



## The Planning Commissioner Handbook

### Chapter 10

# Public Participation in Land Use Planning

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# The Importance of Public Participation

Public participation in local decision-making is fundamental to democracy. As a planning commissioner, the public will evaluate your service not only based on the wisdom of your decisions, but also on your commitment to involving the public in decision-making.

Public engagement can help you achieve:

- Better identification of the public's values, ideas and recommendations
- More community buy-in and support for land use planning related activities
- Improved decision making and better outcomes
- Residents more informed about current planning issues and concerns
- Faster project implementation with less need to revisit
- More trust between local leadership and the community
- Better understanding of the broader vision of the community

Local governments must be intentional about level of engagement they are looking for (what feedback they are seeking, what will be done with the feedback and how they will report back to the community). Because of this, community engagement processes should be transparent. Whenever the community is asked to participate in a process, they should be informed of how their input will be considered. Public participation falls on a spectrum from simply keeping the public informed to empowering community members through engagement. In your role as a planning commissioner, you can work with your jurisdiction's staff to make sure that the appropriate level of engagement is used and that the engagement process is designed to be inclusive of all sectors of your community. You should be aware of the scope of engagement and who was included in the engagement process. Do you have input from the entire community?

There are many terms that describe the involvement of the public in civic and political life. This is important because understanding how they differ will help local agencies find the best approach (or approaches) to support land use and housing planning. It will also help you as a commissioner understand how extensive the engagement was and who is represented as you make decisions.

## Types of Engagement

- **Civic Engagement:** This includes the many ways that residents involve themselves in the civic and political life of their community. Activities like volunteering as a local Little League coach, attending neighborhood or community-wide meetings, helping to build a community playground– and much more fall into this category.
- **Public Engagement:** This is a general term for a range of methods through which members of the public become more informed about and/or influence public decisions.

“Authentic” public engagement is inclusive, deliberate, dialogue-based and culturally competent. When authentic public engagement occurs, local government leadership better understands where the public stands and gives residents the opportunity to contribute to solutions through their input, ideas and actions. Culturally competent engagement shows respect and awareness of different cultural traditions, communication styles, norms, preferences and viewpoints and creates

opportunities for all sectors of the community to feel comfortable engaging.

## Ways to Engage the Public

- **Public Information/Outreach:** One-way local government communication to residents to inform them about a public problem, issue or policy matter.
- **Public Consultation:** Instances where local officials ask for the individual views or recommendations of residents about public actions and decisions, but where there is generally little or no discussion to add additional knowledge and insight and promote an exchange of viewpoints.
- **Public Participation/Deliberation:** Processes through which participants receive new information on the topic at hand and through discussion and deliberation jointly prioritize or agree on ideas and/or recommendations intended to inform the decisions of local officials.
- **Sustained Public Problem Solving:** This engagement typically takes place through the work of place-based committees or task forces, often with multi-sector membership, that over an extended period address public problems through collaborative planning, implementation, monitoring and/or assessment.

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# The Role of the Planning Commissioner in Engagement Activities

While most public engagement efforts are implemented by local government staff, elected and appointed officials play an important role in the process. Planning commissioners can:

- Identify decisions that will benefit from public engagement
- Respect and support governance models that include members of the public in decision-making
- Promote and encourage public participation in engagement opportunities
- When appropriate, attend and observe public engagement activities
- Review and consider public input as part of the decision-making process
- Support efforts to build staff competency in public engagement techniques

The American Planning Association's Ethical Principles in Planning requires that planning process participants should:

1. Recognize the rights of residents to participate in planning decisions;
2. Strive to give residents (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment; and
7. Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

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# Public Engagement Requirements Under State Law

The Brown Act sets a minimum participation requirement in public meetings. In recent years, the state legislature has increased the requirements for public participation for general plan and housing element updates. SB 1000<sup>1</sup> now requires cities and counties with disadvantaged communities to incorporate environmental justice (EJ) policies into their general plans. All jurisdictions are required to identify lower-income communities that are disproportionately affected by pollution and other environmental justice issues. Once these communities have been identified, jurisdictions are now required to create goals, policies, and objectives to address a minimum of seven EJ-related issues – one of which is “civil” engagement (“community engagement”). In addition, local governments are also required to “make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element.”<sup>2</sup> It is important to understand these legal and minimum engagement requirements to ensure the success of general plan updates, housing element updates and other planning and development activities.

