



Growth Management Act (GMA)

PUBLIC PARTICIPATION PROGRAM GUIDELINES

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Introduction

One cornerstone for the success of the Growth Management Act (GMA) is citizen participation. That concept is first articulated in the GMA planning goals, specifically RCW 36.70A.020(11), which states that jurisdictions shall “...*encourage the involvement of citizens in the planning process.*”

Other provisions of the GMA expand upon that public participation planning goal. Spokane County must establish

“...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 and WAC 365-195-600]

That early and continuous mandate sets a standard for ‘enhanced’ public participation to be used continuously throughout the local planning processes. The enhanced procedures augment the minimum legal public notification requirements found in Chapter 36.70 RCW - the Planning Enabling Act and Chapter 36.70A - Growth Management Planning by Selected Counties and Cities and supplements the Open Public Meetings Act. Methods to get the public to participate are not specified in the GMA laws. The development, adoption, and implementation of a local public participation program is left to Spokane County’s own determination pursuant to the requirements of RCW 36.70A.140, RCW 36.70A.035, and WAC 365-195-600.

Spokane County’s *Growth Management Act (GMA) Public Participation Program Guidelines* form the basic framework for achieving an interactive dialogue between local decision-makers, the staff, and the public. These guidelines apply throughout the local planning process leading to adoption of the comprehensive plan, development regulations to implement the plan, and amendments to either. Specific public participation programs should be implemented consistent with the guidelines established here.

Various county bodies have certain responsibilities under the requirements of GMA and in terms of these public participation guidelines. Three bodies have major roles in the local planing process:

Spokane County Board of County Commissioners (BOCC)

Spokane County Public Works Department - Division of Long Range Planning

Spokane County Planning Commission

All three share the responsibility for following these guidelines, implementing specific public participation programs based upon these guidelines, and employing any other methods that bring the public actively into the local GMA planning process. Ultimately, it is the Board of County Commissioners who decide on the direction and content of policy documents or regulations that they find to be in the community's best interest.

The guidelines that follow are intended to guide and form the basis for public participation programs related to GMA and Spokane County's local planning process. Spokane County intends to comply with these guidelines as appropriate to a situation. However, it should be noted that legitimate deviations from the guidelines may be warranted, given specific circumstances. The GMA, specifically RCW 36.70A.140, states that

"... errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed."

Public Participation Guidelines

1. Communication programs and information services

Spokane County will develop, implement, and maintain communication programs and information services for the purpose of involving the broadest cross-section of the community in the planning process.

To ensure the overall success of the GMA planning process, Spokane County must take steps to involve the public in a meaningful manner. To accomplish that, there are several things that must occur. First, the public should understand the basic concepts of GMA, the local planning process, and how their own participation can affect local plans and regulations. Secondly, the public needs to know how and when to get involved. And finally, they need to understand how their input is used.

Spokane County will inform the public through various techniques including, but not limited to, the following.

Produce and circulate, on a regular basis, a Spokane County newsletter regarding GMA, local planning issues, and meeting or hearing notices.

Develop and maintain a World Wide Web Internet site containing information from various agencies concerning the local GMA planning process, meeting and hearing notices, summaries, documents, or maps.

Establish, advertise, and maintain a call-in telephone line which announces GMA meetings and hearings and the availability of documents.

Compile, on an ongoing basis, a list of parties interested in GMA and local planning issues. Names should come from meeting and hearing sign-in sheets, written correspondence, and known community groups, as well as specific requests to be included. The list should be used for newsletter circulation, special mailings, and notices as appropriate.

Issue press releases, public service announcements, and media packets as appropriate to inform the public about GMA issues, local planning activities, availability of documents, or meeting and hearing dates.

Establish a 'speakers bureau' consisting of a variety of staff and officials with GMA expertise who are willing to explain, as well as facilitate public discussions about, growth management and local planning issues.

Design, display, and distribute printed and visual material to inform the public about the local planning process and engage them in relevant discussions.

2. Broad dissemination of proposals and alternatives

Spokane County will distribute documents so that they are readily available in a timely fashion to all who want to review them.

Documents that contain or describe proposed plans, policies, maps, regulations, or the amendment of those should be readily available. Supporting documents such as reports, analyses, recommendations, or environmental reviews should also be easily accessible. Documents must be available for review well in advance of opportunities for public discussion or testimony.

