



HOW TO BECOME THE GREAT PLANNING COMMISSIONER

Planning Commission Training

May 18, 2019

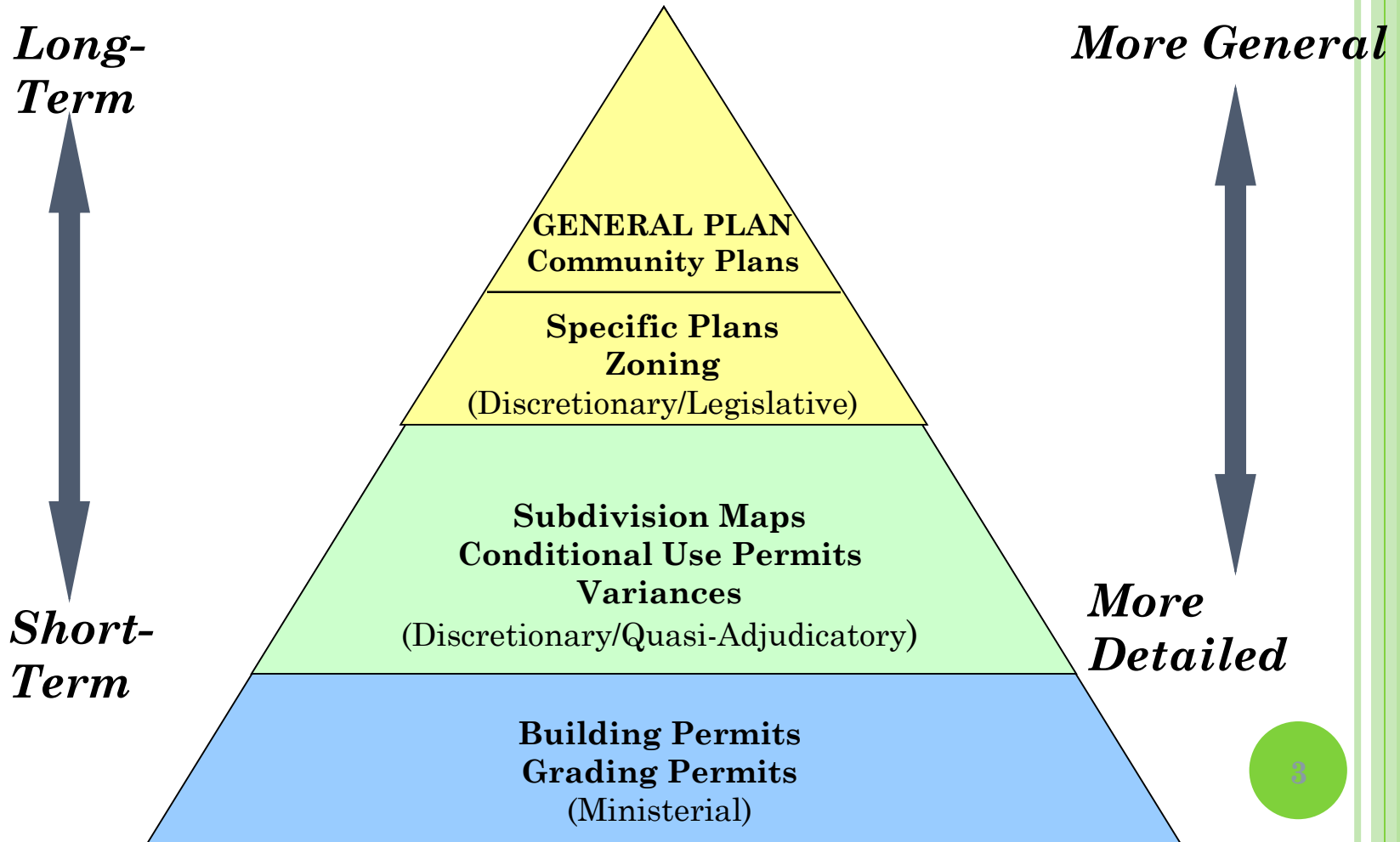
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WHERE DOES THE LEGAL AUTHORITY TO PLAN?

