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A Publication of the American Planning Association Washington Chapter

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August President's Message

July brought an important Supreme Court ruling to law, and an ambiguous state legislative session to a close. Read Ivan's reflections on these and other events.

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Nominations for the class of 2014 are open

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APA Washington's lobbyist explains why there will not be much to remember about this session

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What ideas do you have for state legislation?

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Become part of the team for the Ten Point Plan for Washington's 21st Century.

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Join the fun, and support Chapter scholarship programs.

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Koontz Decision Resources

| washington-apa.org/newsletters/article/elsewhere_online_aug2013;

Join the conversation on LinkedIn

| tinyurl.com/WAAPAKoontzDisc;

APA national's online resource collection regarding Koontz

| planning.org/amicus/koontz.htm;

NY Times summary of the Koontz decision, analysis and implications

| nytimes.com/2013/06/27/opinion/a-legal-blow-to-sustainable-development.html;



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August President's Message

By Ivan Miller, AICP



Ivan Miller, AICP—President, APA Washington

The big news in planning this month was the U.S. Supreme Court's misguided decision in *Koontz v. St. Johns River Water Management District*. It will take time to understand the impact of this ruling, but initial reactions have planners concerned, as the following remark from a dissenting justice demonstrates:

If every suggestion could become the subject of a lawsuit under Nollan and Dolan, the lawyer can give but one recommendation: Deny the permits, without giving Koontz any advice — even if he asks for guidance.

Among the reasons this ruling is unfortunate is the fact that current planning is about fact-specific matters, such as site characteristics, development plans, and local regulations. Through discussion and negotiation, governments can find mutually acceptable solutions with our partners in the development community. If governments can't collaborate, communities are stuck with one-size-fits-all solutions that limit development and prevent implementation of local plans.

More resources concerning the *Koontz* decision, and discussion links, can be found under "Elsewhere Online" in this edition of *The Washington Planner*. You can also expect a lively discussion of this case at the [State Conference](#) in Bellevue.

THE 2013 LEGISLATIVE SESSION & CHAPTER BILL PROPOSAL PROCESS

As strong as our legislative committee is currently, and has been since it's founding under past president Brad Collins in 1989, chapter members need not worry that the state portion of their membership dues will be used to fight U.S. Supreme Court battles. That said, the legislative committee was again active during this interesting session — my thanks to all of its members.

As discussed in our chapter lobbyist's wrap-up article this month, the proceedings in Olympia ended with a whimper when it came to planning-related matters, and with a big thud related to infrastructure funding. Michael also provides a summary of the few planning-related bills that became law.

Another element of our legislative program is our [award-winning](#) Bill Proposal Process and Subcommittee. Since its establishment in 2008, our Process has led to bills that increased flexibility when adopting subarea plans, and sensibly limited urban growth area expansions into floodplains. One bill that survived the 2013 legislative season is HB 1717. It authorizes local governments to recover reasonable costs of preparing certain types of non-project environmental impact statements. This concept was proposed in our 2010 Bill Proposal Process and is now law! We will add this to our list of legislative successes.

In our 2012 Bill Proposal Process, we proposed the idea of developing stakeholder support for a thorough review and evaluation of our state's planning laws, including the Growth Management Act. This idea received some interest, and because we are still working on it, we are taking a different approach to Bill Proposal work in 2013. See this month's newsletter article about the legislative-driven Member Survey.

DANIEL BURNHAM FORUM — NEXT STEPS

Jill Sterrett helped organize and lead the Daniel Burnham Forum on Big Ideas in Portland on May 29th. As

she explains in her article this month, there are a number of ways that APA Washington members can continue to build upon the outcomes of this successful event. Please see Jill's recap of the Forum conversation, and consider joining one or more of the follow-up Task Force topic groups.

SPEAKING OF AWARDS

Last month, this newsletter informed Chapter members about the passing of [Bob Burke](#), APA Washington's first president. After consulting with all the APA Washington past presidents, we have changed the name of our annual President's Award for Service to the Chapter. Beginning in 2013, the award will be known as the Robert G. Burke Award for Service to the Chapter. I thank the past presidents who helped guide me in making this decision. I will be proud to present this newly-named award at the state conference.

APA WASHINGTON WELCOMES YOUR HELP

This has been a busy time for the Chapter, and this month I have focused on our legislative-related work. Remember that significant work is also happening on our 2013 conference, in the Planning Awards Committee, in the Kids in Planning Committee's exciting work on a Youth Summit on Climate Change, and more. If you are interested in participating in any of this important work, or have an idea you want to share, please contact me at <mailto:ivanmillerseattle@hotmail.com> or call 206-464-7549.

