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# CITY OF ENUMCLAW

## PUBLIC PARTICIPATION PROGRAM

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### PURPOSE AND GOALS

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Public participation is the process by which public concerns, need and values are incorporated into government decision-making. Citizen participation is essential to local issues of community development from the land use plan and zoning, to community design, to the siting of parks and the routing of vehicular and pedestrian traffic.

This plan provides a framework for public participation efforts by the City to promote community involvement in the planning decision process, whereby all who are affected have the opportunity to be informed and participate in the decision process.

This public participation plan also satisfies the basic legal requirement of the Growth Management Act in RCW 36.70A.140, which states that every jurisdiction:

*“shall establish and broadly disseminate to the public a public participation program identifying procedures for early and continuous public participation (emphasis added) in the development and amendment of comprehensive plan land use plans and development regulations implementing such plans.”*

In addition to satisfying statutory requirements, a public participation plan can have many benefits for the community including an increased public trust in government; better and more responsive services to meet the needs of citizens; engaged citizens to who take ownership of local challenges and solutions; opportunity for new and innovative ideas; and helping to ensure that government priorities are aligned with public priorities.

This document is intended to summarize local and state laws related to public participation as a public service, however the citations and references in this document do not replace existing laws. For exact wording and requirements, the specific local or state law referenced should be consulted.

### PUBLIC PARTICIPATION FOR SITE SPECIFIC PROJECT REVIEW

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#### **Administrative Project Review**

Administrative project review is the review of Type I and II Permit Decisions as defined by Enumclaw Municipal Code Chapters 15.18 and 15.20. ***The public participation requirements for these type of permits are mandated by Enumclaw Municipal Code.*** These permit types are for projects that are subject to standards requiring the exercise of limited discretion on technical issues and about which there may be limited public interest. Examples of projects falling under this level of review include

sign permits, commercial and residential building permits, short plats, lot line adjustments, design review and tree removal requests. Projects falling under administrative review are submitted and designed to meet requirements that were developed through earlier public review processes and have been codified in the Enumclaw Municipal Code. This is considered the last phase of a jurisdiction's review where there is limited authority under state law to require something other than that which is specified within the applicable ordinances. Under administrative review, projects do not require a public hearing. Legal notices for these types of projects may or may not be required and members of the public are welcome to discuss issues or concerns with a planner.

### **Quasi- Judicial Review**

The quasi-judicial review process is used for Type III and IV Permit Decisions as defined by Enumclaw Municipal Code Chapters 15.22 and 15.24. ***The public participation requirements for these type of permits are mandated by Enumclaw Municipal Code and state law.*** These permits are for development or land use application that requires a public hearing before a Hearing Examiner or City Council. Included within this type of review are subdivisions, conditional use permits, planned residential development, variances, certain wetland development permits, shoreline substantial development permits, administrative appeals, rezones without a comprehensive plan amendment and other similar applications. Projects that require Hearing Examiner review have a legal basis for more detailed review. State law provides for public participation at a public hearing. At the hearing, those with an interest are encouraged to ask questions and make comments about the project and, where appropriate, comments are incorporated into conditions of approval. However, the jurisdiction is still limited in what it can consider as it applies conditions to projects. A citizen may comment in opposition to the density or the size of lots proposed in a subdivision, but the jurisdiction must adhere to the standards prescribed in the zoning code that was developed during the long range planning process establishing those standards that are based on the goals and policies of the comprehensive plan. The City cannot require a standard different from that prescribed in the code unless there are significant environmental impacts at risk or unique site conditions. Conditions applied to a project based upon citizen testimony must be consistent with the adopted ordinances, or based upon an environmental impact identified in an environmental impact analysis, or the jurisdiction will be vulnerable to a legal challenge. ***Since all quasi-judicial activities are subject to the "Appearance of Fairness" doctrine, decision-makers are generally prohibited from discussing the merits of the proposal subject to appearance of fairness with either the applicant or members of the public outside of a public hearing.***

#### Appearance of Fairness Doctrine

The appearance of fairness doctrine is a rule of law (RCW 42.36) requiring government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and fact. It was developed by the courts as a method of insuring that due process protections, which normally apply in courtroom settings, extend to certain types of administrative decision-making hearings, such as rezones of specific property. The doctrine attempts to make sure that all parties to an argument receive equal treatment. The doctrine requires that adjudicatory or quasi-judicial public hearings meet two requirements:

- they must be procedurally fair, and
- they must appear to be conducted by impartial decision-makers.

