

**Clark County Planning Commission  
February 21, 2013**

**GMA 101, Comprehensive Planning 101,  
and  
Planning Commission Best Practices**

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**Structure and Sequence for tonight's presentation**

**Segment A** – GMA 101: the framework for  
planning in the state of Washington

**Segment B** – Comprehensive Planning 101:  
the what, why and how of local planning

**Segment C** – Comprehensive Planning 102:  
organizational roles and relationships

**Segment D** – Mock Planning Commission Hearing

**Segment E** – the Planning Commission as a  
deliberative body – tips for success

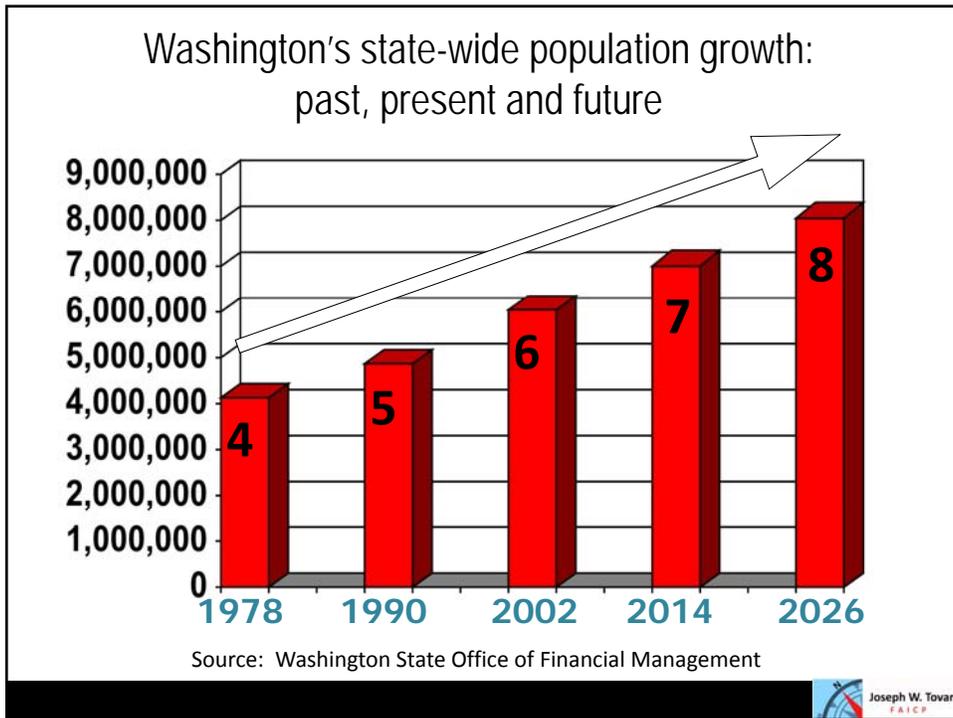
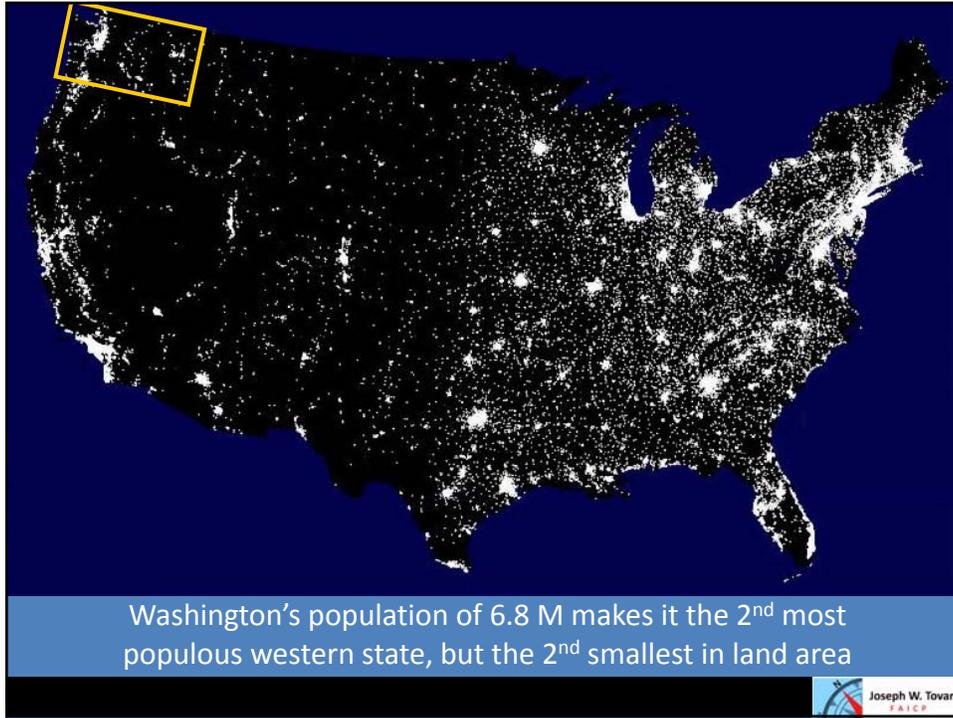


