review?

- Comprehensive Plan
- Development Regulations

## What to Review it for?

- New Housing Targets
- Capital Facilities and Transportation Update
- Critical Areas Ordinance for New Science or Management Recommendations
- New Legislative Requirements



# Questions?



Washington State  
Department of  
**Commerce**

# Then a 10-Minute Break!

[www.commerce.wa.gov](http://www.commerce.wa.gov)



Deanah Watson

SENIOR PLANNER

[Deanah.Watson@commerce.wa.gov](mailto:Deanah.Watson@commerce.wa.gov)

509-290-4754



# A Short Course on Local Planning: The Legal Basis of Planning in Washington

**Becky Rude**

Assistant City Attorney

January 23, 2024





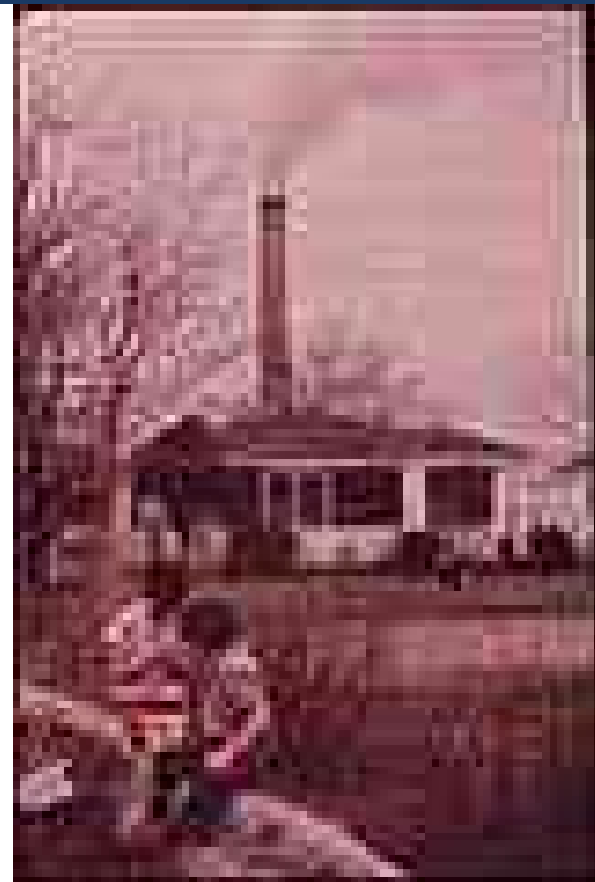
# Land Use Laws

- Constitutional
  - Federal and State
- Statutes and Code
  - Federal, State, and Local
- Administrative Oversight
  - Courts and Agencies



## ***Village of Euclid v. Ambler Realty, 272 US 365 (1926)***

A municipal zoning ordinance creating distinct land use classifications and restricting building size was a reasonable exercise of 10<sup>th</sup> Amendment authority and not a violation of the property owner's 14<sup>th</sup> Amendment rights



Kaiser Aluminum Plant Smokestack above Residential Area (Wikimedia EPA Public Domain)



## Article XI.

### County, City and Township Organization

...all counties of the Territory of Washington, upon  
adoption of this Constitution are hereby  
sub-divisions of this State.  
...city seat shall be removed unless three  
...ctors of the county, voting on the propo-  
...tion shall vote in favor of such removal.

## Washington State Constitution, 1889 (Art. XI, Sec. 11)

Local government regulation  
of private land use is  
authorized for the purpose of  
advancing and protecting the  
health, safety, and general  
welfare of the entire  
community



# Federal and State Land Use Statutes

## United States Code (USC):

- National Historic Preservation Act (NHPA) (1966)
- National Environmental Policy Act (NEPA) (1970)
- Clean Water Act (CWA) (1972)
- Endangered Species Act (ESA) (1973)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (1980)

## Revised Code of Washington (RCW):

- Planning Enabling Act (1962)
- Planning Commission Act (1965)
- State Environmental Policy Act (SEPA) (1971)
- Shoreline Management Act (SMA) (1972)
- Growth Management Act (GMA) (1990)
- Land Use Petition Act (LUPA) (1995)
- Local Project Review Act (1995)





## Growth Management Act – Chapter 36.70A RCW

- Requires long-range coordinated local land use planning
- Protects public interests in environment, economic sustainability, health, safety, and quality of life
- Mandates certain WA counties and cities to adopt comprehensive plans



# Who is (or must be) planning?

(RCW 36.70A.040)



## Counties

GMA Pop. > 50k  
(Title 36 RCW)



## Cities

First or Second Class  
(RCW 35.22 or 35.23)  
Charter or Code  
(Title 35 or 35A RCW)



## Towns

Population < 1,500  
(RCW 35.01.040)



## Tribal Lands

Sovereign Federally  
Recognized Tribes





★ Starred counties are partially planning under the Growth Management Act.

