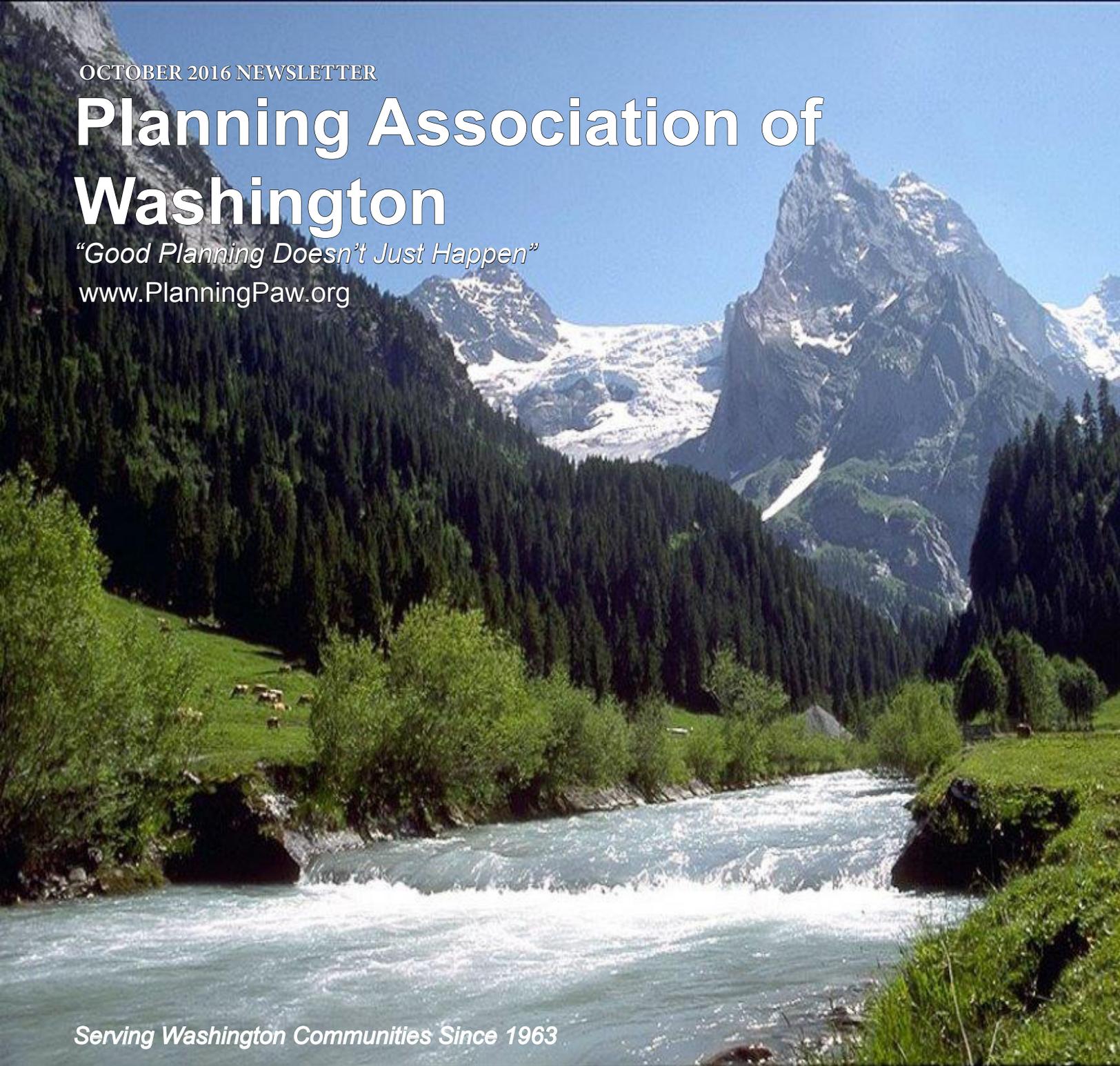


OCTOBER 2016 NEWSLETTER

Planning Association of Washington

"Good Planning Doesn't Just Happen"

www.PlanningPaw.org



Serving Washington Communities Since 1963



Who We Are

The Planning Association of Washington is a grassroots educational organization devoted to helping shape a vibrant Washington through effective and informed community planning. Our members and constituents are planners, planning commissioners, elected officials, tribes, special purpose districts, private sector firms, state agencies, students and interested citizens.