Spokane County will take the following steps to ensure that pertinent documents are available in a timely manner to those who want or need them.

Proposals or alternatives should be published and available 10 days prior to a public meeting or hearing scheduled for their discussion or a decision.

When scheduled for discussion or decision, proposals or alternatives should be available as follows:

- Electronic versions accessible through the World Wide Web Internet site.
- A hard copy will be sent to Spokane County Library District Branches and City of Spokane Libraries as appropriate. The likely geographic area to be affected by a proposal should be the basis on which branch libraries receive documents. Proposals or alternatives of a countywide nature should be sent to all branches.
- Hard copies for checkout or in-office review at the Division of Long Range Planning and, as appropriate, through other divisions or agencies.
- Copies available for the cost of reproduction through the Division of Long Range Planning or, as appropriate, through other divisions or agencies.

Meeting and hearing notices should state the availability and location of documents describing proposals and alternatives or other supporting documents being considered.

The public participation requirements shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to the comprehensive plan and development regulations. Reasonable notice procedures may include as appropriate:

- posting the property for site-specific proposals;
- publishing notice in a newspaper of general circulation in the general area where the proposal is located or that will be affected by the proposal;
- notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and
- publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

3. Public meetings after effective notice

Spokane County will publicize public meetings and hearings to ensure that the broadest cross-section of the community is made aware of the opportunities to become involved in the planning process.

At a minimum, the requirements of RCW 36.70 and RCW 36.70A pertaining to public hearings and notification will always be met. However, Spokane County will go beyond the legal minimums to ensure the public is aware of meetings or hearings and of their opportunity to be involved in local planning efforts.

Public meetings (that include activities such as workshops, open houses, or design studios) are opportunities for open discussion between the public, staff, and decision-makers. Meetings do not normally involve public testimony. On the other hand, public hearings are more formalized, legal proceedings where public testimony is presented to a decision-maker for consideration. The result of a public hearing generally consists of an official recommendation in the case of the Planning Commission or a legislative decision by the Board of County Commissioners.

The following guidelines provide direction regarding the number, location, and notification of meetings or hearings relative to the local GMA planning process.

At least one public hearing will be conducted prior to making either a recommendation or an official decision on a comprehensive plan, a development regulation implementing the plan, or an amendment to either.

As appropriate, given the specific proposal, public meetings should be hosted prior to the public hearing(s) as a means to involve and educate the public and solicit their opinions, reactions, or suggestions. The number of meetings should be based upon the specific circumstances of the case.

If a proposed plan, regulation, or amendment pertains to only a portion or subarea of the county, then meetings should be held at a public facility within that area or in close proximity to the area.

Public meetings for proposed plans, regulations, or amendments which are applicable countywide should be held at a public location central and convenient to the public. Meetings at public facilities within each of the county commissioner districts (or some other logical subarea scheme) would be preferable in these instances.

A variety of notification techniques should be used to advertise meetings and hearings. The following list, while not exhaustive, represents those that Spokane County will generally employ. Ultimately, the specifics of the proposal may dictate the best technique or combination of techniques to be used. Additional advertising methods may be identified and used as warranted by the circumstances.

- Legal notices as required by applicable statutes.
- Notices in the GMA newsletter.
- Posting on Spokane County's World Wide Web Internet site.

- Announcements on the GMA call-in telephone line.
- Mailings to the compiled list of interested parties.
- Media releases.
- Commercial display advertisements, as appropriate, in countywide or regional newspapers.
- Notices in community or neighborhood newsletters as appropriate or available.

Public meetings or hearings should be advertised at least 10 days before the scheduled date.

Working subgroup meetings may deviate from these guidelines at times due to the unique circumstances associated with their function. These include the rapid, high volume, recurring meetings of technical committees, subcommittees, or work groups which focus their efforts on specific issues or limited supporting tasks (as opposed to meetings of a quorum of the Planning Commission or Board of County Commissioners in which they consider complete draft plans, regulations, or amendment proposals meant to result in a formal recommendation or official decision). In all cases, the work program for subgroups should be guided by #3a thru #3f above as applicable as well as the Open Public Meetings Act as applicable and will include at least the following elements.

The initial meeting(s) of the group should be widely advertised through the most appropriate method(s) in #3e above.