**Segment A**  
**GMA 101: the framework for  
planning in the state of Washington**



Planning is about looking at the big picture, taking the long-term view, and thinking about the inter-connectedness of decisions





Washington is one of ten states that have some form or degree of “growth management” state law



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**Washington’s middle path**

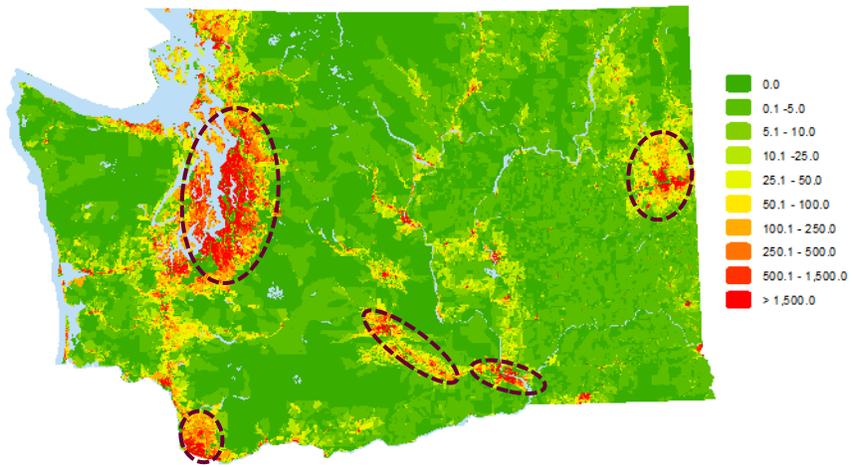
Bottom up

Top down

STATE PLANNING STATUTES	40 Planning Enabling States	California	Washington @1990	Oregon @1973
Who is required to plan?	Local choice	All cities and counties	29 of 39 counties and cities within	All 36 counties and cities within
State agency oversight of decisions?	No	Generally, no	Yes Commerce GMHB	Yes LCDC LUBA
Urban Growth Areas required by law?	No	No, though some counties have done so	Yes	Yes
Separate Environmental Law?	No	California Environmental Quality Act	State Environmental Policy Act	No
Separate Shoreline Law?	No	California Coastal Act	Shoreline Management Act	No

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Most of Washington's 6.8 M population is concentrated in five regions:  
Puget Sound, Clark County, Yakima, Tri-Cities and Spokane



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Washington has very diverse physical and economic geographies



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**GMA** in context: milestones in statutory chronology

- 1962 Planning Enabling Act (RCW 36.70) passed
- 1971 State Environmental Policy Act (**SEPA**) passed by legislature
- 1972 Shoreline Management Act (**SMA**) adopted by the voters
- 1990 **Growth Management Act** (RCW 36.70A) **Part I** passed by legislature
- 1990 Initiative 547 (more “Top Down” model) rejected by voters
- 1991 **Growth Management Act Part II** passed by legislature
- 1995 Chapter 36.70B RCW (Regulatory Reform) passed by legislature
- 2006 Initiative 933 (pay or waive for regulations) rejected by voters
- 2009 **GMA/SMA** clarification passed by the legislature  
Prohibition of expanding UGAs into floodplains passed
- 2012 **SEPA** reform bill passed legislature



GMA consists of Goals and Requirements

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

**REQUIREMENTS** have the legal force of law and *must* be complied with

They are enforced by the Growth Management Hearings Board

<u>36.70A.010</u>	Legislative findings.
<u>36.70A.011</u>	Findings -- Rural lands.
<u>36.70A.020</u>	<b>Planning goals.</b>
<u>36.70A.030</u>	Definitions.
<u>36.70A.035</u>	Public participation -- Notice provisions.
<u>36.70A.040</u>	Who must plan -- Summary of requirements -- Development regulations must implement comprehensive plans.
<u>36.70A.045</u>	Phasing of comprehensive plan submittal.
<u>36.70A.050</u>	Guidelines to classify agriculture, forest, and mineral lands and critical areas.
<u>36.70A.060</u>	Natural resource lands and critical areas -- Development regulations.
<u>36.70A.070</u>	Comprehensive plans -- Mandatory elements.
<u>36.70A.080</u>	Comprehensive plans -- Optional elements.
<u>36.70A.085</u>	Comprehensive plans -- Port elements.
.....	
<u>36.70A.695</u>	Development regulations -- Jurisdictions specified -- Electric vehicle infrastructure



