

# Roles in Planning and Effective Public Process

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# Goals of this section

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Identify the Players in the Long-Range Planning and Current Development Process

Define their roles and why each is important

- With respect to the planning documents, development standards, code, and laws
- How they engage each other
- How they work together in the planning process





# Planning is Complicated

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There are multiple players,  
many steps that often loop back on  
each other,  
large time gaps and  
the rules are always changing.

# The Players

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- Elected Officials
- Planning Commission
- Advisory Boards and Design Commissions
- Hearing Examiner
- Staff
- The General Public
- The Development Community
- A ton of other Interested Bodies

# Current vs Long Range Planning

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Current Planning (aka Development Review) is the process of bringing a development or subdivision into life from concept through certificates of occupancy.

Long Range planning (legislative) defines the City's vision and standards. Examples of long-range planning include:

- The Comprehensive Plan
- Development Standards and Codes
- Design Standards

# Land Use Decisions

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**Legislative (Long Range Planning)** – Elected officials adopting policies and development regulations. The Planning Commission makes recommendations to Council. [\(Makes the rules.\)](#)

**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 use applications and making minor decisions. [\(Applying the rules.\)](#)

# Three Types of Current Planning Decisions

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<b>Decision Type</b>	<b>Decision Maker</b>	<b>Example</b>
Administrative	Staff	various building and sign permits, boundary line adjustments, wetland reviews, SEPA determinations, design review, short plats, simple variances
Quasi-Judicial	Planning Commission, Board of Adjustment, City Council and/or Hearing Examiner	conditional use permits, large subdivisions, variances
Legislative	City Council	Comprehensive Plan, development codes, zoning text and map changes, annexations, development agreements



# Roles in the Development Process

# The Development Process in a Nutshell

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## **Pre-Application Meeting**

Developer describes the concept and staff from various departments react and describe the relevant regulations, standards, timelines, etc.

## **Application Submittal**

The Developer refines the project based on the pre-application meeting and submits an application.

## **Notice of Complete/Incomplete Application**

Staff have 28 days from submittal to determine if the application is complete enough for review. They send the applicant a letter of Complete or Incomplete Application. If the project is complete, the project is vested to the current code and the development review shot clock begins.

# The Development Process in a Nutshell

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## **Notice of Application**

Staff have 14 days from Notice of Complete Application to notify the public of the project . The purpose of this letter is to inform the public and various agencies of the project and allow for public and agency comment.

# The Development Process in a Nutshell

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## **Project Review**

Staff from various departments (planning, permitting, public works, fire) review the project against the City's code. They also issue a SEPA determination.

This process is iterative. Most projects have 2-4 review cycles until the project is deemed close enough to meeting the City codes and development standards to go to hearing or decision.

The shot clock is running when it's the staff's turn to review the project. Projects must be forwarded to decision within 90 to 120 days, depending on the type of project.

# The Development Process in a Nutshell

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## Decision

Administrative Decisions: Staff will issue a permit or other similar action and the project can go to civil construction and/or building permits.

Open Record Hearings: Quasi-judicial decisions go to the Planning Commission, Board of Adjustment or Hearing Examiner for an Open Record Hearing. Depending on the code, these bodies may make final decisions.

Decisions: In some cases the Planning Commission or Hearing Examiner will make a recommendation to Council for a final decision.

# Roles

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The City Council are the ultimate decision makers on all codes and plans.



The Planning Commission and the Board of Adjustment are appointed, advisory bodies to the Council. They make recommendations to Council and limited decisions.



Staff act as advisors to both the Council and the Commission. Staff are the in-house experts.

# Planning Staff's Many Roles

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- The Conductor
- The Guide
- The Researcher
- The Cruise Director
- The Enforcer



Above all, planners are **facilitators**. Planners guide developers through the process while ensuring the public have a say in how their community looks and feels and while reducing the municipalities' liability by following the law.

# Planning Staff – The Conductor

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Planning Staff conduct the symphony that is the development review process by:

- coordinating the initial pre-application meeting,
- intaking the application materials,
- creating notices at all stages,
- coordinating review with all other departments,
- issuing SEPA determinations,
- creating the staff report,
- scheduling the hearing,
- gathering all exhibits,
- representing the project at hearings, and
- shepherding the project through civil and building permits.



# Planning Staff – The Guide

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Planning Staff function as a guide by:

- Keeping the Applicant informed.
- Helping staff from other departments understand the process.
- Coordinating with outside agencies such as Commerce, Ecology, PUDs, Tribes and others.
- Teaching the general public about the process and opportunities to comment.
- Keeping the Council and Planning Commission informed about projects and understanding the process.

# Planning Staff – The Code Writer

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LEGAL CODE

Planning Staff must function like attorneys without being attorneys.

Planning staff:

- write the majority of new code,
- must keep up with the changes from every legislative session and for every other entity that governs above the local level, and
- must keep the current code up to date.

Planners have to think like architects, urban designers, attorneys, housing developers, appraisers and all other professions that are affected by our work to craft effective, flexible but firm, and legally viable codes. Planners must also think like advocates for current residents, future generations, historic preservation, stakeholders, the environment and the voiceless.

# Planning Staff – The Enforcer

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Planning Staff must enforce the code AS WRITTEN.