Government Code 65583(c)(7) requires: “The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” This can take a variety of forms including conducting outreach in many formats including a mix of in person and virtual activities, partnering with community-based organizations and considering language access and ADA accessibility requirements.

In addition to being required in certain circumstances, community engagement efforts can contribute to improving local housing policy and the planning processes by:

- Helping communities develop an informed understanding of laws, regulations and growth implications.
- Maximizing opportunities for residents to contribute to public debate.
- Informing the development and implementation of local land use planning projects.
- Encouraging social innovation and skill sharing.
- Broadening and deepening input into government policymaking processes.
- Strengthening public support for affordable housing.
- Empowering the community to meaningfully weigh in on planning decisions.
- Generating solutions that have not been thought of yet.

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<sup>1</sup> Chapter 587, Statutes of 2016

<sup>2</sup> Government Code 65583(c)(7)



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# Removing Barriers to Participation

When designing an inclusive and equitable engagement process, it is important to anticipate barriers to participation and remove them in advance. There are several things that may limit an individual's ability or desire to participate. The complexity of government can be overwhelming, particularly for those who have historically been shut out of decision-making processes. In your role as a planning commissioner representing the public, you should strive to make participation as inclusive as possible.

The most important support for broad public involvement may come from the local agency, which sets the tone for community dialogue. Officials and staff who welcome diverse public input are more likely to develop successful solutions that meet the community's needs.

Consider the following factors to design an inclusive public participation process:

- **Opportunities for Meaningful Participation.** Whatever the format, a public meeting must provide meaningful avenues for communication. When people feel that their comments make a difference, they are more likely to take the time to attend meetings and share their ideas. It is also important to manage the expectations of the community. Clarify where you are in the engagement and development processes - what feedback/input you are seeking, what will be done with the feedback, the next steps in the process and additional opportunities to engage. Asking for feedback that can, or will, not be used may not only discourage community members from participating in future engagement efforts, but could break the trust of your community which is very hard to regain.
- **Effective Outreach Strategies.** Outreach efforts can help in getting more people to attend meetings. Take a look at your community and figure out how people are getting their information. Are notices posted where they are likely to be read? Are they published in languages other than English? What other opportunities are there to reach a broader audience? Are you considering a broad range of outreach methods including digital platforms?
- **Background Information.** Many people are unfamiliar with the structure and functions of local government. Information sheets—for example, about how the local agency works, where revenues come from, or the nature of the decision in question—can help people provide meaningful comments. They can also help people understand the unique problems faced by local government. In particular, housing and land use decisions can be very technical and challenging for your community to understand. Participants who do not understand the content or how to engage may not ask questions and will leave the meeting frustrated, be discouraged from engaging in future meetings or efforts or just oppose the project/plan. Avoid using overly technical language and acronyms where possible.
- **Meeting Times and Locations.** Planning commission meetings are usually scheduled in the evenings. In some cases, they can run late into the night, making it prohibitive for parents and shift workers to attend. Rescheduling occasional meetings to weekdays or weekends may attract a wider range of participants. Also consider locations that are accessible and inviting to your residents including venues outside of city hall or your county administration building. You may have greater participation by hosting meetings in trusted neighborhood locations such as a local church or school, or by including an option for virtual participation during an in-person meeting. Is the location accessible by transit, biking or walking? Is it a place that your residents will feel comfortable? Can you provide food or short-term childcare for participants?
- **Language Access and Literacy.** It is important to consider options to reach and engage residents with limited English-proficiency, immigrant communities, or people with lower educational attainment. Before a public meeting or workshop, consider translating flyers, handouts and other materials. Engage with ethnic media outlets and community-based organizations to promote engagement opportunities and design materials that accommodate different literacy levels.

At public meetings/workshops you can consider providing simultaneous or consecutive interpretation services and/or hosting small group discussions (or full workshops) in the major languages spoken in the community. Consider asking community leaders and community based organization to send out invitations. The processes can be intimidating for native English speakers; and even more so for non-English speakers. Non-English speakers may be more likely to participate if someone they know and trust asks them to.