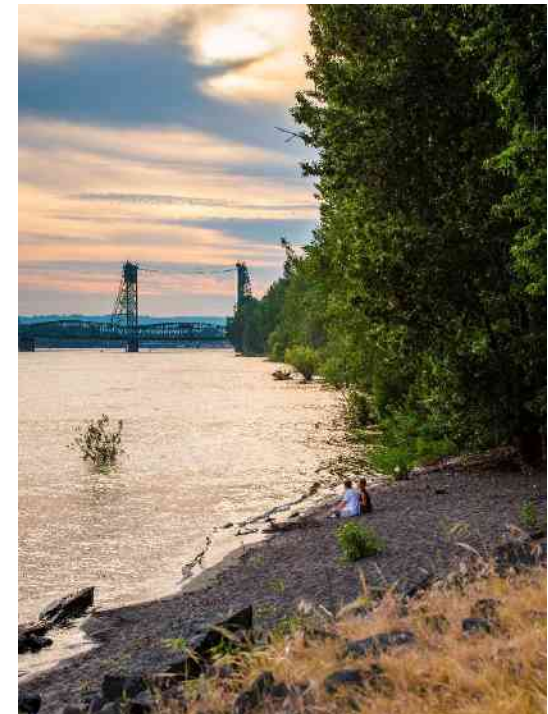
# Comprehensive Plans and Local Ordinances

- Mandatory and Optional Elements
- Natural Resources and Critical Areas
- Urban Growth Areas and Buildable Lands
- Zoning and Development Regulations



# Special Issues in Planning

- Constitutional Due Process –
  - Procedural
  - Substantive
- Takings –
  - Physical Appropriation (Condemnation)
  - Regulatory Taking (Inverse Condemnation)
- Vesting
- Moratoria







# Administrative Oversight

- Judicial Review
- Growth Management Hearings Board
- Hearing Examiners



# Discussion & Questions



This Photo by Unknown Author is licensed under [CC BY-NC-ND](https://creativecommons.org/licenses/by-nc-nd/4.0/)