Message From the President



Fall has arrived and I hope everyone enjoyed those long sunny summer days in the great Pacific Northwest. While official PAW communication has been quiet recently, please rest assured your PAW Board of Directors have been hard at work! First and foremost I'm delighted to announce that PAW has contracted with Association Management Incorporated (AMI) located in Gig Harbor as our new administrator.

The PAW Board of Directors selected AMI based on their professional track record featuring 30 years of superior customer service and financial expertise. AMI will help guide our organization into the future as we build membership services, improve fiscal responsibility and pursue our mission statement. With a new administrator, PAW has new contact information. Check out our website at www.planningpaw.org for full details. You can also learn more

about AMI by visiting their website www.aminc.org.

The PAW Land Use Boot Camp program is growing. After two successful events early this year in Lacey and Mercer Island, a third boot camp is scheduled at the City of Spokane for October 14th. We've received very positive feedback on these events, which feature a full day of in-depth innovative training on the hottest planning topics. The boot camps provide an advanced training experience and qualify for CM credits for AICP planners and CLE credits for attorneys. Look for announcements for an early 2017 boot camp in the Puget Sound area focusing exclusively on signage solutions for Gilbert v. Reed.

Mark your calendar now for next year's PAW conference at Campbell's Resort on Lake Chelan, May 3-5, 2017. Always an excellent venue and fun networking experience, the PAW conference at Lake Chelan will be a great opportunity to connect with colleagues and learn about the latest planning practices in Washington State.

Thank you so much for your continued support of the Planning Association of Washington. Please look for our membership renewal announcement towards the end of the year and remember... good planning doesn't just happen.

Hope to see you soon!

Alex Wenger, AICP, President

Board Member Spotlight



Welcome to PAW's newest newsletter feature. Each newsletter will introduce a current member of our Board. We feel that knowing who we are and showing the diversity of our Board will reflect upon the professionalism and diversity of our general membership. Washington State has a lot going on and so do all of you who make up our membership. Let's meet our first featured Board member.

Mary Rossi has been a Board Member for 5 years, beginning in 2011. She assists PAW in editing newsletters, calling and organizing speakers for conferences, and is a creative mind that brainstorms fantastic conference themes. Mary is a thoughtful, articulate, and energizing force on the Board. When she is not working behind the scenes, she is the Program Director for APT-Applied Preservation Technologies, a program of the Bellingham-based nonprofit Eppard Vision.

Mary graduated magna cum laude from The University of the South (Sewanee) with a Bachelor's Degree in Anthropology in 1995. She received her Master's Degree in Anthropology from Western Washington University in 1998. She has over 20 years of cultural resource management experience, including archaeological fieldwork and museum support for a South Carolina nonprofit organization (1995); instructor of anthropology at Whatcom Community College and Skagit Valley College (1999-2001); cultural resource program development for the Lummi Nation (1999-2005); and cultural resource consulting and outreach for APT-Applied Preservation Technologies, a program of the Bellingham-based nonprofit Eppard Vision (2005-present).

While with the Lummi Nation, Mary served first as an Archaeological Field Crew Supervisor on the Semiahmah Recovery Effort and then as the Lummi Nation's first Tribal Historic Preservation Officer (THPO). As THPO, which is the equivalent of the State Historic Preservation Officer within the exterior boundaries of an Indian Reservation, she was responsible for preparing an original program plan establishing the Lummi Nation Tribal Historic Preservation Office and securing federal recognition as the 41st such Office in the country; providing regulatory oversight for tribal, federal, state, and local development projects through review of project proposals and permit applications; collaborating with tribal, federal, state, and local entities to ensure cultural resources are considered during project design and implementation; and administering annual federal funding.

Since October 2005, Mary has served as Program Director for the nonprofit program APT, which

>>Board Member Spotlight Continued

provides cultural resource consulting services and educational programming to a wide range of clients, including tribal communities, government agencies, engineers, developers, and cultural resource professionals. She is currently serving on the City of Bellingham's Historic Preservation Commission and on the Boards of Directors for the Association for Washington Archaeology (AWA) and the Planning Association of Washington (PAW).

Mary's nonprofit program's biggest undertaking each year is an annual two-day conference called the Cultural Resource Protection Summit (website is <http://www.theleadershipseries.info/summithome.html>). Next May (May 24-25, 2017) will be the 10th Annual Summit held at the Suquamish Tribe's House of Awakened Culture in "downtown Suquamish". Mary states that, "Since its inception, the primary goal in organizing the annual Summit has been to facilitate amongst all affected parties an open, frank discussion about the intersection between cultural resources and land use. The Summit is designed to promote collaborative cultural resource planning as an effective means of finding resolution to issues before they escalate into emotionally-charged, divisive, and expensive stalemates or lawsuits."