Sign-in sheets should be used at each meeting to develop a specific mailing list for the group itself, as well as adding to the compiled list of parties interested in GMA and local planning issues. Meeting summaries should be prepared and available as soon as possible after the meeting.

4. Provision for open discussion

Spokane County will ensure that public meetings allow for an open discussion of the relevant issues and that hearings allow for appropriate public testimony.

When public meetings or hearings are conducted, Spokane County will ensure that those who choose to participate in the planning process have the opportunity to actually take part and have their opinions heard. Towards that end, the following actions will be implemented.

Establish an agenda that clearly defines the purpose of the meeting or hearing, the items to be considered, and actions that may be taken. If available early, the agenda should be included or summarized in the notice(s).

The scheduled date, time, and place should be convenient so as to encourage the greatest number of people to attend.

A clearly identifiable facilitator or chair will conduct the meeting or hearing in an orderly fashion to ensure that all attendees have an opportunity to discuss issues, offer comments, or provide testimony.

The facilitator or chair should provide introductory remarks outlining the purpose of the meeting or hearing and describing how the attendees can best participate and how their input may be used.

As appropriate, provide a brief overview of any documents or proposals to be considered.

All persons desiring to participate should be allowed to do so. However, specific factors, such as the purpose of the meeting, size of attendance, time factors, or other opportunities to participate, may suggest some appropriate constraints to be applied. Rules of order for the meeting or hearing should be set forth clearly by the chair or facilitator.

All attendees will be encouraged to identify themselves on sign-in sheets.

All meetings and hearings should be tape recorded.

Summaries should be prepared and available as soon as possible following a meeting or hearing. As appropriate, summaries should include a listing of relevant issues, comments, or responses. In the case of public hearings, the findings and decision document should serve as the actual summary.

Special arrangements for meetings or hearings will be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice.

If the Board of County Commissioners (BOCC) choose to consider a change to an amendment to the comprehensive plan or development regulations, and the change is proposed after the opportunity for review and comment has passed under the county's procedures, an opportunity for public review and comment on the proposed change shall be provided before the BOCC votes on the proposed change. An additional opportunity for public review and comment is not required if:

- an environmental impact statement has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
- the proposed change is within the scope of the alternatives available for public comment;
- the proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
- the proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
- the proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

5. Opportunity for written comments

Spokane County will encourage submission of written comments or written testimony throughout the planning process.

In many instances, detailed, technical, or personal comments can be best expressed and understood in written format. The following steps should be taken to encourage written comments.

As appropriate, notices for meetings and hearings should include the name and address of the person(s) to whom written comments should be sent, along with the deadline for submitting comments.

Persons speaking or testifying should be encouraged to concisely express their comments verbally and provide specific details in written format.

The deadline for submitting written comments, if allowed subsequent to a meeting or hearing, should be clearly announced by the facilitator or chair.

Innovative techniques, as appropriate to a specific planning task, should be developed and implemented to solicit and document the public's concerns, suggestions, or visions for the community. Techniques may include, but are not limited to, surveys, interactive displays, or the innovative use of electronic communication technologies.

6. Consideration of and response to public comments

Spokane County will consider relevant public comments and public testimony in the decision-making process.

Various methods for informing and involving the public, publicizing proposals, and soliciting public opinion or comments have been established in guidelines #1 thru #5 above. Many of those represent the initial steps for bringing public comments into the decision-making process. Other guidelines set the stage for decision-makers to consider those comments. *(For example, tape recording meetings or hearings (#4h) and soliciting written comments (#5a and #5b) allow decision-makers the opportunity to review and consider relevant information in detail before a decision is actually made.)*

Additional steps will be taken so that comments and recommendations from the public are reviewed by the decision-makers for relevancy. Those would include the following.

Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision-maker(s) can adequately review all relevant material or comments.

Reconvening a hearing for the purpose of addressing comments is an option that the decision-maker(s) may use on a case-by-case basis.

Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses).

The record (such as tape recordings, written comments or testimony, documents, summaries, etc.) will be compiled and maintained by the appropriate Spokane County agency(ies). That record will be made available to the decision-maker(s) for their consideration and review prior to a decision.

Relevant comments or testimony should be addressed through the findings-of-fact portion of the decision-maker's written decision or recommendation.