Becky.Rude@cityofvancouver.us | (360) 487-8500



# ROLES IN PLANNING AND EFFECTIVE PUBLIC PROCESSES

Christina Wollman, ACIP CFM  
Senior Planner

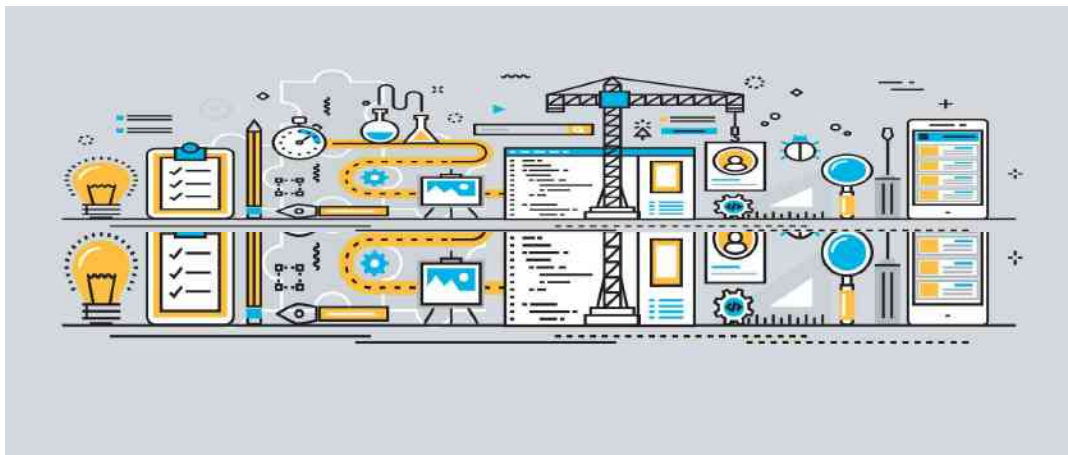
11/29/2023



Washington State  
Department of  
**Commerce**



## Planning is complicated



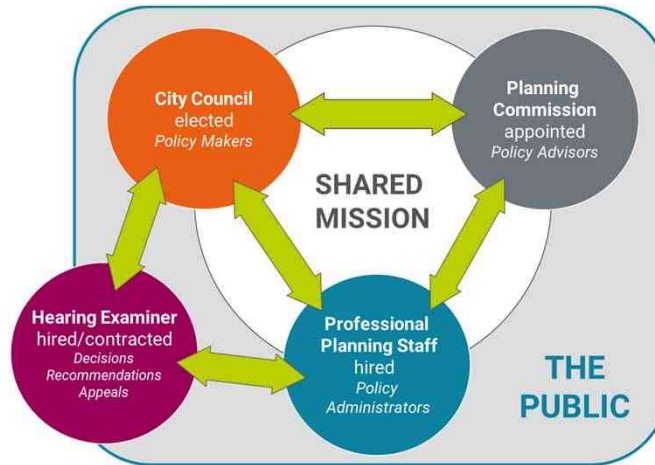
## Planning Involves a Range of Participants

- Elected officials
- Planning Commission
- Staff
- Hearing examiner
- Other appointed bodies
- General public
- Other interested or affected parties (environmentalists, developers, agencies, tribes, media, utilities, courts, districts [transit, school, water, sewer, fire], etc.)



## Roles and Responsibilities

## Roles and Responsibilities in the Planning Process



## Elected Officials – Commissioners, Council, and Mayor Policy Makers

- Key leaders and decision makers on policy, adopting comprehensive plan policies and development regulations
  - Makes final decision on some quasi-judicial permit applications
  - Make final decisions on funding decisions for operating and infrastructure funding programs
  - Communicate vision to residents, Planning Commission, and staff
  - Appoints planning commissioners
- A decorative logo is visible in the bottom right corner of the slide.

## Planning Commission Policy Advisors

- Created under the premise that community residents can best objectively review and recommend sound regulations, free of political influence
- Provides recommendations to Council on policy, regulations, standards, and plans
- In some communities, make quasi-judicial decisions or recommendations

RCW 35.63.080



## Effective Planning Commissions Obligations

### Tips for the Planning Commission

- Attend and participate
- Do your homework – be prepared for the discussion and read meeting packet ahead of time
- Keep the long-term goals in mind
- Make an annual work plan
- Good communication with Council/Commissioners; accept that they may not always agree with your decisions
- Use staff resources well, defer to technical judgement and expertise
- Welcome public involvement and keep an open mind
- Listen, be polite, be respectful, and be patient
- Focus on the decision criteria; focus on persuading and not arguing



## Effective Planning Commissioner Chairperson

### Tips for the Planning Commission Chair

- Run the meeting efficiently – keep things moving
- Know and enforce the rules of procedure to ensure all have the opportunity to contribute
- Make people feel at ease, encourage people to express their concerns
- Treat people fairly and equally, making no exceptions for VIPs or intimidators



## County Commissioners/City Council Obligations to Planning Commission

- Respect and support the Planning Commission's role
- Appoint residents to the Planning Commission who will commit the time and care needed to do their job right
- Carefully review the recommendations from the Commission – take the time to understand the record and rationales
- Agree with the Commission when you can, disagree when you must
- When disagreeing with Commission, take the time to explain “why”
- Provide periodic two-way feedback to the Planning Commission – meet jointly at least annually
- Provide direction, scope, and resources for the Planning Commission's work program

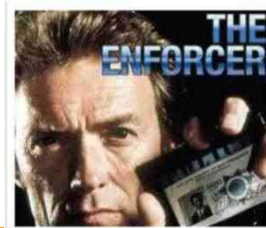


## Hearing Examiner

- Typically involved in quasi-judicial activities
- Professional hired/contracted to make permit recommendations or decisions based on the decisional criteria supported by an adequate record (not emotion, persuasion, or politics)
- Reduces local government liability exposure through more consistent and legally defensible quasi-judicial decisions
- Allows local legislative/advisory bodies that might otherwise conduct these public hearings to concentrate on policy-making (legislative) activities



## Planning Staff's Many Roles





## Planning Staff's Obligations

- Present thorough, objective analysis, reasonable alternatives, and professional recommendations based on facts and best practices
- Implement the adopted policies and development regulations
- Provide responsive, complete, and timely answers to questions
- Provide a solid record to the decisions makers, that includes:
  - application materials and supporting documentation,
  - relevant facts and decision criteria,
  - project history,
  - public comment
  - agency communication,
  - SEPA determination, and
  - findings that support the reasons for approval or denial.