American Planning Association **Washington Chapter**

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Call for Nominations to AICP College of Fellows

Election to the College of Fellows is one of the highest honors that the American Institute of Certified Planners bestows upon a member. This honor recognizes the achievements of the professional who has made significant contributions to society, and to the field of planning. A planner who meets the following criteria may be nominated for membership in the College of Fellows:

1. been an AICP members for at least 15 years;
2. has maintained membership in good standing; and
3. has made outstanding contributions to the profession over an extended period of time.

Nominees are evaluated according to their achievements and excellence in one of four distinct categories: Professional Practice; Public or Community Service and Leadership; Teaching and Mentoring; and Research.

A list of APA Washington members eligible for nomination to this year's class is posted on the Chapter's website. Contact FAICP Committee chairperson Lisa Verner, FAICP at 206-286-8575 or lisa@cdspermits.com to indicate your interest in nomination by the Chapter. The nomination form is available [here](#), and is due on **Friday, August 9th**.

The nomination package is prepared by the nominee. It explains how the nominee's professional work is significant, and identifies his or her unique contribution to the field of planning. The nominee is also responsible for obtaining letters of recommendation that reinforce his or her qualification for Fellowship, for inclusion in the nomination package. The FAICP Committee, consisting of current Fellows and members, will mentor those who are selected for nomination by the Chapter.

An eligible planner who is not nominated by the Chapter may follow an alternative process and be nominated by a group of current Fellows. The deadline for nominations under this alternative method is **Tuesday, November 5th**.

The successful 2014 Fellows will be inducted into the College of Fellows at the 2014 National APA Conference.



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2013 Legislative Wrap-up

By Michael Shaw



Washington State Capitol at Night

The 2013 legislative session will be remembered for how close the Legislature came to closing down the state government. Lay-offs notices were sent to state workers, and contingency plans regarding services that could be shut down were readied. A budget deal averted the shutdown with only two days to spare. I have worked the last 20 years in Olympia, and I have never seen anything like it.

There will not be much else to remember from this session since the Legislature only passed 373 substantive bills — down by about a hundred from its usual pace. The table at the end of this article lists approved bills that may be of some interest to APA Washington members. Our bill tracking list contained

over 90 items. Only 11 of those bills passed, including one that was vetoed by the Governor.

Perhaps the most significant planning bill of the 2013 session is SB 5399. It addresses situations where a planning jurisdiction is found by a growth management hearings board to be noncompliant. The legislation allows that jurisdiction to avoid penalty while an appeal is pending, if the ordinance being challenged has a delayed effective date (thus no premature vesting). Another bill of note. HB 1717, authorizes a local government to recover reasonable expenses for preparing a non-project environmental impact statement for infill actions that are categorically exempt from the requirements of SEPA. Both bills were products of much work by Representative Joe Fitzgibbon, who was APA Legislator of the Year in 2012.

One of the big disappointments of this session was the dismissive attitude taken by this Legislature concerning local infrastructure funding. The budget writers diverted about \$400 million from the Public Works Trust Fund, and the Senate refused to consider a bill that would have increased transportation infrastructure funding. In addition, cities and counties received only about half of the liquor taxes taken from them last year, instead of full distributions. While parks and open space funding remains, the capital budget sets them at lower levels than before. Yet it is the raid to the Public Works Trust Fund that results in the biggest hit: there will be no new projects funded in the 2013-15 biennium.

The 2013 legislative session was about funding education. The *McCleary* court decision, which found the State in violation of its constitutional duty to fund basic education, made that so. The agreed-upon budget does provide another \$1 billion for K-12 education, and, for the first time in several years, higher education tuition was not increased. That is the positive spin to this session. There is not much else to crow about.

BILLS THAT PASSED THE 2013 LEGISLATURE

Bill	Sponsor	Summary	Status
1074	Angel	Increases the final plat approval submission timeline from nine to 10 years for qualifying final plats, and removes a requirement that an associated project be within city limits.	C 16 L 13 98 – 0 (House) 47 – 0 (Senate)
1112	Short	Requires the Washington Department of Fish and Wildlife to identify the sources of	C 68 L 13