- Federal Constitution and laws
- State Constitution and laws
- City/County Ordinance/Charter
- General Plans
- Specific plans (if required)
- Zoning/Development code relief from zoning; use permits, variances, etc.
- Subdivision Map Act



LAND USE HIERARCHY



UNDERSTAND YOUR ROLE

- Unique position
- Bring broad community perspective
- Citizen involvement
- Balance interests – not political and not purely technical
- Educate the public
- Future orientation
- Ethical and Fair



STAFF ROLE

- Guides and Coordinates complete review of projects
- Provides information and staff reports including professional analysis and recommendations
- Identifies relevant local policies, state & federal laws
- Interprets
- Educates
- Monitors
- Acts in a fair, ethical, & consistent manner
- Technical Policy Perspective



PREPARE WELL FOR COMMISSION MEETINGS

- Read and understand the staff report
- Visit the sites under consideration (upon advice from your legal counsel)
- Contact staff with questions in advance if you have them
- Review the applications in their local context
- If unable to attend meeting, let staff know



HAVE A BIAS FOR ACTION

- Decisions are the value you add to the planning process
- Prepare for the meeting with the intent of making a decision
- Play to your strengths and expertise
- Avoid unnecessary continuances, a burden to all interested parties



DON'T BLINDSIDE STAFF WITH DIFFICULT QUESTIONS AT THE MEETING

- Let staff know prior to the meeting if you have concerns so they can prepare
- Follow the protocol for contacting staff, either through the director or with the staff members directly
- Do expect good staff work and recommendations



ELEMENTS OF GOOD DECISION MAKING

- Project Review
- Due Process
- Public Hearings
- Findings
- Appeals



PROJECT REVIEW

Ask yourself:

- What should the community look like?
- Are there community needs that are not being met?
- How does the project relate to its surrounding environment?
- Does the proposed use enhance the community both today and in the future?
- Review and apply both written and oral testimony
- Keep the long view - iterative process
- Think about who is impacted
- Listen to what is really being said
- Remain objective
- Express yourself clearly and concisely
- Be respectful



DUE PROCESS

- Actions must be
 - Reasonable
 - Non-discriminatory
 - Not arbitrary or capricious
- “Notice & Hearing” especially for Zoning Hearings
 - Procedural rules of conduct
 - Record of all hearings
 - Public staff reports available prior to hearing
- Legislative vs. Quasi-Judicial Actions
 - Legislative actions must be reasonable and nondiscriminatory
 - Quasi-judicial decisions must be supported by substantial evidence in the record
- Informing the Public
 - Legal requirements
 - Communication tools



FINDINGS

- Purpose of findings:
 - Provide a framework for making principled decisions.
 - Facilitate orderly analysis to reduce the likelihood of random leaps from evidence to conclusions.
 - Appraise the reviewing court of the basis for the agency's decision .
- Explain the basis for the decision-
 - Just because you do not like the project – this doesn't work , need sound reasons. e.g. The project is consistent with the General Plan **BECAUSE...**"
- Refer to factual evidence (written or oral)
- Relevant to the issue before the Commission
- Part of the public record
- Sufficient to determine whether & on what basis should judicial review be sought



BE CIVIL TO EACH OTHER SO THE PUBLIC WILL BE CIVIL TO YOU

- Your example establishes the tone for the meeting
- Be respectful
- Come prepared
- Keep track of positions you agree with
- Help Inform
- Model good listening



SEEK TO UNDERSTAND EACH OTHER'S POSITIONS AND OPINIONS

- Listen carefully to what is being said
- One of your objectives should be to identify points of consensus
- Ask clarifying questions to make sure you understand what is being said