By following appearance of fairness requirements, local governments have a method for disqualifying decision-makers from quasi-judicial hearings who have prejudged the issues, who have a bias in favor of one side in the proceeding, who have a conflict of interest, or who cannot otherwise be impartial. "Ex parte" communications (communications are those that happen outside of a public hearing) between a decision-maker and a proponent or opponent of the matter being decided are generally prohibited, unless the substance of the discussion is publically disclosed as part of the hearing.

#### Site Specific Comprehensive Plan Amendments and associated Rezones

Site specific comprehensive plan amendments and associated rezones are legislative decisions, however since these type amendments affect a single property or site, some portions of the review process must follow a quasi-judicial process. Specifically, the public notice requirements must be followed and decision-makers must adhere to appearance of fairness requirements. Applicants and members of the public should not contact decision-makers as they are generally prohibited from discussing the merits of the proposal with either the applicant or members of the public outside of a public hearing.

### PUBLIC PARTICIPATION FOR LEGISLATIVE ACTIONS

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Legislative actions include the development of comprehensive plan updates, area-wide rezones and development regulations that affect more than one property. **Legislative actions are not quasi-judicial, and decision-makers can freely discuss the merits of the proposal with proponents and opponents.** Since legislative actions result in the development of planning goals and policies based on citizen values and desires, planning for sufficient public participation is always of high importance to ensure representation of all segments of the community. Project goals, interested citizens and groups will likely vary dependent on the subject, and not all public participation techniques will apply to all projects. Also, the City must ensure that the selected tools are cost effective and can meet the project goals. It is important to incorporate public participation techniques that are best suited for the project, so a Project Specific Public Participation Plan will be created for each project that includes techniques in Appendix A and targets specific interested parties from Appendix B.

#### Annual Docket of Comprehensive Plan Amendments

The docketing process is established under the state Growth Management Act (GMA). This process is designed to provide a means of establishing a Planning Commission work-program for each year with an opportunity for the Council and Planning Commission to collaboratively consider items for inclusion in the annual work program. This process is also designed as an opportunity for the general public to officially request time in the work program for consideration of either publically initiated or privately initiated planning projects including Plan amendments, ordinance revisions, new legislation and any other long range planning projects that require Planning Commission review.

#### Annexations, Area-wide Rezone, Major Amendment to Development Regulation, and Comprehensive Plan Updates

Typically these legislative actions include shifts in policy, changes to zoning or extensive amendments to development regulations that may have broad or far-reaching effects. These type projects call for a more extensive public participation effort that should include mailings to affected

property or business owners, community organizations and one or more public open houses or workshops. Appendix C includes the City's public participation plan specific to Annexations.

#### Minor Amendment to Development Regulation

Minor amendments are those that include technical and procedural revisions to development regulations and amendments to address regulatory compliance issues. These do not typically have a broad or far-reaching effect and usually do not require an extensive public participation effort.

#### Public Participation for All Legislative Actions

The City will provide the following minimum public notice for all legislative actions, including site specific comprehensive plan amendments and associated rezones:

- Publish notice in newspaper at least 10 days in advance of a public hearing, if one is required
- Post electronic copies of the draft documents on city website
- Provide copies to the Enumclaw Library
- Maintain a list of individuals who have expressed an interest and providing them with notice when new materials are available
- Provide other notice as required by state or local law, specifically under RCW 36.70B (Local Project Review), RCW 43.21C (SEPA), and EMC Chapter 15 (Administration of Development Regulations)
- Other methods from Appendix A and B as determined in a Project Specific Public Participation Strategy, if applicable

### ROLE OF THE PLANNING COMMISSION

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The Planning Commission is a citizen advisory committee for land use planning purposes. The Planning Commission has roots in state planning enabling legislation, its responsibility and general composition are established in state law. Based on state law and EMC 2.30, the Planning Commission is the Council's citizen advisory body on all matters of land use planning. It consists of seven citizen members, four who must live in the City and three may reside in the City's park and recreation service area. Members may be appointed by the Mayor and confirmed by Council for four year terms. The intent of the Planning Commission is to have a broad cross section of citizens to collectively advise the Council on land use planning tasks. The Planning Commission has the following responsibilities:

- Understand the benefits of planning and zoning;
- Review legislative actions and Site Specific Comprehensive Plan Amendments;
- Recommend changes to the Comprehensive Plan and Development Regulations through the Annual Docket Process or 10 year Comprehensive Plan Update;
- Recommend public participation strategies;
- Hold one or more public hearing (s) for proposed legislative or quasi-judicial action;
- Consider public comments; and
- Make recommendations to City Council per EMC Chapter 2.3

## ROLE OF THE CITY COUNCIL

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The City Council is a body of seven members which is given authority by the state constitution and state law to make local law. Local legislative authority is generally limited to what the state specifically grants to cities. The City has a Mayor-Council form of government wherein administration is vested in the Mayor and legislative authority is vested in the City Council. As pertains to public participation, the role of the City Council is as follows:

- Make fair and unbiased decisions on quasi-judicial actions;
- Propose changes to the Comprehensive Plan and Development Regulations through the Annual Docket Process or 10 year Comprehensive Plan Update;
- Hold one or more public hearing(s) for proposed legislative or quasi- judicial actions;
- Consider public comments;
- Provide opportunity for public comment if changes to a legislative action are made after public review and comment has closed; and
- Deliberate and make decisions on Annexations, Type IV permit decisions, Site Specific Comprehensive Plan Amendments, Rezones and Legislative Actions as per EMC Chapter 15 and applicable state law.

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## APPENDIX A - PUBLIC PARTICIPATION METHODS

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Depending on the scope of the proposed legislation or quasi-judicial action, the City has identified the following menu of techniques for encouraging public participation in the decision-making process. For each legislative action, the City will create a public participation strategy from this list with the goal of ensuring that all potentially affected property owners have an opportunity to comment.

- ✘ Posting the site for site-specific proposals
- ✘ Publishing notice in a newspaper of general circulation in the City
- ✘ Mailing List
- ✘ Sending notices to agency mailing lists, either general or for specific proposals
- ✘ Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered
- ✘ Open Houses
- ✘ Public hearing(s)
- ✘ Solicit comments via on-line comment forms, written comment forms and direct email
- ✘ Website posting
- ✘ Email distribution list
- ✘ Newsletter
- Press Release(s)
- Publishing notice in appropriate trade journals, agency newsletters
- ✘ Public meetings or workshops
- Visioning process
- Community survey(s)
- Presentations to interested community organizations
- Public Forum(s)

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## APPENDIX B - KEY PARTIES/STAKEHOLDERS

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Local governments must consult with interested parties throughout the development of legislation. Depending on the proposed legislation, the City has identified the following interested parties and agencies that will be included in notifications. For each legislative action, the City will create a public notification list from these parties tailored to the scope and impact of the proposal, with the goal of ensuring that all potentially affected parties are included.

### Members of the Public

- Residents city-wide
- Property/business owners city-wide
- Residents in the unincorporated UGA
- Property/business owners in the unincorporated UGA

### Business Community

- ✘ Enumclaw Area Chamber of Commerce
- LiveLocal98022
- King County Master Builders Association
- Community Organizations

### Environmental Stakeholders

- Forterra
- Futurewise
- WRIA 9 Watershed Ecosystem Forum for Salmon Habitat Recovery

### Tribes

- Muckleshoot Tribe
- Puyallup Tribe

### Others

- Puget Sound Energy
- Green River Community College

### Special Purpose Districts

- ✘ Enumclaw School District
- ✘ King County Fire District 28
- King County Drainage District No. 5
- King County Drainage District No. 6

### City Officials

- ✘ City Council
- ✘ Planning Commission
- ✘ Design Review Board
- Park Board
- ✘ City Staff

### City Departments and Services

- ✘ Public Works
- Park and Recreation
- Finance
- Police

### Other Local Government

- City of Buckley
- King County
- City of Auburn
- City of Black Diamond

### State Government

- ✘ Department of Ecology
- ✘ Department of Commerce
- Department of Archaeology and Historic Preservation
- Department of Fish and Wildlife
- Department of Transportation

### Federal Government

- Federal Emergency Management Agency (FEMA)
- National Park Service
- US Forest Service