## Excerpts of Planning Goals RCW 36.70A.020

**(1) Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

**(2) Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

**(3) Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.



## Planning Goals (Cont'd)

**(6) Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

**(7) Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

**(8) Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries.



## Planning Goals (Cont'd)

**(10) Environment.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

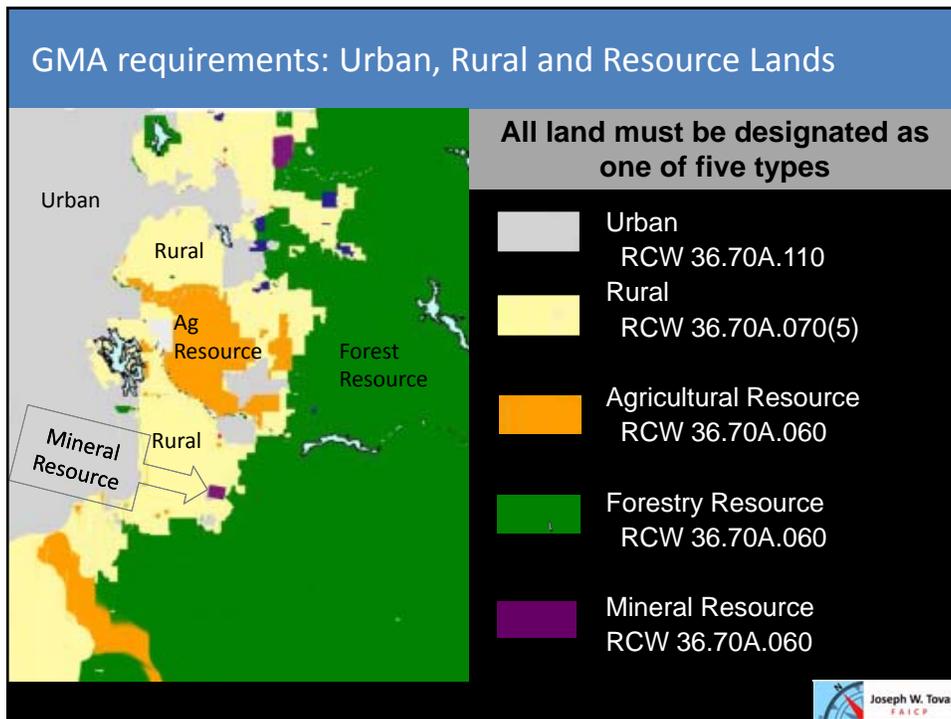
**(11) Citizen participation and coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.



GMA Requirements have the force of law:  
Public participation requirement at RCW 36.70A.140

"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. ...."





### Role clarification for cities, counties, special districts

RCW 36.70A.210 (1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas.

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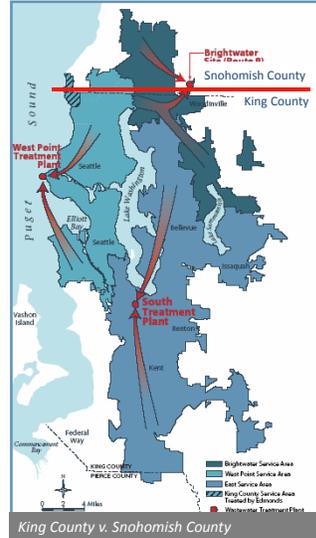
RCW 36.70A.200 Essential Public Facilities may not be precluded by city or county plans or regulations



Port of Seattle v. City of Des Moines, et al.



Sound Transit v. City of Tukwila



King County v. Snohomish County



**Segment B**  
Comprehensive Planning 101:  
the what, why and how of local planning



## What is a comprehensive plan?

Defined at RCW 36.70A.020(4) as:

“ A *generalized* coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter (the GMA).”



## What is a development regulation?

Defined at RCW 36.70A.020(7) as:

“ ...the *controls* placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.”



## Sample Comp Plan Goals and Policies

### LAND USE ELEMENT

- GOAL LU- 2** Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, and recreation.
- Policy LU- 7** Promote small-scale commercial activity centers within neighborhoods that encourage walkability, and provide opportunities for employment and “third places.”

