



Land Use Planning and the Art of Planning Commission Maintenance

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By Joseph W. Tovar, FAICP



Perhaps the most instructive television ad ever was a memorable pitch by the FRAM auto parts company. The setting was a dimly lit auto garage, where two exasperated mechanics labored over a blown engine. One mechanic held up an oil filter, smiled at the camera and said "pay me now," then shrugged and nodded at the blown engine "or pay me later."

Successful cities and counties know the importance of proper maintenance of the essential components of their organizations, including not only the council and professional staff, but also the volunteer citizen planning commission. A modest expenditure of time, attention and funds to maintain a planning commission is a wise investment, especially when you consider that a city or a county has a lot more at stake than a blown engine. Procedural errors, at the very least, result in embarrassing "do overs" and can at the worst result in multi-million dollar judgments against the local treasury. A well-trained, informed and competent planning commission can minimize the likelihood of such problems.

But there's more at risk than procedural errors and fiscal hits. Also at stake is your public's perception of the openness, fairness and competence of the local planning process as well as the ability of local elected officials to rely on the planning commission for sound recommendations on plans, codes and, in some cases, development permits.

A planning commission that functions well is not an accident - it takes proactive and ongoing maintenance. During two decades as a planning director for three cities, I worked with dozens of planning commissioners and staffed hundreds of planning commission and city council meetings. As a member of the State Growth Management Board, I reviewed the record of many appeals alleging city or county noncompliance with the public participation requirements of the GMA. From those experiences, I have gleaned some insights about how to build a high performing planning program. Following are five Best Practices designed to keep your planning commission, a key component of your planning process, firing on all cylinders.

1. Select the right people

When advertising for volunteers for appointment to the planning commission, and during the interview process, the council should look for the "right" people. Some councils look for balanced geographic representation on the commission, a diversity of work experience, or other criteria to achieve a broad representation of the community. Some look for technical experience in urban planning, real estate, or architecture, while others look to length of

residence in the community, involvement in community affairs, or experience in working well in a group setting. There is no one right set of criteria - these are all valid factors that can be useful in evaluating candidates for appointment.

Equally important criteria may be less obvious. Planning commissions typically meet two or three times a month, each meeting takes from two to three hours, and a good rule of thumb for meeting preparation time is to count on at least an hour or two reading the packet materials before each meeting. So, it is important at the interview for the Council to ask direct questions to be certain that a candidate can live up to this considerable time commitment for the duration of a multi-year term.

Bringing life experience and personal opinions to the commission adds value, but it is just as important to find people who also bring an open mind. Commissioners must be able to weigh all the input presented and to participate in a collaborative dialogue with their fellow commissioners before reaching final conclusions and voting on issues. A well-functioning commission is one in which members openly exchange and respectfully question each others' opinions and preliminary conclusions before reaching final positions.

One sign of a healthy deliberative body is when one of its members says something like "you know, after reading the packet materials and hearing tonight's testimony, I had formed some preliminary conclusions about this proposal, but on some of these points my fellow commissioners have persuaded me otherwise." The planning commission is a deliberative body, not simply a straw poll among predetermined, inflexible opinions. It is important to find people who are not only willing to listen but also to speak up, to persuade and be persuaded.

2. Be clear about roles and expectations

Aspiring and serving planning commission members should be clear on the commission's role as well as the roles of the council and the staff. Planning commissioners are policy *advisors*, city and county elected officials are policy *makers*, and planning staff are policy *administrators* and *enforcers* of the plans and codes adopted by the councils. Don't take it for granted that applicants for planning commission understand this. Even sitting planning commissioners and council members occasionally need to be reminded of this. Following are some council behaviors that can strengthen or undermine the role clarity that is important to the effectiveness of a jurisdiction's planning efforts.

The planning commission is the first and primary body responsible for soliciting, hearing and weighing public input on land use matters. While the council may choose to have a hearing on an item already heard by the planning commission, that should be a rare occurrence and for good cause. Blurring the distinct roles of policy advisors and policy makers does worse than simply undermine the morale of the planning commission. The practice of duplicative council hearings as a default protocol erodes the commission's effectiveness. It rewards people for ignoring the commission, deprives the commissioners from hearing all the facts/opinions, and needlessly consumes council agenda time.

In my experience, the council and the planning commission are most effective and productive when they support one another in their respective roles, which helps to build mutual trust and respect. This includes an understanding by the commission that the council is not obligated to agree with every recommendation that the commission forwards. It also means that the council is expected to look closely and critically at the commission's recommendation, agree when it can, but disagree when it must.

Equally important, though, is that when the council disagrees with a planning commission conclusion or recommendation, it takes the time to explain why it has concluded or decided differently. What is needed isn't an argument or a point-by-point rebuttal, but rather clear direction regarding the council's thinking. As with any successful team, performance-improving feedback is a two-way street.

Simply invoking the council's decision-making authority may be legally sufficient (although in some cases, it may not!), but does nothing to convey useful direction or to maintain a healthy relationship with the planning commission. In land use, as with many other decisions that councils make, just because something is legally supportable does not necessarily mean that it is constructive, prudent, or politic.

