

## CHAPTER 2.

## *Citizen Participation and the Public Process*

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Growth management challenges Washington communities to deal effectively with difficult issues. Addressing these issues requires a thorough understanding of citizen participation and the legal requirements of the public process.

The first part of this chapter, **Citizen Participation**, focuses on the role of community residents in land use planning. It also introduces the most popular public involvement techniques local governments can use to encourage citizen participation, and guidelines for planning successful public meetings and work sessions.

**The Public Process**, which follows, provides an overview of the legal requirements for public involvement, meetings, and access to records. It also outlines how to introduce properly, deliberate, and adopt municipal codes and ordinances, including the Appearance of Fairness doctrine.

### *Part 1: Citizen Participation*

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#### **A. What is Citizen Participation?**

Citizen participation in community affairs is as old as democracy; yet any attempt to define citizen participation is difficult. Citizen participation means different things to different people. Some view it as the task of electing representatives and voting on specific issues. Others define it as having an active voice in influencing local government decisions.

In land use activities, for example, citizens can testify at a public hearing; attend a workshop to create goals for the community comprehensive plan; serve a term on the planning commission; or answer a public opinion survey to identify community planning priorities. In other words, citizen participation in local government involves the people, in some fashion, in land use decisions. The traditional roots of contemporary participation are found in the town hall form of direct democracy. The fundamental justification for citizen participation is the premise that people have a right to participate in decisions that affect them.

Citizen participation is an established part of the land use planning and regulatory process in Washington state. All state planning laws require citizen participation—through public hearings—before plans or regulations are adopted, or before granting land development permits.

Emphasis on citizen participation in Washington has increased significantly following the Growth Management Act of 1990. The goals of the Act include, "Encourage the involvement of citizens in the planning process."<sup>1</sup> Although the Act does not further define citizen participation, the procedural criteria for adopting comprehensive plans and development regulations stress "that the process should be a 'bottom up' effort, involving early and continuous public participation, with the central locus of decision-making at the local level."<sup>2</sup>

The Growth Management Act also states:

*"Each county and city...shall 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. The 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."<sup>3</sup>*

This requirement provides overall guidance, but leaves local governments free to tailor a more detailed definition of citizen participation to fit community needs.

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## **B. Who Should Be Involved?**

State planning laws and local ordinances spell out the need to involve elected and appointed officials closely in local land use planning. A broad range of citizen groups and committed individuals (generally referred to as "citizens" or "the public") must also be involved. A brief overview of these participants includes:

**City councils and boards of county commissioners** set policy, make final decisions on plans and land development

permits, adopt ordinances, approve budgets for planning, and appoint members of the planning commission.

**Planning commissioners** are volunteer citizens with legal responsibility to review plans and projects. They do not make final decisions, but must make recommendations before elected officials can adopt comprehensive plans. Planning commissioners are non-partisan appointed officials who represent the general values of the community in land use decision making. They also serve as a sounding board for new ideas, promote community interest in planning, and furnish leadership in formal citizen participation programs.

Most larger cities in Washington state and its 39 counties have a **professional planning staff**, who bring technical expertise and knowledge to the land use planning process. Historically, the planning staff serves as advisers to elected officials and planning commissions. They conduct studies, administer planning regulations (such as zoning and subdivision ordinances), and are a resource for the public on land use planning activities. In smaller communities without professional staff, consultants sometimes are hired on a limited basis to provide technical assistance.

Typically, nearly everyone outside this formal structure who could be involved in the land use planning process is termed "**the citizens**" or "**the public**"—neither entirely appropriate. Citizens in a community are not a single homogeneous entity. They represent a broad spectrum of ideas and opinions, often with conflicting goals and values. The "citizens" are a diverse collection of individuals and groups: neighborhood associations; public interest groups, such as the local chapter of the Sierra Club; or special interest groups like the local chamber of commerce. Many are individuals intensely interested in planning issues, while there are citizens who pay little or no attention to the community's land use planning activities.

What these diverse groups share is a willingness to volunteer some of their free time for community planning activities. Motivations to participate range from believing that citizens must be involved in community affairs to maintain the rights and privileges of a free democratic society; to reasons of self interest, prestige, professional recognition, or an increase in business contacts.

Not everyone is interested in a formal citizen participation program. However, all citizens in the community must be given an opportunity to express their views and concerns, and

have them considered as decisions are made. Local government must make opportunities for citizen participation in land use planning accessible to everyone. It is up to the citizens to take full advantage of these opportunities.

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## C. Citizen Involvement: A Matter of Timing

No matter when officials invite or recruit citizen participation in land use planning, it will not be soon enough for some interest groups. Others will complain that participation is starting too early. Controversy over the topic of when to invite or recruit citizen involvement can only be settled by local officials. Citizens can be involved from the beginning, or at selected steps in the process.