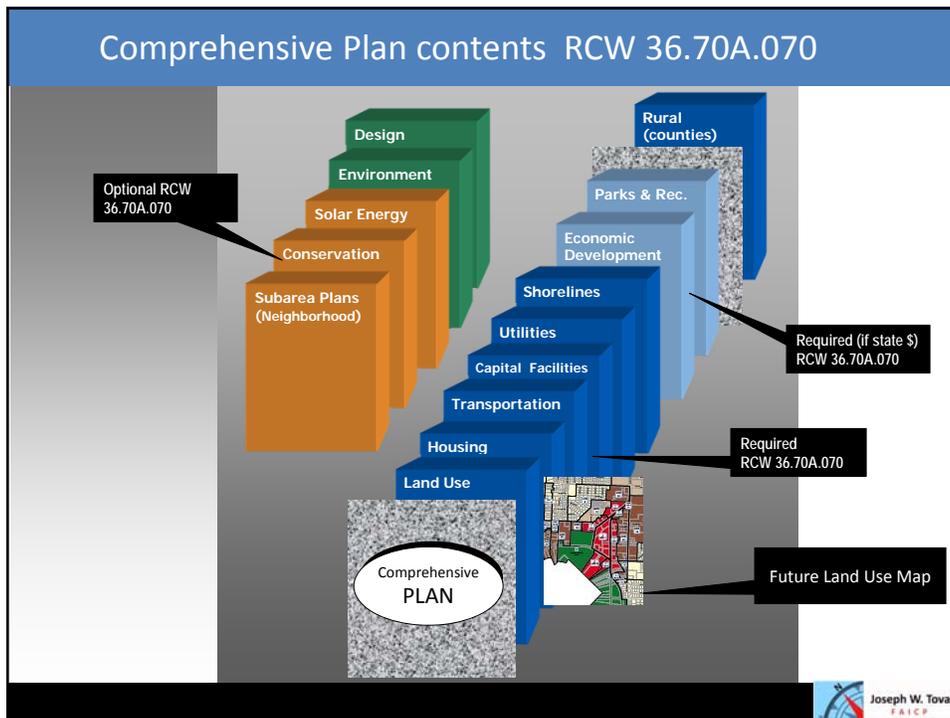
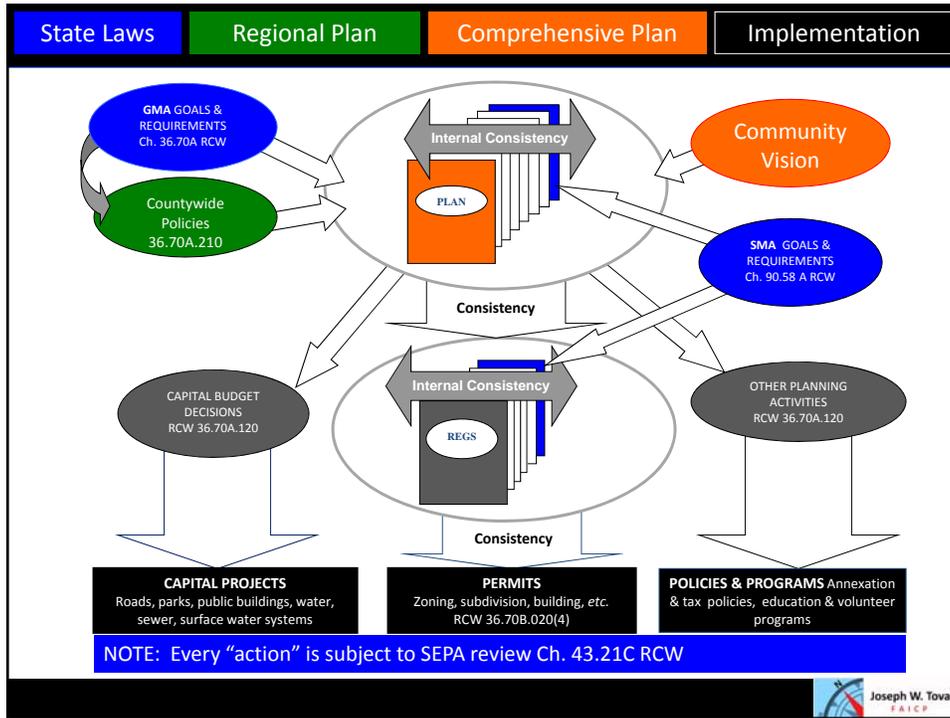