## Planning Staff's Obligations

- Carry forward and explain the Planning Commission recommendation to the City Council or Commissioners, even if the staff did not agree with some part of it (alternative recommendations are okay)
- Respect and support the Planning Commission's policy-advising role and the City Council or Commissioners policy-making authority, including their prerogative to disagree with staff and Planning Commission recommendations



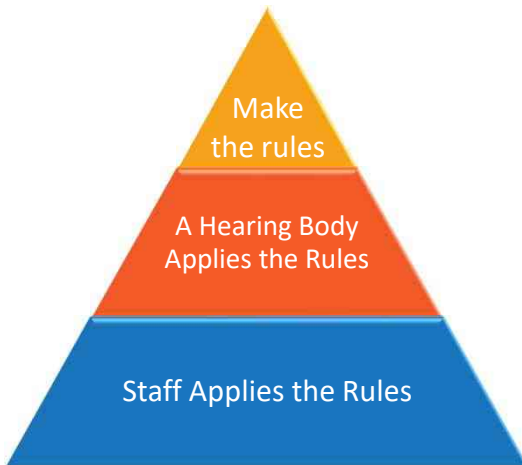
## City Council / County Commissioners Obligations to Staff

- Give appropriate deference to technical judgments within the staff's areas of expertise, or provide necessary support
- Rely on the staff to administer and enforce adopted policies and regulations – don't "micro-manage"
- Keep the workload priorities and schedule expectations in alignment with the resources available
- If unhappy with staff's administrative decisions or job performance, they should take the matter up privately through channels, not publicly



## Steps in the Planning Process

## Land Use Planning Decisions

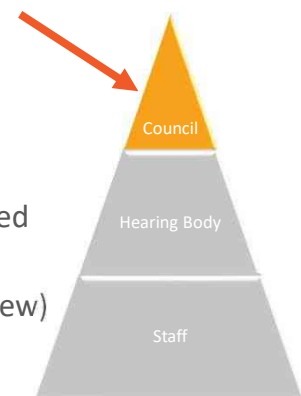


- **Legislative (Long Range Planning)** – Elected officials adopting policies and development regulations, Planning Commission makes recommendations (**Making the rules**)
- **Quasi-Judicial (Current Planning)** – A board or person reviewing and making recommendations or decisions on permit applications (**Acting as a judge**)
- **Administrative (Current Planning)** – Staff reviewing land development applications (**Applying the rules**)



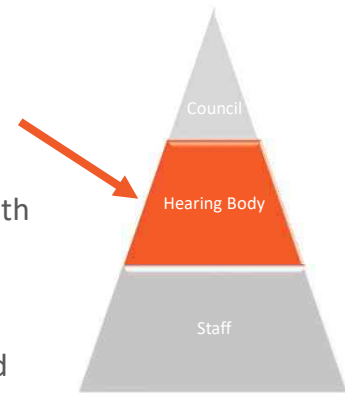
## Typical Steps in the Legislative Process

- Amendment to a plan or regulation proposed
- Professional review by staff or planning consultant
- Environmental review (SEPA) and Commerce 60 day review
- Public involvement
- Planning Commission hearing and recommendation to elected officials
- Council/Commissioner review (may include more public review)
- Council/Commissioner decision and adoption
- Decision may be appealed to Growth Management Hearings Board by parties of record



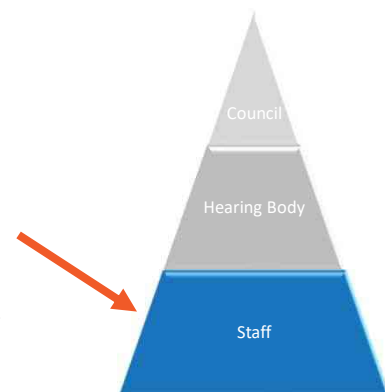
## Typical Steps in the Quasi-Judicial Process

- A project is applied for
- Complete application determination
- Professional review by staff or planning consultant
- Environmental review (SEPA)
- Public notice
- Staff report documenting consistency or inconsistency with Comp Plan, City Code, or other regulations.
- Notice of public hearing
- Hearing Examiner recommendation or decision
- For recommendations, Council/Commissioner review and decision in a closed record hearing
- Decision may be appealed to Superior Court by parties of record