Codes aren't suggestions. A must or shall is a rule. A should, could, may or other language is flexible.

**If you don't like the outcomes you're getting, change the code, not the staff.**

Sometimes that means staff is also out doing code enforcement to keep the city safe, attractive and clean. No one likes code enforcement, but it is a necessary, even vital, task that can never be a revenue generator – that's what building permits and land use fees are for.



# Elected Officials – Policy Makers

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- Key leaders and decision makers on policy, adopting comprehensive plan policies, codes and development regulations.
- Make final decisions on some quasi-judicial permit applications.
- Make final decisions on the budget.
- Communicate vision to residents, the Commissions and staff.
- Appoints Planning Commission members.
- Balancing competing needs of the City.



# Planning Commission – Policy Advisors

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RCW 35.63.080

- Created under the premise that community residents can best objectively review and recommend sound regulations, free of political influence.
- Planning Commissions are generally appointed bodies. Council delegates the tasks of public outreach and review of proposed plans and codes to the Commission.
- The Commission makes recommendations to Council on proposed plans and codes but are only sometimes the final decision makers.

# Planning Commission – Public Outreach

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Public Participation is Essential under the Law.

*“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 (Growth Management Act)

# Hearing Examiner

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- Hearing examiners are quasi-judicial land use judges.
- They are professionally hired to make unbiased, legally based permit recommendations or decisions based on the decisional criteria supported by an adequate record (not emotion, persuasion or politics)
- The HE system reduces local government liability exposure through more consistent and legally defensible quasi-judicial decisions.
- They also allow local legislative/advisory bodies to concentrate on policy-making (legislative) activities



A background image showing a group of business professionals in a meeting. A man in a dark suit and tie is on the left, holding a white coffee cup. A woman in a dark blazer is in the center, gesturing with her hand near her face. Another person is partially visible on the right. In the foreground, a hand is pointing at a tablet displaying a chart with two circles. The scene is brightly lit, suggesting an office environment with large windows.

## Obligations and Suggestions for Effective Meetings and Working Relationships

# Planning Staff's Obligations to Everyone

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- Present thorough, objective analysis, reasonable alternatives, and professional recommendations based on facts and best practices
- Implement adopted policies and development regulations
- Provide responsive, complete and timely answers to questions
- Provide a solid record to decision makers that includes:
  - Application materials and supporting documentation,
  - Relevant facts and decision criteria,
  - Project history
  - Public and agency comments
  - SEPA determination, and
  - Findings that support the reasons for approval or denial

# Planning Staff's Obligations to Planning Commission and Council

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

# City Council's Obligations to Staff

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- Give appropriate deference to technical judgements within the staff's area 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. Demonstrate respect.

# Council's Obligations to the Planning Commission

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- Respect and support the Planning Commission's role
- Appoint residents to the Planning Commission who will commit the time and care needed to do the job well
- Carefully review the recommendations of 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 the Commission, take the time to explain 'why'
- Provide direction, scope and resources for the Planning Commission's work

# Tips for Effective Meetings

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- Attend and Participate
- Do your homework – be prepared to discuss and read the meeting packet ahead of time
- Keep the long-term goals in mind
- Communicate with respect and understand the chain of decision making
- Use staff resources well and defer to technical judgement and expertise
- Always welcome public involvement
- Listen, be polite, respectful and patient
- Focus on decision criteria not persuading or arguing

# Tips for Effective Meetings

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

# Tips for Managing Public Hearings

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- 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

# Tips for Managing Public Hearings

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- 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

# Discussion, Evaluation and Deliberation

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- 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, so be respectful.
  - 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.



# Planning Commission Work Program

# Council & the Planning Commission – A Working Relationship

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- Planning Commissions spend many months and countless hours reviewing, debating and coming to conclusions about plans, policies and codes.
- By the time a proposed ordinance makes it to the Council, the Commission feels a sense of ownership in the final product.
- Councils have many tasks, and sometimes may feel that they have no control or input into what Planning Commissions are working on or what will ultimately come before them for approval.

# Planning Commission Work Program

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The best antidote for resolving this strife is communication. A great tool to facilitate this dialogue is the Planning Commission Work Program.

# Planning Commission Work Program

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- The Work Program involves the Planning Commission and Council meeting jointly twice per year.
- At the end of the year, the Planning Commission reviews upcoming tasks and provides a schedule of work for the next year.
- The Council then approves or modifies and approves this program.

# Planning Commission Work Program

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- The Work Program gives an opportunity for the Council to provide guidance and input to the Planning Commission on the work they will undertake.
- Both the Planning Commission and the Council are aware of the Commission's activities and direction from the start.

# Planning Commission Work Program

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- The Work Program also prioritizes the Commission's time by placing highest priority on Council requests, medium priority on emerging issues, and lower priority on longer range projects and minor housekeeping code amendments.

# Planning Commission Work Program

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- Finally, the Commission and Council meet mid-year or more frequently to review progress and provide feedback on the work and the direction.

# Planning Commission Work Program

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- The Work Program process fosters open communication between the Council and the Planning Commission and reduces opportunities for tension to build between the two bodies because both groups are on the same page and moving in the same direction.



# Thank you

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