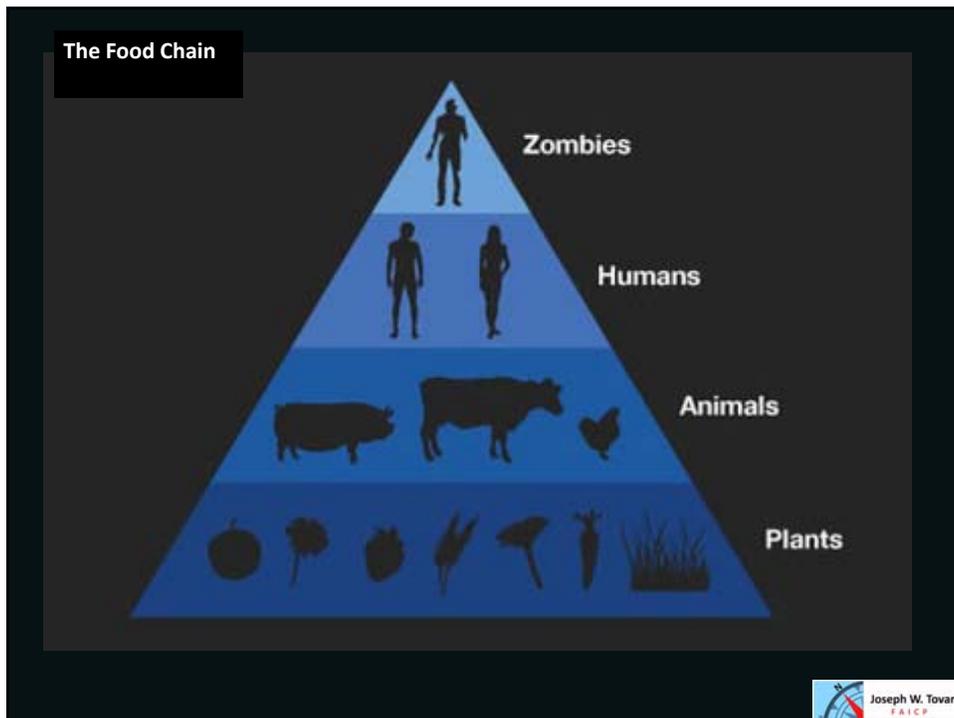
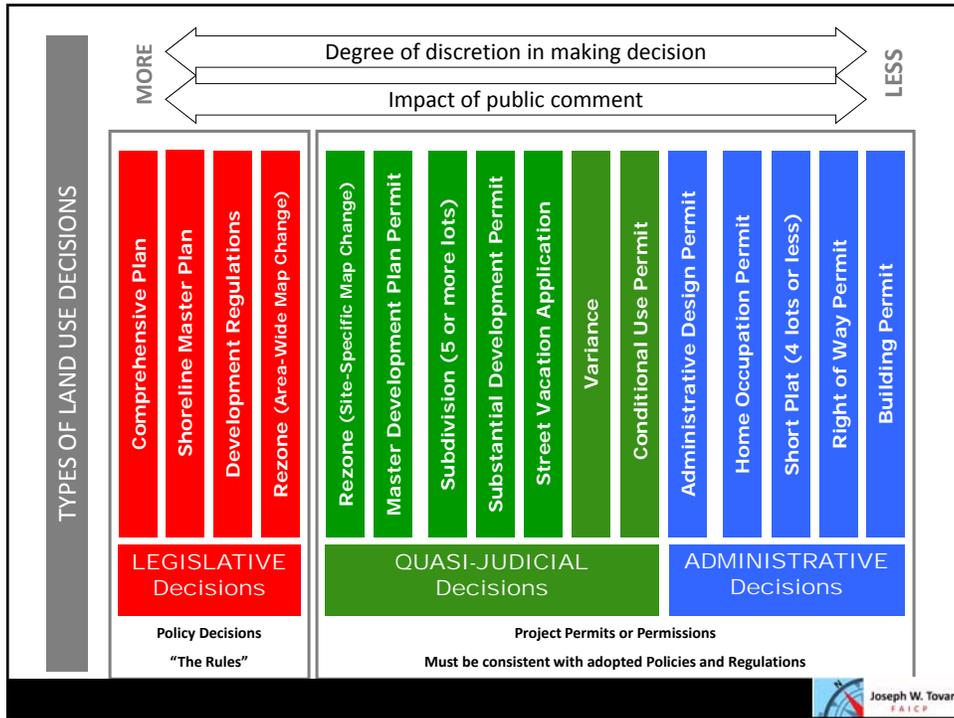
## Sample Comp Plan Goals and Policies