## Typical Steps in the Administrative Process

- A project is applied for
- Complete application determination
- Professional review by staff or planning consultant
- Type 2 Review only:
  - Environmental review (SEPA)
  - Public notice
- Staff decision
- Decision may be appealed to the Hearing Examiner by parties of record
- The Hearing Examiner decision may be appealed to Superior Court



## Tips for Effective Planning Processes

### 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 HEARINGS

## General Public

- **Long-term residents** can provide detailed and historical community knowledge
- **The business community** can identify regulations and policies which may sound great in principle, but might be difficult to achieve



## General Public, cont'd.

- The **environmental community** can identify potential impacts to critical areas and natural resource lands and options for mitigation
- **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
- The public have **different perspectives** of what constitutes the big picture or public interest



## Tips for Managing Public Hearings

- May require that all persons wishing to present testimony sign in, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise
- May arrange the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.)
- May establish time limits or restrict repetitive testimony
- Be consistent at all public hearings



## When Listening at Public Hearings

### **Help people through the public hearing process.**

Be respectful and patient:

- With those uncomfortable with public speaking
- With those who are angry or perpetually challenging city government
- With other members who may not agree with you or understand your perspective



## Discussion, Evaluation & Deliberation

Decision making bodies should:

- Discuss why they are supporting approval or disapproval. Base reasons on criteria. Other members may not agree with you or understand your perspective.
- 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.



**Thank you!**  
**I am available for questions later in the program**



Washington State  
Department of  
**Commerce**

Christina Wollman, AICP CFM  
Senior Planner  
Pertee Inc.  
509.619.7031  
[christina.wollman@pertee.com](mailto:christina.wollman@pertee.com)





# A Short Course on Local Planning: Open Government Laws

**Becky Rude**  
Assistant City Attorney  
January 23, 2024



# Washington Open Government Laws



## Appearance of Fairness Doctrine

Chapter 42.36 RCW



## Open Public Meetings Act

Chapter 42.30 RCW



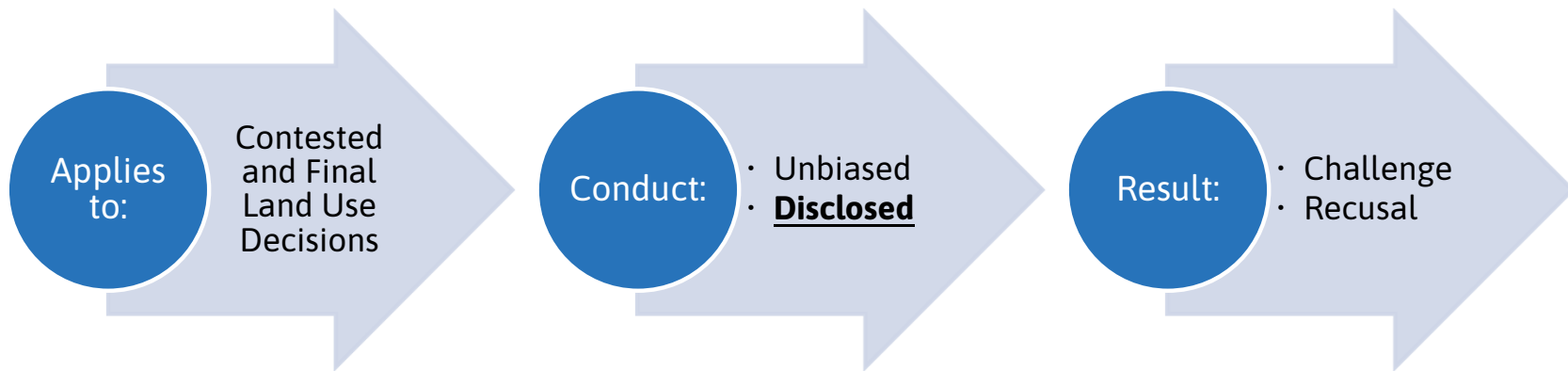
## Public Records Act

Chapter 42.56 RCW



# Appearance of Fairness Doctrine

## Chapter 42.36 RCW



# Prohibitions and Exceptions

## Ex Parte Communications

- Discussions of a pending matter outside formal proceedings

## Doctrine of Necessity

- Member required for quorum may participate *if* timely disclosed





# Open Public Meetings Act

- Purpose: Conduct public business openly
- Intent: Invite and incorporate public comment
- Applicability: Public agency governing body meetings

