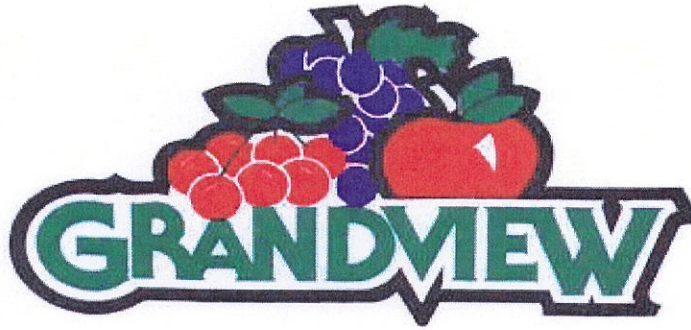




**NOTICE OF SPECIAL MEETING
GRANDVIEW CITY COUNCIL
LAND USE TRAINING**

You are hereby notified, pursuant to RCW 42.30.080, that the **GRANDVIEW CITY COUNCIL** will conduct a special meeting on **TUESDAY, MAY 18, 2021 at 6:00 p.m.**, in the Grandview City Hall Council Chambers, 207 West Second Street, Grandview, Washington, with the following agenda:

1. Land Use Training
2. Adjourn

This special meeting will be held in-person and also available via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://zoom.us/j/92818440081?pwd=bGYzOE53eIBYRERpMnpGNk11RFhldz09>

Meeting ID: 928 1844 0081

Passcode: 981516

To join via phone: +1 253 215 8782 US

Meeting ID: 928 1844 0081

Passcode: 981516

CITY OF GRANDVIEW

Anita G. Palacios, MMC

City Clerk

NOTIFICATION:

Mayor and Council

Cus Arteaga, City Administrator

Department Directors

News Media



The Legal Basis of Planning in Washington State

**Land Use Training for City of Grandview
Special Council Meeting of May 18, 2021**

Kenneth W. Harper
Menke Jackson Beyer, LLP
807 N. 39th Ave.
Yakima, WA 98902
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I. PLANNING AND THE CONSTITUTION

◆ The basic rule in land use law is still that, absent more, an individual should be able to utilize his land as he sees fit.

Norco Construction v. King County,
97 Wn. 2d 680, 685 (1982)

I. PLANNING AND THE CONSTITUTION

◆ Takings

- Thou shalt not take property without just compensation
- Regulatory takings - if regulations deprive all use

II. OPEN PUBLIC MEETINGS ACT

Chapter 42.30 RCW

- ◆ Purpose of the Act
- ◆ Open Meetings Required
- ◆ Executive Sessions
- ◆ Penalties

II. PURPOSE

RCW 42.30.010

“The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instrument they have created.”

II. WHAT IS A MEETING?

◆ Commissioners, City Councils, Planning

Commissions:

- Quorum + Action

◆ Subcommittees:

- Holds Hearings,
- Takes Public Comment, or
- Makes Decisions

II. EXECUTIVE SESSION

- ◆ Personnel
- ◆ Litigation
- ◆ Real Estate

III. APPEARANCE OF FAIRNESS DOCTRINE

- ◆ Who, What, Where and Why?
- ◆ Exceptions
- ◆ Applications
- ◆ Violation Consequences
- ◆ Conduct of Hearings

III. QUASI-JUDICIAL ACTIONS

- ◆ Acting like a judge:
 - Specific parties
 - Hearing or other contested action
 - Determine rights, duties or privileges
 - Permits, site-specific rezones

III. *EX PARTE* CONTACTS

- ◆ The rule: No *ex parte* contacts with opponents or proponents during pendency of quasi-judicial action
- ◆ The fix: Disclose substance and offer rebuttal

III. APPLICATIONS

- ◆ Business relationships
- ◆ Social/marital relationships
- ◆ Membership and organizations
- ◆ Personal benefit/detriment
- ◆ *Ex parte* contacts/evidence outside record

III. VIOLATION CONSEQUENCES

- ◆ Action void
- ◆ Damages?

IV. CONDUCT OF HEARINGS

- ◆ Must be fair in fact
- ◆ Must appear fair
- ◆ Procedures
- ◆ Suggested order of presentation
- ◆ Deliberation

IV. PROCEDURES

- Must have ability to produce a verbatim transcript.
- Number the exhibits.
- Have each speaker identify him/herself.
- You may impose reasonable time limits.
- You may encourage speakers not to be repetitive.
- In imposing time limits, be aware of potential unfairness if multiple speakers request time on one side of the issue.

IV. SUGGESTED ORDER OF PRESENTATION

- Inquiry regarding appearance of fairness
- May ask legal counsel to review criteria
- Open hearing
- Staff presentation and Council questions
- Audience participation
- Applicant/opponent
- Close hearing

IV. DELIBERATION

- Discussion - why supporting approval or disapproval.
- Base reasons on criteria and ordinances or state law.
- Point out how proposal does or does not meet criteria. Base reasons on written and oral record.
- Motion to approve or disapprove should instruct the staff to prepare draft findings and conclusions in line with the discussion to be presented at the next regular meeting for final approval and passage by Council.

IV. DECISION

- Must be in writing.
- Must be based on evidence deduced from the record.
- A court will review the body's decision on the basis of whether or not there is substantial evidence in the record to support the decision.
- Facts must support the conclusions.

V. SOURCES FOR MORE HELP

- ◆ Your City Attorney
- ◆ WCIA – consultation and pre-defense
- ◆ MRSC including www.mrsc.org