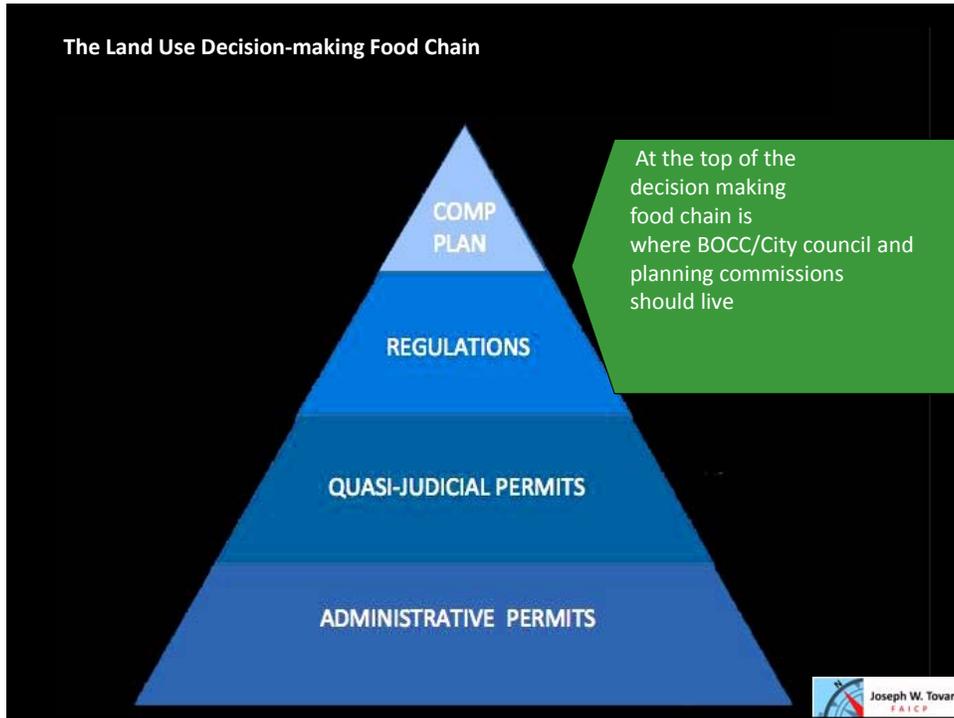
### ECONOMIC DEVELOPMENT ELEMENT

- GOAL ED- 9** Facilitate private sector economic development through partnerships and coordinating funding opportunities.
- Policy ED- 5** Coordinate with local community and technical colleges, and other institutions of higher learning, including the University of Washington, to train a workforce that is prepared for emerging job markets.









**Segment C**  
Comprehensive Planning 102:  
organizational roles and relationships

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The American ideal of the public meeting



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Not the ideal: Public meetings as reality TV



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**QUESTION:** how do we get to the point where our comprehensive planning process, including public meetings, looks more like the first image and less like the second?

**ANSWER:** Recognize that the planning commission, the planning staff, and the elected officials each have distinct roles, prerogatives and mutual obligations, and that they are all organized around a shared mission.



## What is the "Shared Mission"?

- ❖ *Serving the citizens of our community*
- ❖ *Helping shape our community's future and honor its past*
- ❖ *Working together to build a great county/great city*
- ❖ *Insert your community's Mission Statement here*





## BOCC/City Council's Role

- BOCC/City Council's role: **POLICY MAKERS**
- As directly elected officials, they represent and are accountable to the citizens
- In the council-manager form of city government, the Council hires, provide direction to, and evaluates the performance of the city manager
- In the strong mayor form of city government, the Mayor hires, provides direction to, and evaluates performance of a chief administrator and/or department heads

## BOCC/City Council's Role (cont'd)

- Appoint citizens to the Planning Commission, provide policy direction regarding the work program and allocate resources to achieve it
- Take final action on all *legislative* matters, including the adoption and amendment of comprehensive plans, development regulations and capital budgets
- Take final action on those *quasi-judicial* matters that local code assigns to the legislative body

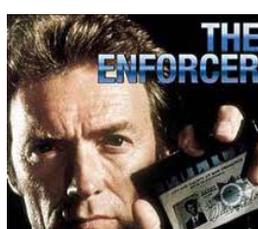


## Planning Commission's Role

- Role: **POLICY ADVISORS** to the BOCC/City Council
- The Planning Commission is the first and primary body responsible for soliciting and hearing public input on land use matters in a community
- Planning Commission members bring an important expertise to the consideration of plans and implementation – they reflect the perspective, experience, and values of their community
- The Commissioners listen to the staff recommendation and public input, weigh all the evidence, pay attention to the relevant criteria, and then make a thoughtful well-considered recommendation to the BOCC/City Council



## Planning Staff's many Roles



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## Staff's Roles (cont'd)

- Roles: **POLICY ADVISORS** to the Planning Commission and BOCC/City Council, **ADMINISTRATORS** and **ENFORCERS** of the plans & regulations adopted by Council
- Assure the legal sufficiency of the process, including notice, maintenance of the record, and communicating with the public and agencies
- Provide a professional recommendation, taking care to outline the range of alternatives, the merits/demerits of each

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## BOCC/City Council Obligations to Planning Commission

- Respect and support the Planning Commission's Role
- Appoint citizens 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 the Commission's rationales
- Avoid "cherry-picking" from the Commission's record - give weight to the final outcome of their deliberations



## BOCC/Council Obligations to Planning Commission (cont'd)

- Agree with the Planning 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



## BOCC/City Council Obligations to Staff

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



## Planning Commission's Obligations

- Respect and support the BOCC/City Council's roles and prerogatives
- Do your homework. Read the packet of information before the meetings
- If you have questions that can be clarified before the meeting, call or email the staff
- Give careful consideration and weight to all the public testimony, facts, and criteria that govern a particular land use decision