- **Accessibility.** Ensure your public meetings comply with the Americans with Disabilities (ADA) Act. Some considerations include ensuring that meeting locations are accessible to those with wheelchairs, canes or scooters; providing interpretive services for deaf and hard of hearing individuals; space to accommodate service animals; meeting materials in alternate formats (large print, audio files, etc.) if requested; and requiring presenters to submit materials in advance so they may be shared with individuals who are vision impaired. For virtual public meetings, consider providing accessibility options such as live captioning and transcripts for recorded sessions. Consider accessibility for website and written resources as well.
- **Technology.** People do not necessarily have to be present at a meeting to make a meaningful contribution. Taking written comments or soliciting input via e-mail, social media and other online platforms can broaden the scope of comments that are received. In the wake of the COVID pandemic, many community members have become accustomed to the flexibility of engaging on virtual platforms. Consider continuing to offer virtual engagement opportunities by streaming meetings, using comprehensive virtual engagement platforms, conducting electronic surveys and posting recordings and transcripts afterward.
- **Efficient Meetings.** Well-run meetings will influence overall effectiveness. People are more willing to participate in meetings that start on time and stay focused on the issues at hand.

## Updated Reports Create Challenges for the Public

Planning commissioners and staff should be sensitive to the challenges the public faces when documents they need to prepare for a hearing are revised at the last minute. Members of the public usually prepare their testimony based on the materials that are distributed with the agenda. When these are revised before the hearing, the public is in the awkward position of having to quickly review the changes at the hearing and determine the extent to which their concerns have been addressed.

Planning commissioners may want to discuss with staff ways to avoid this dynamic. One solution is to hold such matters for the next hearing. This has the advantage of giving staff more time to evaluate what otherwise would be last-minute changes by a project applicant. It may also encourage applicants to address concerns early on since they may not want to see action on their application postponed to a future meeting.



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# Going Further: Simple Public Engagement Ideas

State law sets a minimum participation requirement. Many local agencies go much further. For many people, local government is a mysterious process with which they are only vaguely familiar. This lack of understanding forms a barrier to their participation. Improving the flow of information can help to improve the public's trust and confidence in local government.

Some ideas include:

- **Getting Information to the Public.** Enhance the readability of public documents. Aim for an eighth-grade reading level. Publish an electronic or paper newsletter that provides brief updates on major plans and projects. Organize a speakers bureau—a list of planners, local officials and other well-informed persons—willing to speak before service groups, clubs and classes. Use the city or county website to make information readily available to the public and to permit applicants. Avoid using jargon and acronyms whenever possible.
- **Getting Information from the Public.** Periodically survey a cross-section of the community about critical issues and challenges. Place “passive surveys” in the planning department, public libraries, city hall, the county administration building, and shopping malls. Such surveys must be brief. Because the respondents are not selected randomly, the results will not be statistically accurate. However, surveys often provide useful information and suggestions that will help the local agency be sensitive to community concerns.
- **Know Your Community.** Have a basic understanding of who lives in your community. Understanding the breakdown of age, ethnicity, income, language spoken at home, renter vs. homeowner, etc. can help you better identify who you should be engaging and inform how you engage them.
- **Encouraging Participation around Specific Projects.** Encourage developers and permit applicants to bring their proposals to neighborhood groups early in the application process. This enables them to respond to resident concerns early, before making significant investments in plans and permits. Publicize and maintain a website or a phone number to deal with issues likely to generate a great deal of public comment or inquiry. Encourage project developers to build trust early and sustain it throughout the duration of the project.
- **Using Media to Spread the Word.**
  - **Earned media**, also called free media, is publicity gained through editorial influence, e.g. newspaper articles or newsletters. Reach out to the community, talk to people one-on-one and to groups at their meetings. Encourage word of mouth amongst residents. Speak to leaders from a wide range of groups (such as school, business, faith based, advisory boards, task forces, health and neighborhood) to expand awareness and raise visibility..
  - **Ethnic media** is produced by and for culturally diverse populations, immigrants, racial, ethnic and linguistic groups. Identify which groups of community members you hope will attend based on demographics and/or who could be affected by the housing plan. Translate outreach materials as needed and share with appropriate community groups.
  - **Owned media** is communication channels that are within one's control, such as websites, blogs, or email. Send relevant information out in a timely manner via e-blasts, press releases, blog posts, etc.
  - **Social media** is websites and applications that enable users to create and share content or participate in social networking. Announce the housing planning meeting and invite people using pages/accounts in online social networks (e.g., Twitter, Facebook, Instagram).