		information reviewed and relied upon before taking significant agency action	97-0 (House) 47-0 (Senate)
1113	Short	Requires the Department of Ecology to identify the peer-reviewed science, scientific literature, and other sources of information being relied upon before taking significant agency action related to certain agency programs	C 69 L 13 96 to 0 (House) 48-0 (Senate)
1644	Fey	Allows a local or regional agency engaging in transportation planning to establish objectives and performance measures regarding the attainment of the state transportation system policy goals or other transportation policy goals without threat of lawsuit.	C 199 L 13 98-0 (House) 47-0 (Senate)
1652	Liias	Establishes process for deferred payment of impact fees through recorded covenants . Exempts counties, cities, and towns that have pre-existing impact fee delay processes from the obligation to establish an impact fee deferral system.	Gov vetoed 73-24 (House) 34-14 (Senate)
1717	Fitzgibbon	Authorizes local governments to recover reasonable expenses incurred in the preparation of nonproject environmental impact statements (EIS) for infill actions that are categorically exempt from requirements of SEPA, and for development or redevelopment actions that qualify as "planned actions." (Floor amendment: Prohibits counties, cities and towns from assessing fees for general comprehensive plan amendments or updates thru SEPA cost recovery provisions; established definition of "latecomer fee."	C 243 L 13 98-0 (House) 48-0 (Senate)
5142	Rolfes	Providing reduced parking charges and preferential parking for motorcycles is added to the list of measures a major employer may choose to include in their CTR program.	C 26 L 13 48-0 (Senate) 67-30 (House)
5296	Ericksen	Modifies the Model Toxic Control Act. Changes the funding distribution between the SCTA and the LCTA; creates the Environmental Legacy Stewardship Account and provides for "model remedies" and "outcome based projects."	C 1, L 13 2nd Special Session 36 -13 (Senate) 67-18 (House)
5399	Dammeier	Unless GMHB makes a determination of invalidity, state agencies, commissions, and governing boards may not penalize jurisdictions during the period of remand following a finding of noncompliance by GMHB and the pendency of an appeal before GMHB or subsequent judicial appeals. In order to not be penalized, jurisdictions must: <ul style="list-style-type: none"> have delayed the effective date of the action subject to the petition until after GMHB issues a final determination; or within 30 days of receiving notice of a petition for review by GMHB, delay or suspend the effective date of the action until after GMHB issues a final determination. 	C 275 L 13 49-0 (Senate) 78-19 (House)



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Member Survey Coming in August

This year, instead of the annual Bill Proposal process, the Chapter is conducting an on-line member survey to gather member input on important issues and priorities, and to solicit ideas for state legislation. Look for an email with a link to the survey and a QR code for mobile device access in early August. We hope all members will participate!

The survey will include 15 to 20 multiple choice questions, and several open-ended questions. Results will be reported at the September meeting of city and county planning directors in Chelan, and the Chapter's annual conference in October. The survey results, and discussions at these two conferences, will help guide the Chapter's legislative agenda, and identify important member priorities for our Chapter leadership.

In the last few years, a number of Chapter members, stakeholder groups, and key legislators have expressed interest in evaluating the successes and limitations of our state's planning laws, including the Growth Management Act (GMA). The GMA was adopted to respond to planning issues of the 1980s, where combatting urban sprawl was a paramount goal. In many ways, it has worked remarkably well.

Today's challenges are different, and are in some ways more complex. APA Washington now has an opportunity to help frame the debate, and focus the Legislature on key issues of the day. The forthcoming survey will help ensure that efforts to improve and update our state planning laws are more targeted and effective. Presupposing that the GMA should remain the over-arching framework for planning in our state, several key questions emerge:

- What financial, policy and legal resources do we need to better enable development where we want it?
- How can our planning laws help improve Washington's economy and create new family-wage jobs?
- How can different circumstances and priorities in various regions of the state become better recognized?
- What steps should we take to expand housing choice and affordability to meet current and emerging needs?
- What are the key actions and decisions needed to mitigate and adapt to the impacts of climate change?
- How do we better align revenues with responsibilities for land use, service delivery, and local governance?
- How should related statutes be modified to better achieve the vision of GMA?

Survey questions will focus on these topics. Your response will help the Chapter to determine if we should work toward a 'next generation' planning law for Washington. Please watch for that email with the survey link and QR code. We urge your participation!



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Report on the Daniel Burnham Big Ideas Forum

By Jill Sterrett, FAICP



Thanks to the many Washington planners who attended the Daniel Burnham Big Ideas Forum in Portland on May 29th. For those of you missed the event, I will provide here a short recap of the major outcomes, and describe the next steps. I invite you to consider joining in these follow-up activities.

Over 150 people from Washington and Oregon came to the Forum – a great turn out! There, we met the new national APA president, and heard an overview of the Associations' Vision & Goals statement. (Find it on the Chapter website at <http://washington-apa.org/documents/nw-livability-challenge-key-actions-21st-century.pdf>). Table group discussions then identified actions that can be taken on a regional basis, and obstacles to action that we might overcome. Short highlights of those discussions are included below.

We concluded that bold new initiatives are needed to create the social, governmental, and institutional structures needed for the 21st century. Given the prevailing lack of action among decision-makers, it is both appropriate and necessary that the professionals who plan and design our communities lead the way. We are seeking to develop a **Ten Point Plan for Washington's 21st Century**.