[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)



# OPMA Requirements

## Chapter 42.30 RCW

### 90 Days

Newly appointed members must complete OPMA training

### Four Years

Members must renew training

### Meeting

Governing body conducting official business

### Notice

Advance public notice of time, place, and agenda required

### Open

Meetings must be open and accessible to everyone

### Quorum

Majority of members present; intent to conduct business

### Business

Discussion, deliberation, receipt of public testimony, evaluation, or voting

### No Secrets

Secret ballots not allowed





## OPMA Risks & Tips

- Avoid creating “serial” meetings
- Exceptions to OPMA exist, but are limited
- Violations void any action taken
- Members may incur financial penalties
- Establish communication best practices



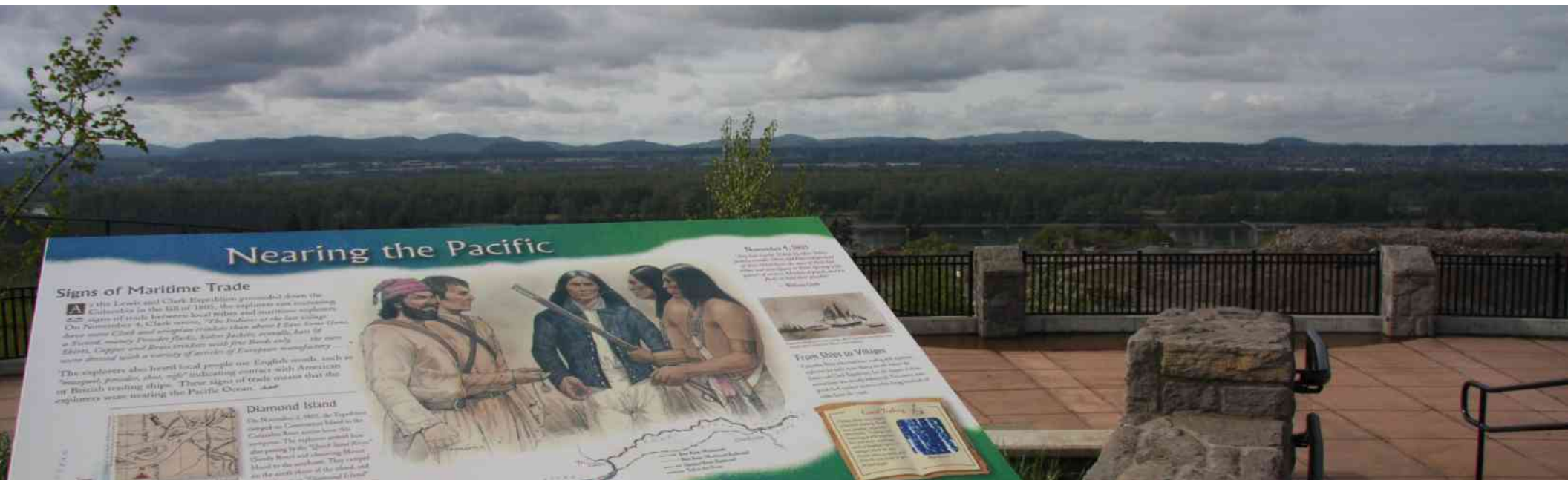
# Public Records Act

## Chapter 42.56 RCW

Protects and promotes the public interest in, and insistence on, remaining fully informed







## What is a public record?

- Any “writing”
- Containing information relating to the conduct of government
- Prepared, owned, used, or retained by any state or local agency
- Regardless of physical form



# What is a public record writing?

RCW 42.56.010(4)

Handwriting	Typewriting	Printing	Photostating	Photographing	Papers
Maps	Tapes	Pictures	Film and Video	Recordings	Any Form of Communication



# PRA Requirements

- Records must be made available
- No prescribed format for valid request
- Response may seek clarification but must be quick – five business days
- Limited exceptions for redacting or withholding





## PRA Risks

- Burden on agency to prove exemption
- Violations incur monetary penalties
- Personal platforms can become public records if used for public business
- “If you don’t want to read it on the front page of the paper ...”



# Questions & Discussion



[Becky.Rude@cityofvancouver.us](mailto:Becky.Rude@cityofvancouver.us) | (360) 487-8500