Citizen mistrust, or lack of support for plans and projects, often has more to do with a lack of opportunity to participate early in the project than on its merits. Citizen participation in the earliest stages of land use planning will save time and agony for officials and planners in the long run. The longer participation is put off, especially in major planning or development issues, the more likely that rumor and misinformation will spread. When this happens, officials spend more time explaining what is not true than reviewing the pros and cons of the project.

Another good reason for early participation is to identify disagreements or conflicts. Conflicts are abundant in land use planning. A healthy airing of conflicting views early on encourages creative problem solving and productive conflict management. Delaying citizen participation does not reduce or avoid conflicts. Conflict can cause poor utilization of resources, delay important planning efforts, and, on occasion, result in the loss of desirable development projects.

Citizen participation efforts will fail if the deciding officials have not defined their expectations and responsibilities at the beginning. Elected and appointed officials must make a strong public commitment to announced citizen participation activities. They must define clearly what the purpose of any formally announced participation program will be; and there should be a written document that clearly states how officials will invite, review, and process citizens' information. People are more likely to devote time and energy to local planning activities if they know their officials are accountable.

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## **D. Methods for Encouraging Citizen Participation**

Citizen participation must be carefully planned and organized. Activities should be simple, straightforward, and manageable by officials, planning commissioners and staff; and designed to fit local values and available resources.

The extent and intensity of any participation activity should match the importance of the issue. Widespread participation is desirable when comprehensive plans or land development ordinances are being created or updated. Participation efforts can be on a smaller scale if the issue mainly interests a particular neighborhood or area.

The best that can be done in any community is to see that citizen participation activities are open and accessible to anyone who wishes to be involved; that they do not require citizens to have special technical knowledge; and that there are clear lines of responsibility and accountability.

Two methods are key to successful citizen participation: interaction and public information. Public information methods are a time-honored way to inform citizens about land use plans and projects. Interactive methods create a dialog between citizens, elected and appointed officials, and professionals.

### **1. Public Information**

Citizens need to be informed about land development plans and projects, and armed with the facts they need to participate constructively. Citizens must also be informed of specific opportunities for involvement and how their participation will influence land use decisions. Public information methods reach large audiences, stimulate interest in community planning, announce citizen participation activities and events, provide notice of public hearings, and inform the public of actions and decisions.

Following are just a few examples of traditional public information methods:

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## Public Information Methods

Newspaper, Television, and Radio		
Feature Story	Press Conference	News Coverage
Legal Notice	Insert	Paid Advertisement
Editorial	Talk Show	Public Service Message
Other		
Direct Mail	Newsletter	Video Tape/Slide Show
Hotline	Displays & Exhibits	Documentary Films
Speakers Bureau	Telephone Tree	Brochures

The best way to select public information tools is to identify the objective and audience to be informed, and choose the methods based on skills and available budget. Cooperation from the local media is one key to maintaining a solid public information program. Local planning agencies should include funding for public information activities in their yearly budgets.

### 2. Citizen Interaction

If citizen participation is to be effective and not simply "window-dressing" people need opportunities to:

- *clarify values and attitudes*
- *express their opinions and priorities*
- *create proposals for plans and projects*
- *develop alternative approaches*
- *resolve conflict*

Interactive methods encourage two-way communication and innovative solutions. All of these methods create a dialog among decision makers, professionals, and citizens who will be affected by those decisions. Some interactive methods, such as workshops, are effective throughout a planning process. Others, like surveys, are best limited to specific steps. Interactive methods most frequently used in Washington state are public hearings, public meetings, citizen advisory committees and community surveys.

### **3. Public Hearings**

A public hearing is a special meeting which allows the public to comment on proposed plans and projects before officials make a final decision. Operating under a set of laws and formal procedures, it is an open public meeting. All citizens must be permitted to present their views for the official record, verbally and in writing, before the hearing body makes its decision.

Public hearings are conducted by city councils, boards of county commissioners, planning commissions, and, for certain designated zoning issues, the board of zoning adjustment. Some jurisdictions in Washington have hearings examiners who conduct quasi-judicial public hearings related to land development permits.

It is in the community's best interest to see that public hearings are carefully planned. In addition to the legal aspects of conducting a hearing, the points listed below can significantly increase the productivity of public hearings.

Before a hearing takes place:

- 1) The responsible agency should carefully examine the proposal or application to see that it is complete, and that all procedures and regulations have been followed.
- 2) All interested parties should receive ample notice of the hearing.<sup>4</sup>
- 3) Members of the hearing body should visit the site of all specific development proposals.
- 4) At least several working days prior to the hearing, staff reports, environmental assessments, economic analysis, and any other documents relevant to the hearing should be available for members of the hearing body and the general public.
- 5) Printed copies of the hearing body's rules and procedures should be on hand.

