



American Planning Association
California Chapter
Sacramento Valley

Making Great Communities Happen

Planning Commissioner Training

Sacramento Valley Section
APA

April 16, 2016



Why Plan?

- Saves money
- Creates a Sense of Place and reinforce a Sense of Community
- Protects and Enhances Property Values
- Safeguards Public Health
- Promotes Public Safety
- Improves Economic Development and Quality of Life
- Provides public facilities and infrastructure
- Protects the Environment and Conserve Resources
- Provides a forum for resolving conflicts and reaching agreement
- Connects people to the community
- Set Clear Expectations



Planning for the Future

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



Roles

- Council/Board of Supervisors
- Planning Commission
- Staff
- Public



City Council/Board

- Sets Policy
- Appoints Planning Commission
- Decides Legislative Actions (Adoption of General Plan, Specific Plans, Zoning Ordinance, Zone Changes, etc.)
- Hears appeals
- Establishes General Procedures
- Balances relationships with Planning Commission, Staff and Public
- Political perspective



Why a Planning Commission?

- Citizen involvement
- Smaller is better
- Balance interests
- Public trust
- Orderly growth
- Consensus builders
- Lightning Rod
- Training ground



Planning Commission Roles

- Defined in State Law and local ordinance
- Educates
- Listens
- Acts in a fair, ethical, consistent manner
- Future view – reinforcing a sense of place/community
- Respectful
- Consensus Builder
- Balance relationship between staff and public
- Broad Community perspective



Planning Commission Duties

- Duties vary by city/county but typically include:
 - Assist in the development of General and Specific Plans
 - Review and make recommendations on Zoning Ordinance and GP Amendments
 - Implement Adopted City Policies
 - Acts on planning & development projects with findings
 - Review Capital Improvement Plan
 - Hear Appeals on staff determinations
 - Review land acquisitions/sales by jurisdiction
 - Request special studies regarding planning issues of concern



Staff Role

- Guides and coordinates complete review of projects
- Provides information & staff reports including professional analysis & recommendations
- Prepares draft plans (General Plan & Specific Plans)
- Identifies relevant local policies, state & federal laws
- Interprets
- Facilitator
- Educates
- Monitors
- Acts in a fair, ethical & consistent manner
- Technical Policy Perspective



Public Role

- Engage
- Evaluate
- Present local knowledge
- Become informed on issues and process
- Focus on issues
- Use process to find solutions
- Respect
- Local community/neighborhood perspective



How Policy Makers can help the Planning Commission?

- Meet with Commission annually
 - Review relationships
 - Review any major policy issues
- Require Commission to have Rules & Regulations
- Encourage Commission to ask for direction if a policy questions or inconsistency arises
- Provide training opportunities
- Stay Focus on policy and let Commission sort out the details



How Planning Commission can help staff?

- Review staff reports before meeting
- Asking questions before meetings – don't surprise them- allows staff time to research answer
- Expect good staff work and recommendations
- Staff is not the enemy, Respect staff's role even if you don't agree with recommendations



How to Help the Public?

- Inform
- Educate
- Facilitate
- Listen
- Explain the Process
 - Handouts
 - Videos



Where does a City/County get the Authority to Plan?

- Federal Constitution and laws
- State Constitution and laws
- City General plan
- City specific plan (if required)
- Zoning/Development code
 - Relief from zoning; use permits, variances, etc.
- Subdivision Map Act