## Planning Commission's Obligations (cont'd)

- Have an open mind, treat all parties with due respect, and learn to persuade rather than argue
- At a hearing, address applicants, citizens and staff by surname or title. Informal use of first names may suggest undue influence
- Give appropriate deference to technical judgments within the staff's areas of expertise
- Gracefully accept that the BOCC/City Council will not always agree with the Planning Commission's recommendations



## Staff's Obligations

- Present thorough, objective analysis, reasonable alternatives, and professional recommendations based on good facts and best practices
- Carry forward and explain the Planning Commission recommendation to the BOCC/City Council, even if the staff did not agree with some part of it
- Respect and support the Commission's policy-advising role and the BOCC/City Council's policy-making prerogatives, including their prerogative to disagree with staff and Planning Commission recommendations
- Provide responsive, complete, and timely answers to questions



**Segment D**  
**Mock Planning Commission Hearing**



**Santana Sand & Gravel proposed Comprehensive Plan  
Amendment from Mineral Resource Lands to Urban  
and from Industrial to R-24 multifamily**

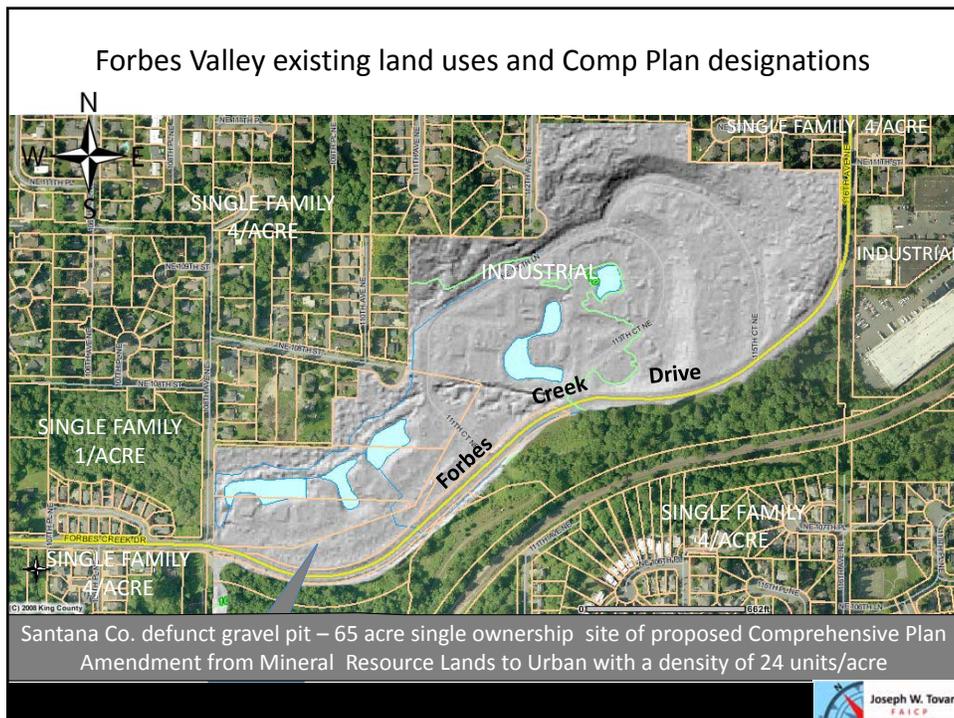
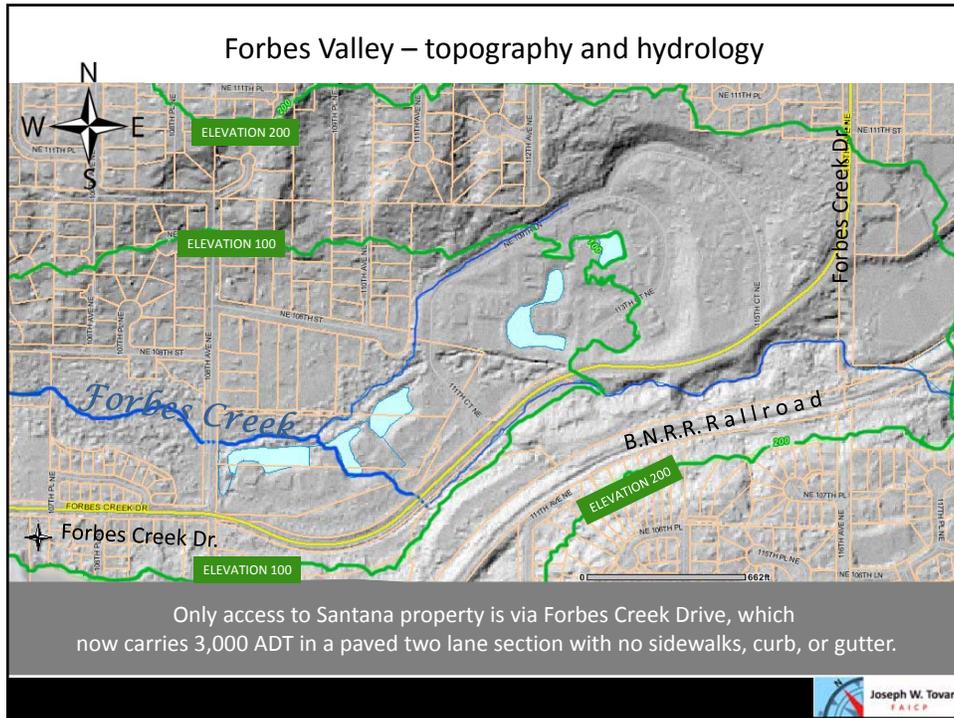
**The Players**