3. Make planning commission-city council communication a regular occurrence

The staff frequently plays the role of messenger between the planning commission and city or county council, for example, in forwarding the commission's recommendations and presenting them to the council. Even if planning commission participation at the council meeting is not the routine, it is helpful sometimes to have the chair, or other commission representative, participate in the presentation of the commission's recommendation. Even if the planning commissioner is only present to answer questions, and relies on the staff to make the detailed presentation, much good can come from this occasional appearance. It provides an opportunity to build understanding, accountability and trust among and between the commission, the council and the staff.

Another key opportunity for communication is an annual or semi-annual joint meeting of the planning commission and the elected officials. In some cities these joint meetings happen twice yearly, once before the Council's annual goal-setting retreat in the spring, and once in the fall before the annual budget process. Such joint meetings provide an opportunity to review progress on the planning commission work program, facilitate candid two-way feedback, and build the understanding, trust and mutual support that each needs to play its important role in the city's planning process.

4. Require planning commission training and support it with a modest budget

There are resources available at little or no cost to equip planning commissions with the knowledge, skills and methods they need to be effective. The "[Planning Short Course](#)," coordinated through the Washington State Department of Commerce, is available at no charge to planning commissioners, elected officials, and interested citizens. Usually taught as a three hour evening session, the Short Course provides an overview of the legal framework for planning, including such subjects as the Growth Management Act, the Appearance of Fairness Doctrine, the fundamentals of constitutional due process and takings, and how to create legally sufficient findings of fact and conclusions. Contact Short Course Coordinator Janet Rogerson at jrogerson@commerce.wa.gov.

Some jurisdictions pay for their planning commissioners to be members of the Washington Chapter of the American Planning Association ([APA Washington](#)), which sponsors an annual conference in the fall, or the Planning Association of Washington ([PAW](#)), which sponsors an annual conference in the spring. Membership in either organization includes a subscription to periodicals focused on planning issues and workshops open to planning commissioners. For example, the Puget Sound Section of APA Washington sponsors a one-day Planning Law workshop, which this year will be held in Bellevue on May 15. The cost for planning commission members to belong to either APA Washington or PAW is modest and provides access to many learning opportunities.

For those jurisdictions interested, more focused or localized training is available from private firms specializing in group dynamics, parliamentary procedure, how to manage an effective meeting, how to constructively disagree, and other topics. Others can provide a more in-depth understanding of the Growth Management Act and the comprehensive planning process as it may apply to your jurisdiction. Such individualized training sessions can be taught as part of the agenda for a planning commission retreat or evening study sessions(s). Depending on the type of training, it may be available as a pro bono or for fee service. For more information and referrals, please contact the author at joseph.w.tovar@gmail.com.

5. Recognize and thank your citizen planners

Finally, it's good government as well as good manners to recognize and thank the citizens who volunteer their time to serve on the planning commission. There are many ways to do this.

In Kirkland, the city council hosts an annual dinner meeting to recognize the contributions of all the citizen members of the city's boards and commissions. The chair of each board or commission presents a brief report about the major accomplishments of the year and the challenges of the upcoming year. This is a major opportunity for the elected officials to personally thank their volunteers and strengthen the respect, trust, and teamwork essential to a successful city organization.

Another opportunity to recognize and thank the planning commission members occurs every October. This past year, thirty-seven Washington cities issued proclamations recognizing the month of October as "National Community Planning Month," acknowledging the importance of planning in their communities, and thanking the volunteer members of their planning commissions for their valued contributions. Many cities have the chair of the planning commission attend the council meeting to have the mayor present him/her with the proclamation on behalf of the entire commission. The cost to the city organization to adopt such a proclamation is negligible and I can attest that even a small dose of well-deserved thanks and recognition goes a long way.

Proactive maintenance and support of planning commissions is more important now than ever, particularly for the one hundred cities and counties who must update their GMA comprehensive plans, and implementing development regulations, by 2015. These citizen volunteers will be taking on important, time-consuming and challenging work - reading, interpreting, weighing, debating and deliberating on a great volume of data, and public comment, before fashioning recommendations for consideration by their respective elected officials. Be sure they are well-equipped and supported to play this important role.

Anyone planning a long road trip knows that the best hedge against unexpected and expensive breakdowns is preventive maintenance before setting out. By following the five best practices for planning commissions described above, cities and counties can help keep their planning process humming along and their GMA plan updates out of the shop.

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About Joseph W. Tovar

Joseph W. Tovar writes for MRSC as a [Planning Advisor](#).

Joseph W. Tovar, FAICP, helps communities create visions of their preferred futures, and how to implement them through plans, codes, projects, strategies and organizational training. He has served as planning director for the cities of Shoreline, Kirkland and Covington and as Chair of the Growth Management Hearings Board. Now in private practice, Mr. Tovar has provided consultant services to private clients as well as Snohomish and Kitsap counties, the cities of Everett, Lacey, Kirkland, and SeaTac, as well as the Association of Washington Cities. He is a Fellow of the American Institute of Certified Planners and an Affiliate Associate Professor at the University of Washington. He has taught land use decision-making and city planning best practices to audiences of planning commissioners, elected officials, planning directors and graduate students. More information is posted online at www.tovarplanning.com. He can be reached at joe@tovarplanning.com.

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