Overview: Police Power

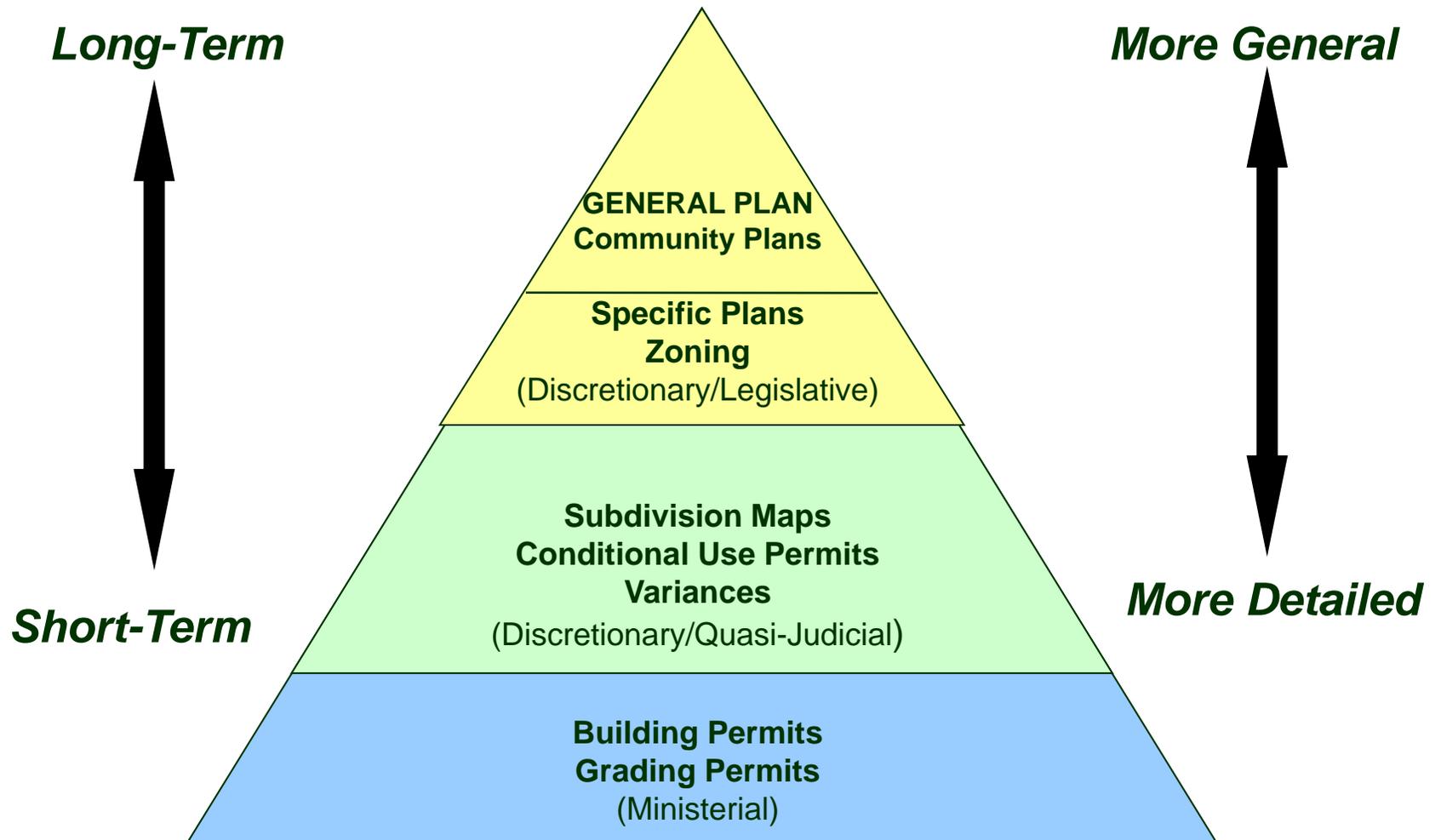
- Police Power: A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” California Constitution, Article XI, Sect. 7

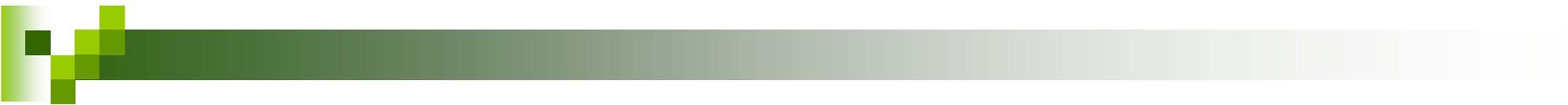
- Three basic limitations that generally apply:
 - Exercise of police power must be “reasonably related” to the public welfare

 - The police power applies only within the geographic limits of the agency

 - Exercise of police power cannot be in conflict with general laws: preemption

Land Use Hierarchy





What is the difference between a legislative act and a quasi judicial decision ?

■ Quasi judicial decisions

- e.g. use permits, variances, subdivision map act applications, design review
- Cannot prejudge matter
- Due process and fair hearing
- Findings (Must be supported by substantial evidence)
 - Framework for principled decisions and orderly analysis
 - Refer to factual evidence
 - Enable the parties to understand basis for decision
 - Enable the court to evaluate decision

■ Legislative acts

- More latitude – A decision will be invalidated only if it is arbitrary, capricious, wholly lacking in evidentiary support or fails to conform to the requirements of the law.