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## **HOW TO CONDUCT A PUBLIC HEARING**

- 1 The Chair calls the hearing to order, explains the purpose of the hearing and the procedures to be followed.
  - 2 The Chair is responsible for conducting the hearing in a fair, evenhanded manner, and should request that all questions and comments be addressed through him/her.
  - 3 A brief summary description of the proposal or plan is given by the Chair or a member of the planning staff. A lengthy description of the proposal is not necessary, as the subject of the hearing needs to be announced sometime before the hearing.
  - 4 All visual aids, such as maps and slides showing specific sites or development proposals, must be visible to everyone in the hearing room.
  - 5 The Chair opens the hearing for public testimony when the description of the proposal or plan is completed.
  - 6 Typically, proponents will be heard first, followed by opponents and a short rebuttal by proponents; however, some hearing bodies ask people to sign up if they wish to testify and then call for testimony based on the order of the sign up sheet.
  - 7 The Chair closes the hearing after all testimony is presented; however, it may be necessary to continue the hearing to a future date if there is a great deal of testimony.
  - 8 The Chair thanks all citizens in attendance for their testimony. The hearing body will either debate, deliberate, and make a decision; or take all the information under advisement and make a decision at the next meeting, or announce a specific date when the decision will be made.
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Members of the hearing body need to keep a fair and open mind until all testimony is presented. Citizens should be adequately prepared to testify, know the hearing rules and procedures, have a clear statement of purpose for their testimony, and back up their statements with solid information. It is also helpful to the hearing body if citizens prepare written testimony and present only summary remarks at the hearing.

Public hearings are required both for legislative and quasi-judicial decisions. Legislative hearings are conducted to seek citizen views on general land use plans and ordinances. Quasi-judicial hearings deal with individual property. Quasi-judicial hearings (such as rezoning a property from residential to commercial or subdividing several acres in a rural area) are frequently surrounded by conflict. These conflicts often make front page news and are sometimes resolved in the courts, rather than the community.

The standard public hearing provides proponents and opponents of land development projects an opportunity to comment, but it does not work very well as a technique to solve problems or resolve conflicts. For this reason, many private developers are initiating their own citizen participation sessions. They are meeting and consulting with neighborhood



groups in the design stages of project development. These private initiatives have been successful across the state.

Legally required public hearings offer only a limited opportunity for two-way communication. They are most effective if used in combination with other citizen participation methods. Public hearings are not a very expedient method for resolving conflict and can be counter-productive if used as a method to rubber-stamp plans or projects. The advantage of public hearings is that they guarantee citizens' comments on land use issues will be heard.

#### **4. Public Meetings**

Designed to inform, educate, or facilitate extensive interaction and dialogue, public meetings<sup>5</sup> are a widely used form of citizen participation. Information and educational meetings are a valid first step in any citizen participation process. Technical information can be distributed, along with an orientation to citizen participation opportunities and general or detailed descriptions of plans and projects.

Problems, however, can occur when the purpose of a public meeting is not clearly stated. Citizens become frustrated and angry if they attend a meeting believing they will be able to express their views, only to discover that the meeting was designed to educate or inform them about plans or projects. The purpose of a public meeting must be announced openly and honestly in pre-meeting publicity.

#### **5. Community Workshops**

One of the most popular citizen participation methods is the community workshop. Encouraging extensive interaction, workshops offer a structure that divides many people into small work groups of six to nine individuals. The value in this method is the data citizens develop in the work groups. Each small group prepares a written report, communicated at the end of the workshop to all attendees. Data developed at community workshops can be used throughout the planning process. When people see the goals, priorities, and ideas they have developed in community workshops reflected in land use decisions, they are more likely to support local government plans and projects.

Other advantages of this method are: 1) everyone can participate at meetings; 2) it is an excellent means of developing community consensus; and 3) it is relatively

inexpensive. To be successful, workshop managers must have good group facilitation and data management skills.

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## **Keys to Planning and Conducting Successful Public Meetings and Community Workshops**

- 1 Tell people the purpose of the meeting and have a written agenda.
  - 2 Make sure that the meeting date and time is convenient for the people who are being asked to attend.
  - 3 Notify people well in advance, approximately one to two weeks before the meeting date.
  - 4 The meeting site should be easy to get to, serviced by public transportation, and have ample parking.
  - 5 Select a meeting room that is appropriate for the size of the expected audience. Avoid rooms with pillars, other structural supports, and fixed seats.
  - 6 Make certain there is adequate lighting, ventilation, and a comfortable room temperature.
  - 7 Assure that people will be able to hear speakers and converse in small groups.
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***PRACTICE TIP:*** *People appreciate having the announced starting and ending times observed. One note of warning: speak in English, not planning jargon, at public meetings. Using technical terms that people do not understand has been the downfall of many carefully planned public meetings. Paying attention to details can reduce problems and make public meetings more enjoyable for everyone involved.*

A few words on meeting formats: Information and education meetings are usually set up in a formal manner with a podium and chairs set in rows. Informal arrangements with chairs and tables for small groups are appropriate for workshops. Meeting sponsors often serve coffee, tea, or juice as a way to make people comfortable and help them become acquainted during meeting breaks. Having materials for people to look at and study prior to a meeting, and setting up audio visual equipment well in advance of the starting time are other simple ways to make meetings less stressful for organizers and participants.