**Planning Commission Chairman Gatekeeper**  
**Planning Commissioner Noble**  
**Planning Commissioner Leary**  
**Planning Commissioner Singer**

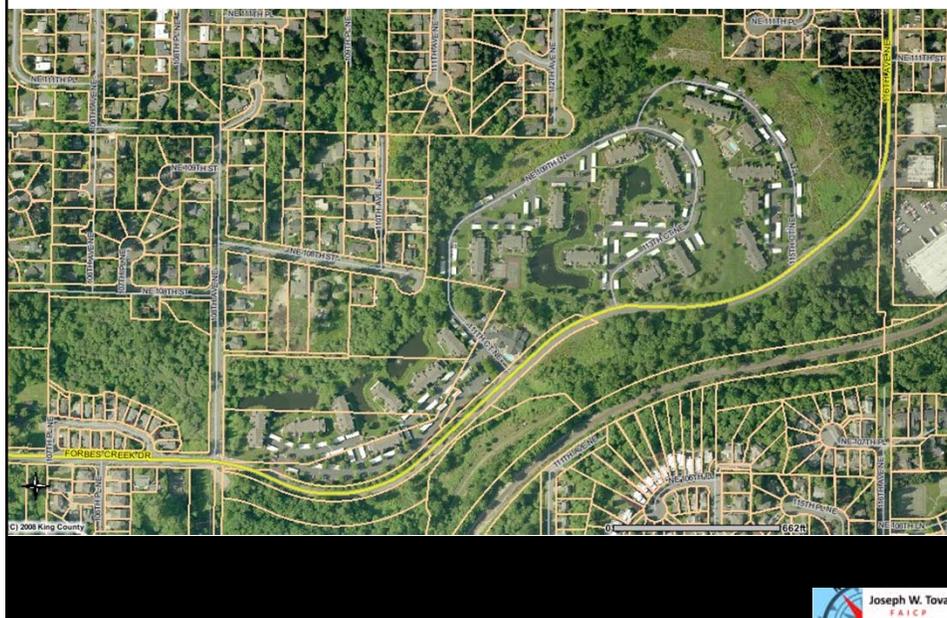
**Staff Project Planner Hauser**  
**Staff Transportation Planner Wheeler-Walker**  
**Staff Environmental Planner Woody D. Brees**

**Citizen Post**  
**Citizen Fenster**  
**Citizen Reasoner**  
**Citizen Parks**





What was actually approved and built!



## Segment E

### Planning Commission as a deliberative body: tips for success

- Recap from mock hearing
- Model Meeting Agenda - meeting tips on reverse
- Tips for tracking proposed amendatory language
- Tips for transmitting Planning Commission recommendations to the elected officials
- Tips for feedback loops to the planning commission
- Taking stock - “retreats” and annual reports
- Q and A

To recap . . .



**WHO WE ARE**

The Planning Commission is a 7-member advisory body appointed by the Board of County Commissioners/City Council to four-year terms. Planning Commissioners are unpaid volunteers, providing our time as a service to our community.

The purpose of the Planning Commission is to provide recommendations to our elected officials to guide the county's/city's future growth and development through review and improvement to the Comprehensive Plan, Development Code, Shoreline Master Plan, and related land use documents.

**WHAT IS HAPPENING TONIGHT**

**Public Hearing**

The Planning Commission holds public hearings and makes recommendations on legislative decisions. These are non-project decisions that will establish or amend the policies and regulations that govern private developments in our jurisdiction.



Planning Commission: be one of the few good men and women who are willing to do the important job



- Do the homework required
- Attend meetings regularly
- Keep open mind, listen, weigh, persuade, be persuaded
- Seek agreement but disagree agreeably
- Understand and accept the advisory role

Communicate, communicate, communicate!



- From communication comes understanding
- From understanding comes respect
- From respect comes trust
- From trust comes many good things



## Opportunities for communication

- Directors report every Planning Commission agenda
- Planning Commission retreat
- Annual/semi-annual joint meeting of Planning Commission with the BOCC/City Council
- Site tours with staff and PC



# Thank You !

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