100th Episode of the Eastern WA Planners Forum

During the quarterly-round of Planners Forums this past July, PAW and its long standing planning partners celebrated one amazing feat: the **100th episode of the Eastern Washington Planners Forum!** To elevate and celebrate, we hosted a gala event, anchored by cake – two of them, actually – to honor the many people current and past that helped bring this milestone to pass. That included partners, moderators, coordinators, speakers, attendees, and of course, folks at Big Bend Community College who always help us where we consistently meet. As a special treat, the “**grandfather**” of the Planners Forums, **Dick Wedin**, who created this venue in the early 1990’s to assist local government planners in response to the newly mandated Growth Management Act, joined us, and received a standing ovation from the crowd for his contribution. He definitely is appreciated; his ground breaking efforts continue to improve and enhance our work lives!

We also had a guest speaker share his thoughts on work-life balance issues with us John de Graaf, a celebrity in his own work, is a revered public speaker in a variety of venues about this and many other related topics. The span of John’s award winning body of work includes co-authoring the popular best-seller, AFFLUENZA, and creating a long list of videos aired on public TV. Happiness was his theme at the Eastern Washington Planners Forum. We invite you to catch his Planners Forum speech on video by clicking on the image below.



The Washington State Department of Commerce, the Planning Association of Washington and the Washington Chapter of the American Planning Association collaboratively present the Regional Planners Forums.

These forums offer a unique opportunity for planners, planning commissioners, elected officials, and community members to informally discuss about local issues, share ideas, and receive updates from state and federal agencies whose work may impact land use. The Planners Forums also satisfy requirements for professional development

credentialed planners through advanced-level presentations from professionals on an array of timely and relevant planning subjects. Registration is not necessary for this daytime training. Planners Forums are provided free of charge.

50th Anniversary NHPA

2016 marks the 50th anniversary of the signing of the National Historic Preservation Act (NHPA) by President Lyndon B. Johnson into United States law. This pivotal event culminated years of strategizing, deliberation and lobbying before Congress by a broad coalition of dedicated citizens who lobbied city councils, wrote letters, or stood before the wrecking ball determined to slow or stop the mounting loss of the nation's heritage during the nation's post World War II economic expansion. Passage of the National Historic Preservation Act, together with other environmental protection laws, marked a new era of environmental awareness including the importance of preserving surviving buildings and sites from the past as shaping community character.

The NHPA established the framework for the nation's modern historic preservation program and set historic preservation as sound public policy. The act and its provisions established the federal government as the leader in the protection of historic properties by serving as a model for all of us to be good stewards of our nation's heritage.

Washington State played a pivotal role in passage of the National Historic Preservation Act. It was Washington Senator Henry "Scoop" Jackson who introduced the legislation as Senate Bill 3035 in March, 1966. Jackson, together with Senator Warren "Maggie" Magnuson, used their considerable influence and political skills to move the bill to final passage by Congress on October 11, 1966 and signature by President Johnson just four days later on October 15th.

Washington State had a role in the concept of "local significance" to the National Register of Historic Places, a major element of the legislation. Previously, federal preservation programs focused only properties of national significance. In this model, properties such as Independence Hall, Mt. Vernon, battlefields, and mansions received federal recognition. However, through their interactions with stakeholders back home in Washington, Jackson and Magnuson became convinced that properties of local significance have an equal, if not greater, value to the vast number of Americans and their communities.



>>50th Anniversary Continued

The inclusion and recognition of local heritage sites in the National Register was a major change in how the nation has come to value and interpret the places that embody everyday life of most U.S. citizens. The recognition of local significance empowered all Americans, not just the federal government, to recognize places important to their own communities. The impact has been the honoring of buildings, structures, sites, landscapes, and entire districts as places that are significant to our past and worthy of preservation.

To learn more and celebrate the prominent role that Washington State played in the passage of the act, join us in Everett on **October 15, 2016** to mark the occasion. Hosted by several state and local agencies as well as tribal representatives, the event will take place in downtown Everett at the historic Everett Theater.

The October 15th event is free to the public, although registration is required. If interested in attending, contact **Greg Griffith** at greg.griffith@dahp.wa.gov or 360-586-3073.

