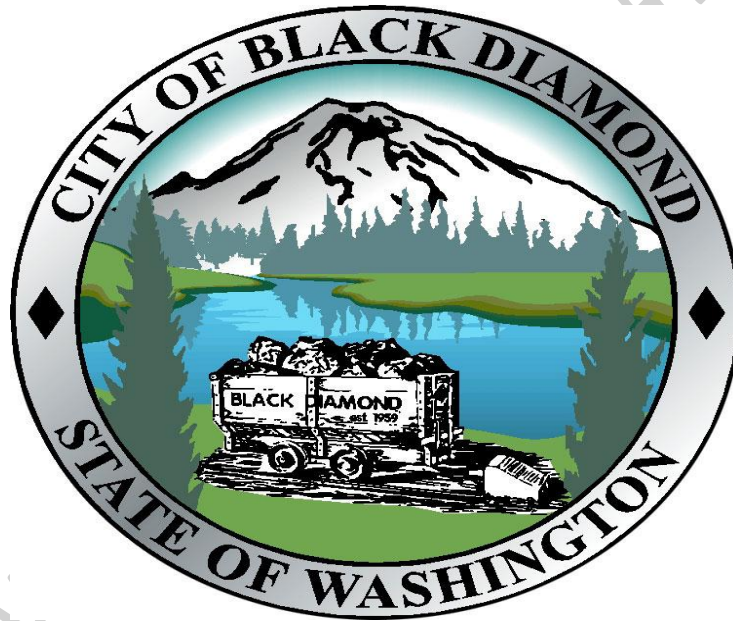


City of Black Diamond
GROWTH MANAGEMENT ACT (GMA)
PUBLIC PARTICIPATION PROGRAM
HANDBOOK



Approved

#14-1044

Introduction

Citizen participation is an important element of the Growth Management Act (GMA). Public participation is one of the Planning Goals outlined in RCW 36.70A and that goal states that jurisdictions shall "...encourage the involvement of citizens in the planning process." The comprehensive plan development and amendment process, as well as the development and amendment of implementation regulations should be a "bottom up" effort, involving early and continuous public participation [RCW 36.70A.140 and WAC 365-195-600]. The City's program has citizen involvement meeting the legal public notification requirements found in chapter 35A.63 RCW – Planning and Zoning in Code Cities, chapter 36.70A - Growth Management Act, chapter 43.21C RCW -- State Environmental Policy Act, and supplements chapter 42.30 RCW -- the Open Public Meetings Act, and chapter 42.56 RCW the Public Records Act. The City's methods and basic framework for achieving an interactive dialogue between local decision makers, City staff, and the public will be formed through this handbook and will apply throughout the local planning process leading to adoption of the comprehensive plan, development regulations to implement the plan, and legislative amendments to both.

The City's Community Development Department will oversee the public involvement in the local GMA planning process, but it is the City Council that decides on the direction and content of policy documents or regulations that they find to be in the community's best interest. The text that follows is intended to guide and form the basis for public participation programs related to GMA and the City's local planning process. The City 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."

You will find under the following outline numbers:

1. Communication and Information
2. Availability of Proposals and Alternatives
3. Public Meetings, Workshops & Hearings
4. Opportunity for Open Discussion
5. Opportunity for Written Comments
6. Consideration of and Response to Public Comment

1. Communication and Information

The City 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, there are several things that must occur.

- a. 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.
- b. Secondly, the public needs to know how and when to get involved.
- c. And finally, they need to understand how their input is used.

The City will inform the public through various techniques including, but not limited to, the following:

- **Produce** and make available through the City's website, at City Hall, and at public workshops and hearings, this Public Participation Program Handbook, and Ordinance #14-1044 (on the subject of comprehensive plan and legislative development regulation adoption/amendment), notices to public meetings and public hearings regarding the comprehensive plan development and amendment process, application forms for amendments to the comprehensive plan and development regulations, etc.. Notice procedures should be reasonably calculated to provide notice to property owners and other affected and interested individuals, government agencies, businesses and organizations.
- **Design**, display, and distribute other printed and visual material as needed to inform the public about the local planning process and engage them in relevant discussion;

Special workshops and hearings - provide public legal notices for upcoming special workshops and hearings in our official City newspaper, and through the City's website site, at least **1 week prior** to the meeting/hearing date. Notices should state the availability and location of documents under consideration.

- **Regular Meetings** - post agendas for regular meetings on the City's website at least **5 working days prior** to the meeting;
- **Special meetings** - post agendas for special meetings on the City's website, at the public library, at City Hall, and at the Community Center, as required by RCW 42.30.080 (at least **48 hours prior** to the time of the meeting);
- **Interested Parties** - 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 mailing of public notices as appropriate, or e-mails to those who have signed up for e-mail notification.

2. Availability of Proposals and Alternatives

The City will maintain documents so that they are readily available to distribute 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, as well as supporting documents such as reports, analyses, recommendations, or environmental reviews should be easily accessible. Documents must be available for review in advance of opportunities for public discussion or testimony.

Proposals or alternatives should be available at least 5 days prior to a public hearing or a public workshop or meeting scheduled for discussion or a decision.

- **Through** the City's website or by e-mail upon request;
- **Hard** copies will be available for review or reproduction at the City Hall or, as appropriate, through other agencies;
- **Hearing** and workshop notices should state the availability and location of documents describing proposals and alternatives or other supporting documents under consideration.

In addition, the City may provide additional notice as follows:

- **Posting** the property for site-specific proposals;
- **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, Workshops, and Hearings

The City will provide public notice of public workshops and hearings to ensure that the community is made aware of the opportunities to become involved in the planning process. At a minimum, the requirements of chapter 35A.63 RCW, chapter 36.70A RCW, chapter 43.21C RCW and Ordinance #14-1044 (pertaining to public hearings and notification), will always be met. However, the City may 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.

- a. **Public meetings, workshops, open houses, and design forums** are opportunities for open discussion between the public, staff, and decision-makers that do not normally involve public testimony.
 - As appropriate, given the specific proposal, public workshops 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 workshops should be based upon the specific circumstances of the case;
- b. **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 City Council.
 - 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;
- c. The public shall also have the opportunity to attend **regular or special meetings** to observe and aid in discussion topics.
- d. **Working subgroup meetings** may deviate from the above techniques 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 City Council in which they consider complete draft plans, regulations, or amendment proposals meant to result in a formal recommendation of official decision.

4. Opportunity for Open Discussion

The City 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, workshops, or hearings are conducted, The City will ensure that those who choose to participate in the planning process have the opportunity to actually take part and have their opinions heard. To ensure participation opportunities, 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**, City staff may 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;
- **Written** findings, decision, and minutes should be prepared and available as soon as possible following a hearing;
- **Special** arrangements for meetings or hearings will be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice;
- **If the City Council** chooses to consider a change to an amendment to the comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the City's procedures, an opportunity for public review and comment on the proposed change shall be provided before the City Council votes on the proposed change (all as required by RCW 36.70A.035(2)).
- **As set forth in RCW 36.70A.035(2)(b)**, 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.

Approved via Ordinance #14-1044

5. Opportunity for Written Comments

The City 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, workshops, 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;
- **Comment sheets** for written public input should be available at all workshops with the deadline for submitting the completed sheets to City Hall noted;
- **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

The City will consider relevant public comments and public testimony in the decision-making process. Various methods for informing and involving the public, providing public notice of proposals, and soliciting public opinion or comments have been established 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 and soliciting written comments 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 City. 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.