VIEW EVERY MEETING AS AN OPPORTUNITY TO EDUCATE AND COMMUNICATE

- Communications key to building relationships with public
- This may be the first (and/or last) meeting they will attend
- Explain the process and the purpose of the meeting
- Explain what can the commission do and what the commission cannot do
- It will establish or reinforce their view of local government



*ESTABLISH NEW POLICY OR POLICY MODIFICATION
SEPARATELY FROM INDIVIDUAL PROJECTS*

- No individual project should dictate your long range goals
- Need to look at the broader ramification in setting new policy



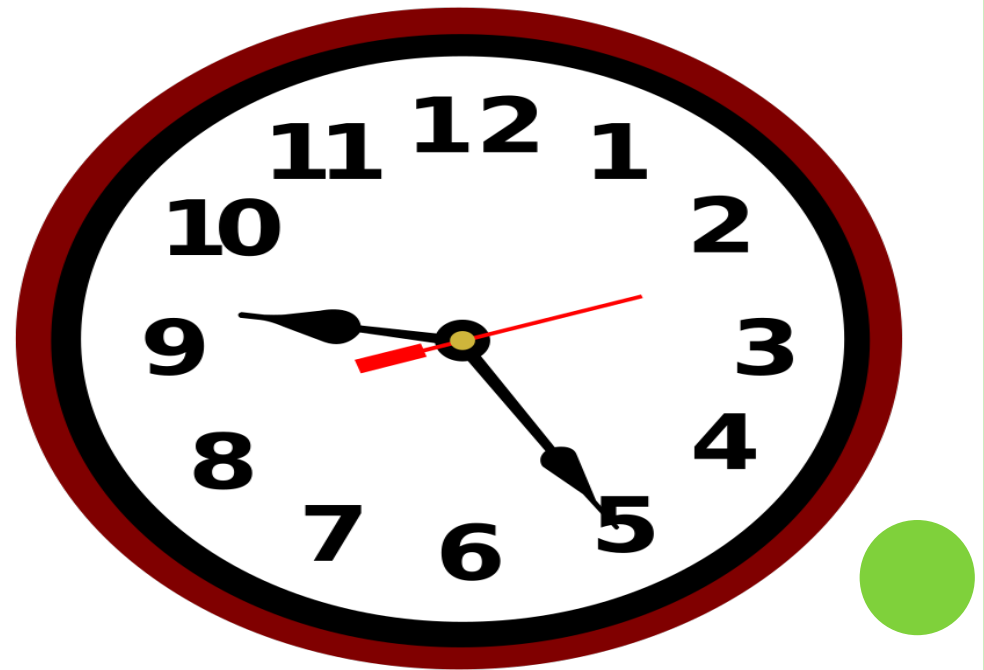
EXPLAIN YOUR RATIONALE, BUT DON'T LECTURE THE PUBLIC

- The public will be more accepting of broad concepts if presented in a different format and venue
- It is helpful to cite previous commission decisions



KEEP THE MEETING TEMPO THE SAME AT THE END AS AT THE BEGINNING

- Citizens who waited through earlier items deserve the same courtesy as those heard earlier
- Balance time by being cognizant of the full agenda for the evening
- Strive to be efficient



*STRIVE FOR CONSISTENCY, BUT
ACKNOWLEDGE UNIQUE SITUATIONS IN
PROJECTS*

- Not every decision sets precedent
- Unique circumstances may warrant unique solutions



MAKE YOUR FINAL ACTION CLEAR TO THE PUBLIC

- The public should leave the meeting clearly understanding what you did
- Motions should be clear & understandable



COMMUNICATE WITH THE CITY COUNCIL OR BOARD OF SUPERVISORS FREQUENTLY

- Develop rapport with your Council/Board member
- Joint study sessions to discuss key issues
- Send policy questions to Council/Board if needed



PLANNING FOR THE FUTURE

- Who are you planning for?
- Are your community needs being met?
- Who will be residents in years to come?