Elements of Good Decision Making

- Preparation Prior to the Meeting
- Project Review
- Effective Public Hearing
- Due Process
- Findings
- Conduct



Preparation Prior to Meeting

- Read packet prior to meeting
- Visit site if helpful (need to disclose)
- Call staff prior to meeting if questions or if something is missing from your packet
- Review applicable General Plan policies and Zoning Ordinance sections
- Advise Chair and staff if you are to be absent



Project Review

- 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?



Checklist for Review

- General Plan & Zoning comparison/consistency
- Compare with vicinity
- Public Views worth protecting
- Grading & contours
- Circulation Pattern/Parking Layout
- Landscaped Areas
- Materials & Architectural Elements
- Conservation Practices
- Consideration for the future



Agenda

- Keep public informed of the Agenda/process
 - Review process at beginning of meeting to allow public to understand procedure
- Provide copies of agenda/staff reports available at meeting and on website prior to meeting
- Keep to subject at hand
- Role of Chair is to make sure everyone clearly understand purpose of hearing
- ILG – explanation sheets (Land Use – one pagers) may be helpful



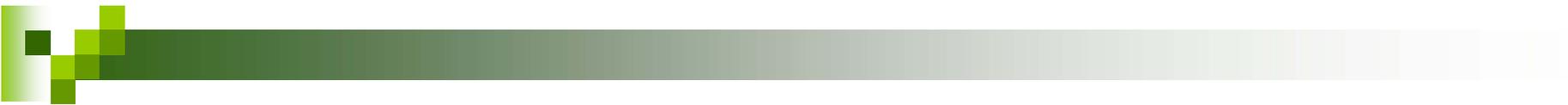
Effective Public Hearings

- Focus on subject under consideration
- Understand Process -Challenge with format – It may be confusing to public.
- Define roles & responsibilities - Helpful to review process at beginning of agenda so public understands who speaks when, the staff's role, the public's role, the applicant's role, etc.
- Understand Process
- Maintain an open flow of ideas
- Respect for staff/public/other Commissioners
- Key venue for residents & community members to learn about issues and provide their views



Skill in Making Decisions

- What is the issue you are deciding
- Ability to review both written & oral testimony and to apply it
- Take initiative with policy issues
- If policy doesn't work – change it, don't try and adapt, this will usually get you in trouble
- Keep the long view
- Listen to what is really being said
- Remain objective
- Express yourself clearly & concisely



What conditions may I apply to a project?

- Government agencies may impose conditions on development so long as the conditions are reasonable and there is a sufficient connection (“nexus”) between the conditions imposed and “proportional” to the burden that the development will place on the community.
- AB 1600 Development fees



Due Process

- Actions must be
 - Reasonable
 - Non-discriminatory
 - Not arbitrary or capricious
- 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
 - Procedural rules of conduct
 - Record of all hearings
 - Public staff reports available prior to hearing



Findings

■ Findings

Explain Basis for decision

- “Just because you do not like project” - this doesn’t work, need sound reasons, e.g. “The project is not 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 or on what basis should judicial review be sought



Conduct During Public Hearings

- Consider yourself part of the process
- Go into the meeting with an open mind
- Listen to what is being said
- Be careful of what you say and how you say it
- Fact finding and deliberation
- Image and public impression
- Role of the Chair important
 - Educate and facilitate
 - Maintain pace and civility of the meeting



Suggestions for Being Effective as a Planning Commissioner

- *Understand your role*
- *Prepare well for commission meetings*
- *Have a bias for action*
- *Don't blindside staff with difficult questions at the meeting*
- *Be civil to each other so the public will be civil to you*
- *Seek to understand each other's positions and opinions*
- *View every meeting as an opportunity to communicate with the residents and to educate*



More Suggestions

- *Establish new policy or policy modification separately from individual projects*
- *Explain your rationale, but don't lecture the public*
- *Keep the meeting tempo the same at the end as at the beginning*
- *Strive for consistency, but acknowledge unique situations in projects*
- *Make your final action clear to the public*
- *Communicate with the city council frequently*
- *Remember you are planning for the future*



Tips to Learn More

- Develop a knowledge of city/county policies
- Get to know staff
- Learn structure of citizen participation and intergovernmental coordination
- Attend Planning Commission training
- Read Materials (books, magazines) on Planning
- Become a Planning Commission member of APA



Tips, etc.

- Visit Planning websites such as:
 - American Planning Association
 - www.planning.org
 - California Chapter of the American Planning Association
 - www.calapa.org
 - Planetizen
 - www.Planetizen.com
 - Institute for Local Government
 - [www,ca-ilg.org](http://www.ca-ilg.org)
 - California Planning Roundtable
 - www.cproundtable.org