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# Going Further: More Extensive Public Engagement Strategies

Many complex problems facing a community will need more than a single newsletter or one meeting to reach a solution. A variety of communication tools have evolved in recent years—many made easier with digital technology—that can help the community, and specific groups within the community, participate in public discussions. These include:

- **Visioning Exercises.** Visioning or goal-setting exercises can be used to guide the preparation of a general plan, specific plan, or zoning ordinance. Participants, ideally representing a cross-section of community interests, are asked to develop desirable characteristics for the future development of the community. In a typical visioning process, meetings may occur monthly and occasionally weekly for several months. Trained facilitators often guide discussions and participants are divided into committees and subcommittees to pursue solutions to specific issues. At the end of the process the group usually develops a set of guiding principles that serve as a vision statement, which then can be incorporated into the general plan or other policy documents.
- **Small-Area Planning Committees.** A small-area planning committee may be useful in building consensus around plans for specific neighborhoods, business districts, historic districts and transportation corridors. Committee members—who may include area residents and business owners along with representatives of local groups—are asked to develop goals to improve their local neighborhood. Usually, the goals such a committee develops will be more specific than those that come out of a broad, community-wide visioning exercise. Precise development ideas and even detailed designs may emerge from a small-area planning committee. Because such committees are focused on a defined geographical area, residents tend to be more engaged because they see the process as directly affecting their neighborhood.
- **Charrettes.** Charrettes are an intense set of workshops—often occurring over consecutive days—that are designed to educate the public about choices. They often focus on design and urban form and examine what types of architecture and uses would be the ideal fit for the community. Visual preference surveys and detailed drawings help participants develop specific ideas for what they want their community to look like. Participants then develop a set of guiding principles from these preferences. A facilitator usually leads the workshops. Meeting content can vary, but usually ranges from identifying issues that need to be addressed to developing a specific set of guidelines for general and specific plans, site-specific concept designs and other actions. Whatever the format, the emphasis is on intense, focused deliberations that can produce actionable results within a short period of time. Charrettes are an effective way of “getting to yes,” although they may require a big investment of time by participants and may not attract a representative cross-section of the community.
- **Stakeholder Groups & Advisory Committees.** Stakeholder Groups are used as a means for an agency to connect with the formal and informal leaders, partner organizations and community members through informational and discovery interviews or small group consultations. Interviews are excellent tools to better understand underlying issues or concerns and can be an effective means to engage people who may be advocates or adversaries. Stakeholder groups are an excellent source of technical expertise and can provide a necessary reality check to ensure a proposal does not produce unintended consequences for a particular group of people or organization in the community (see “Listening Sessions” in the next section). An alternative to a stakeholder process, which usually addresses a single issue, is to form an ongoing advisory committee. Advisory committees are generally appointed members of the community and provide valuable perspectives on new issues as they arise and interpretations of the public’s perception of those issues. Advisory committees typically have a specified charge (what they are formed to do) and meet for a specified duration (either a specific number of meetings or until a particular decision has been made). Advisory committees create a space for deliberation of options and solutions by members who then make recommendations to the staff, planning commission,

city council or board of supervisors.

- **Listening Sessions.** Conduct small group meetings with stakeholders to uncover issues and opportunities. Thought provoking, open-ended questions allow for in-depth exploration of a variety of areas that may not arise in a larger venue.
- **Meeting the Community Where They Are.** Identify alternative ways to reach stakeholders and community members beyond meetings. Connecting with an existing event or activity can be useful, especially to share information and ask for further engagement. This can mean going to a farmer's market, holiday event, health fair, school, church event or setting up shop at a local café or brewery.
- **Surveys.** Conducting online and paper surveys can solicit information from those who may not engage in in-person activities. Surveys can ask residents to prioritize community needs, select locations for projects, solicit personal experiences or take the community's temperature on new development or projects. Consider asking demographic questions to determine if the survey respondents are representative of your community as a whole.
- **Mapping Exercises.** These exercises allow residents to identify community assets, needs and opportunities on a large photo aerial map of the community or a virtual map. Participants can be encouraged to use sticky dots, markers or other similar items to identify key areas or preferences.

These are just a few of the innovative public participation strategies that a local agency may choose to employ. The key for anyone involved in the design of a public participation program is to determine what format will provide the most meaningful participation opportunities for the local community.

