RESOLUTION NO. 17-0364

A RESOLUTION OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A PUBLIC PARTICIPATION PROGRAM AS REQUIRED BY THE GROWTH MANAGEMENT ACT, RCW 36.70A.140, WHICH IDENTIFIES PROCEDURES ADOPTED BY THE CITY IN ITS CODES PROVIDING FOR EARLY AND CONTINUOUS PUBLIC PARTICIPATION IN THE DEVELOPMENT AND AMENDMENT OF COMPREHENSIVE LAND USE PLANS AND DEVELOPMENT REGULATIONS IMPLEMENTING SUCH PLANS

WHEREAS, the City of Edgewood plans under the Growth Management Act ("GMA"), chapter 36.70A RCW; and

WHEREAS, the City has adopted procedures for the adoption and amendment of the City’s Comprehensive Land Use Plan and development regulations implementing such plans, as required by the GMA; and

WHEREAS, the GMA requires that each city or county planning under GMA “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); and

WHEREAS, RCW 36.70A.140 also requires that these “procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice provision for open discussion, communication programs, information services, and consideration of and response to public comments”; and

WHEREAS, the City of Edgewood Planning Commission reviewed the criteria for the Public Participation Plan, determined a format for which to present it and added definitions at the February 28, 2017 and March 6, 2017 regular planning commission meetings; and

WHEREAS, the Planning Commission held a Public Hearing regarding the plan at the March 20, 2017 and provided recommendations to the Council regarding adoption; and

WHEREAS, the City Council desires to adopt a Public Participation Program meeting the requirements of GMA; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON:

Section 1. The Edgewood City Council hereby adopts the Public Participation Program attached hereto as Exhibit A, which is hereby incorporated herein as if fully set forth below.
Section 2. This Resolution shall take effect and be in force immediately upon its passage.


CITY OF EDGEMONT

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Approved as to Form

Carol Morris, City Attorney

FILED WITH THE CITY CLERK: 04/11/17
PASSED BY THE CITY COUNCIL: 04/11/17
EFFECTIVE DATE: 04/11/17
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The City's program includes 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.
Introduction

The City of Edgewood plans our Community consistent with the Growth Management Act and as such has developed this handbook to help the Public understand and get involved with the planning process in Edgewood.

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. 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.*

This pamphlet is broken into the following sections:

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

*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.”

THANK YOU AND IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT CITY HALL AT (253) 952–3299 FOR ADDITIONAL INFORMATION
Definitions

City Council — The governing body of the City that reviews and passes or rejects ordinances that are proposed by the members of City Council, Planning Commission, or City Staff.

Comprehensive Plan — A local or county document describing existing conditions and the community’s vision for future development. It addresses development issues including use of land, public services, and transportation, among others.

Development Regulations — The regulations of a local or county government that detail the type and size of proposed developments such as subdivisions, commercial projects, and multifamily projects.

Edgewood Municipal Code (EMC) — All the local laws regarding personnel, revenue and finance, health and safety, development, and environmental regulations.

Growth Management Act (GMA) — A Washington State law that requires local county and municipal governments to manage growth by designating urban growth areas, protecting natural resource lands and critical areas, developing comprehensive plans, and implementing them through ordinances and development regulations.

Open Public Meetings Act (OPMA) — A Washington State law that requires all meetings of governing bodies to be open to the public.

Planning Commission — Members of the public appointed for 2-year terms. The Planning Commission initiates and studies proposed development regulation change. Recommendations are then sent to the City Council for or against a code update proposal.

Public Records Act (PRA) — A Washington State law that requires most documents and records kept by local, county, and state governments to be made available to members of the public.

Quorum — Usually a majority of all members of a board or committee unless provided otherwise by code.

Revised Code of Washington (RCW) - The RCW is the compilation of all permanent laws now in force in Washington State. It is a collection of laws enacted by the Legislature, and signed by the Governor, or enacted via the initiative process.

State Environmental Policy Act (SEPA) — A Washington State law that helps local governments identify possible environmental impacts that could result from governmental decisions such as issuing permits for private projects, constructing public facilities, or adopting new regulations.

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:

- The public should understand the basic concepts of the GMA, local planning and how their own participation can affect local plans and regulations.
- The public needs to know how and when to get involved.
- The public needs to understand how their input is used.

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

- Prepare and make available through the City’s website, at City Hall, and at public workshops and hearings, this Public Participation Program Handbook and EMC 18.40.190 and EMC 18.60 (on the subject of comprehensive plan and legislative development regulation adoption/amendment), notices to the public meetings and public hearings regarding 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;

- Provide public legal notices for upcoming special workshops and hearings in our official City newspaper, and through the City’s website at least 10 days prior to the meeting/hearing date; and
  
  ◊ Regular meetings - Post agendas 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 City hall, and at the Community Center, as required by RCW 42.30.080 (min. 48 hours in advance)
2. Availability of Proposals and Alternatives

The City will maintain documents so that they are readily available to distribute in a timely manner 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, analysis, recommendations, or environmental reviews should be easily accessible. All documents must be available for review in advance of the opportunities for public discussion or testimony at least 5 days prior to a public hearing or public workshop in the following ways:

- **Through** the City’s website or by email upon request;
- **Hard copies** will be available for review or reproduction at 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;

At the City’s discretion, additional notice may be provided in the following ways:

- **Posting** the property for site-specific purposes;
- **Notifying** public or private groups with known interest in certain proposals or in the type of proposal being considered;
- **Placing** notices in appropriate regional, neighborhood, ethnic, or trade journals;
- **Publishing** notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

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.
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.

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 3670A RCW, Chapter 43.21C RCW and Ordinance No 17-XXXX (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.

**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 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 on the specific circumstances of the case;

**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;

**The public** shall also have the opportunity to attend regular or special meetings to observe and aid in discussion topics before the Council and its various boards and commissions.

**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 or 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 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 a sign-in sheet;

- **All meetings** and hearings should be recorded;

- **Written** findings, decisions, 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 proposed after the opportunity for review and comment has passed under the City’s procedures, an opportunity for public review and comments on the proposed change shall be provided before the City Council votes on the proposed change (per RC 36.70A.035(2)); and

- **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.