### **6. Citizen Advisory Committees**

Citizen advisory committees, which give advice to local officials on a particular plan, project, or program, are very popular for citizen participation. Community or neighborhood committees range in size from small, select groups of individuals appointed by local officials, to large groups of 50-100 volunteers. Advisory committees assure that community values and attitudes are represented in the planning process. They can also underscore obstacles to plans and projects, generate interest in land use planning, and help resolve conflicts among interest groups.

Appointed advisory committees are most efficient when they represent a cross-section of community interests. Volunteer advisory committees are best suited to educate and inform, create interest in community planning issues, and to get feedback on plans and projects. They generally do not represent all viewpoints in the community and may be strongly biased.

In all cases, whether an advisory committee is appointed by local government officials or composed of volunteers, staff support must be supplied to deal with technical and organizational tasks.

## 7. Citizen Surveys

A citizen survey is often used to gather information about citizen attitudes, values, and priorities. It can also gather data about a community's residents, such as age, income, and employment. Surveys are not a truly interactive participation method; citizens do not communicate directly with decision-makers in a survey, but they can express their opinions on land use issues.

Several types of surveys are used in land use planning. The formal scientific survey systematically measures community attitudes, values, and priorities. Data collected by scientific surveys can statistically represent all citizens' views in a quantifiable manner. Crucial elements in a formal scientific survey are properly designed questionnaires, careful tabulation of results, and a written analysis and interpretation of the data. Survey results must be reported in a straightforward manner and be widely distributed throughout the community. If the local government staff is not experienced in survey design and analysis, they should seek assistance.

The community self-survey is popular in smaller communities. This method makes extensive use of community volunteers with a minimum of outside assistance. Citizens organize and conduct all aspects of the survey, from developing and distributing questionnaires to tabulating and distributing results to the community. The advantages of this type of survey are that it encourages broad citizen participation and it collects information about community attitudes and priorities. Conducting a community self-survey is a large undertaking. This method should be chosen only if enough volunteers are available and when the survey results are not needed immediately.

Informal methods to survey public opinion include questionnaires printed in the local newspaper, or call-in answers on a talk show. Such surveys will not represent all community views, but can help focus on or uncover land use planning issues. They should not be relied on to develop community plans.

Many other methods have been used successfully in communities across the state. Mediation techniques, for example, can help disputing parties resolve conflicts over land use plans and projects. New methods, such as interactive computer simulations and cable television, are being introduced in citizen participation activities. In selecting among these, communities should be open to new and innovative techniques. However, they must carefully evaluate their ability to execute a particular method. Guiding factors in making a selection are 1) match the appropriate method to each citizen participation objective; and 2) have the skills and resources to carry out the method properly.

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## **A SEVEN STEP GUIDE TO CREATING AN EFFECTIVE CITIZEN PARTICIPATION PROGRAM**

- 1     **DETERMINE OBJECTIVE(S)** of the participation program. Write them down, in plain English, so everyone can understand the purpose of the program.
- 2     **IDENTIFY WHO** should be involved by identifying who will be impacted by the plan, ordinance, or project. These are the citizens who need an invitation to participate.
- 3     **DECIDE WHEN** to invite/recruit citizen involvement. This step must be consistent with Step 1. For example, if the objective is to have citizens develop initial ideas for plans, people must be involved at the beginning of the process. If the objective is to have people review and comment, it will not be necessary to plan for involvement until draft proposals are available.
- 4     **IDENTIFY AND EVALUATE A VARIETY OF METHODS** that are appropriate to carry out the program objective(s). Typical evaluation criteria are: the cost of the method; the ability of staff (volunteer and professional) to administer the method; the amount of time needed by citizens; the amount of time needed by staff to process data generated; and the quality of that data.
- 5     **SELECT THE BEST METHOD(S)** to achieve each program objective. Be sure they are within the resource capabilities, both financial and human, of the community.
- 6     **CARRY OUT** the citizen participation program.
- 7     **EVALUATE THE PROGRAM** when it has been completed. Decide if objectives have been met, list what went well and what could be changed or improved for the next time.