To create the Ten Point Plan, we are establishing Task Force Groups to build on the Forum results, meeting (or conferring by phone) 3 times over the next 2 months. The Task Force groups are:

1. Governance/Regional Cooperation/Leadership learning/Citizenship — Lead: Dave Anderson <dave.andersen@commerce.wa.gov> ,
2. Climate/Systems Issues/Green Infrastructure/Sustainable Ag — Lead: Laura Hudson <llh2747@yahoo.com>
3. Social Equity/Affordable Living/Housing Diversity — Lead: Rachel Miller <RachelM@makersarch.com>
4. Economy/Cities and Towns — Lead: Mark Hinshaw <mhinshaw@lmnarchitects.com>

Each group is charged with:

- Determining 2 or 3 actions that would make a difference, and be achievable, over the next few years;
- Developing a "how to" guide in terms of people and steps necessary to reach success; and
- Creating a report for the October 2013 APA Washington conference

At the state chapter conference, we will form action groups to carry these ideas forward. We will eventually combine the results in a report for the national APA conference in Seattle in 2015.

Please consider joining a task force group. Contact the leader of that group, or let me know if you have

ideas to contribute, another topic for a new Task Force, or questions about our process.
[<jill.sterrett@gmail.com>](mailto:jill.sterrett@gmail.com) Thanks for your interest in this effort. We are on the verge of some major breakthroughs, and I hope you can help us get there!

BIG IDEAS FORUM—ACTION AREAS DISCUSSED

Natural Systems

- Climate Change Adaptation and Mitigation
 - Create new entity to take this on
 - Compact among higher ed. institutes to address
 - New Goal 20 for OR
 - Identify individual actions
- Sustainable Agriculture
- Green Infrastructure
- Civic Engagement
- Integrate Ecosystems Services into Statewide Planning

People

- Community Leadership Academy
 - (community members across economic spectrum made aware of issues and ways to address them; build leadership capacity)
- Promote Civic Engagement and Leadership
- Promote Affordability
- Advance Social Equity and Cultural Inclusivity

Economy

- Build, Grow, Buy Local – Sell Global
- Prioritize Energy Efficiencies (strengthen global competitiveness)
- Renewable Energy
- Promote Affordable Living
- Maintain Healthy Working Lands and Waters
- Regional Cooperation
- New Fiscal Rationality

Cities And Towns

- Strengthen, Enhance and Re-imagine Infrastructure
 - (re-imagine the role function and inter-relationships of various systems: physical, digital, communications and natural.)
- Provide Flexibility and Creativity in Housing
 - (remove ban on inclusionary zoning, engage wide diversity of communities)
- Foster Collaboration Among Professionals
 - (interactive toolkit – what we do & how others can do it with us)
- Create Models of Community Change
 - (variety of means depending on audience; tell stories; use young people; social media; cities and towns website)

Governance

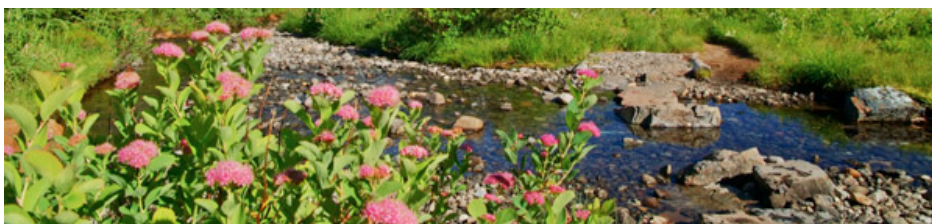
- Expand Means of Communicating and Civic Engagement
 - (nurture leadership in the community; communicate results – storytelling; exploit new media)
- Fiscal Reality/Rationality
 - (restructure tax system to support regional solutions)
- Regional Cooperation/Governance

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Promote Your Business—Donate to the Silent Auction



Join in the fun by donating and bidding on silent auction items at the APA Washington conference, starting on October 2nd at the Meydenbauer Conference Center in Bellevue. This year's theme is: **Wicked Problems/Smart Solutions**. Hundreds of planning professionals from across the state will be there to discuss key planning issues.

The Chapter holds a silent auction at the annual conference to fund our scholarship programs. We need donations for this year's auction. This is a great opportunity to promote your business or service while 'paying it forward' to help students complete their

education. In addition to exposure at the auction, donors will be publicly recognized at the conference, and in a future edition of The Washington Planner.

Donation ideas are limitless. Contributions may be made in the form of goods or services, large or small. Tickets to events and attractions, vacation stays, guided trips, hosted events, local or exotic food or wine, clothing, and other retail items all make great donations. Please contact Scholarship Co-Chairs Kell McAboy (kmcaboy@portoftacoma.com), at 253,592-6207 or Dan Burke (burke.d@portseattle.org) at 206-787-3376 if you would like to donate, or have a question regarding a potential donation.

By the way ... cash donations are welcome, too!