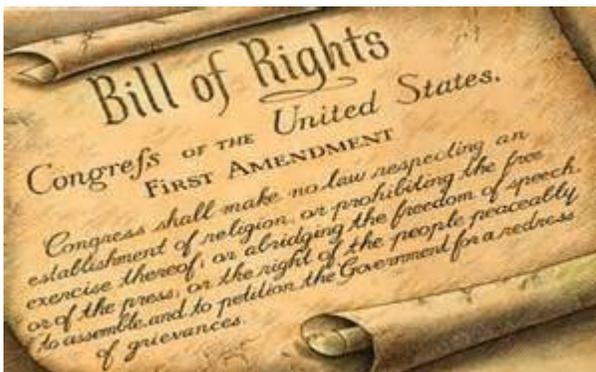
The Lingering Cloud of Reed v. Town of Gilbert

**Special Guest Article By: Daniel Kenny
Attorney - Ogden Murphy Wallace, PLLC.**

What have we learned since the heartburn-inducing case Reed v. Town of Gilbert was decided over a year ago? The answer is not too much.

As a quick refresher, Reed v. Town of Gilbert is a United States Supreme Court case that addresses First Amendment issues in local sign codes. Gilbert's sign code had different regulations for certain categories of signs. Good News Community Church was cited for exceeding the time limits prescribed for temporary directional signs. The Church filed suit claiming that the code abridged its freedom of speech and the case went all the way to the United States Supreme Court.

While there were four opinions filed in this case, Justice Thomas authored the majority opinion that will establish precedent and will primarily drive sign code changes in the near future. The remaining three opinions are non-binding concurrences but they do shed some light into the potential trajectory of the decision.



The majority opinion focuses on whether the challenged regulations were content based on their face. Regulations that are facially content based draw distinctions based on the message the speaker provides. Facially content based regulations are subject to strict scrutiny (a very demanding level of review).

The Court held that the restrictions in Gilbert's sign code depend entirely on the communicative content of the sign. Therefore, on its face, the sign code is a content-based regulation of speech. It is necessary to read the content of the sign in order to determine the

regulations that apply. The Court then applied strict scrutiny and analyzed the government interests asserted by Gilbert (aesthetic appeal and traffic safety).

The Court quickly held that the City failed to meet its burden to prove that the sign code was narrowly tailored to further a compelling government interest and therefore did not satisfy strict scrutiny.

>>Reed v. Gilbert Continued

And just like that, the spotlight was squarely placed on all sign codes across the country. As a result of Reed, most sign codes need to be changed but only a few have actually been changed. Why the slow response? Simply put, no one wants to spend the time and resources drafting a new code without the benefit of following in the footsteps of others. Here in Washington there have been a few cities that have ventured forward with new codes, though most of those cities are relying on the same model code drafted post Reed. As good as that model code may be, no one knows how its provisions will withstand a legal attack because it, along with all other new codes, has not yet been challenged in court. Do you want to be the first one into court? Neither does anybody else.



There is also uncertainty regarding the scope of Reed and whether it applies to commercial signs. There is no doubt that the Reed opinion did not directly speak to commercial signs. Some courts and commenters believe that the effect of Reed should be, and will be, limited because of this. Then again, some courts have used Reed in a wide range of applications for the general principle that regulations that vary based on the communicative content are content based on their face and therefore subject to heightened scrutiny. Reed was recently used in a Washington State Supreme Court case regarding solicitation - completely outside the sign code realm. So, while the scope of Reed is still in question and will likely be further fleshed out by the courts, the conservative approach is to apply the Reed holding broadly.

Additionally, Justice Alito's concurrence (joined by two other justices - a group that ends up being a majority of the majority opinion...) threw another wrench into things when it listed on and off-site sign regulations as an example of non-content based regulations still valid under the majority's holding.

But wait, don't you have to read the sign to determine whether it is an off-site sign? This ambiguous reference in the concurrence has been called out by lower courts since this decision came out. On/off-site signs join a growing list of uncertainties lingering around the Reed decision.

Despite the passage of over a year, both municipalities and the courts have yet to fully come to terms with the Reed decision. With any luck, the coming year will bring more answers to the growing list of questions this case has raised.

Notices, Links & Resources

Joint APA-PAW Awards Program

This year's Planning Awards Program will conclude on Thursday, October 27, when Washington's 2016 award winners will be announced.

This year, outstanding planning efforts included innovative comprehensive plan updates, revitalization programs for historic districts, and transportation projects that move people and goods more efficiently. For more than 30 years, the Planning Association of Washington and the APA Washington Chapter have jointly run this celebrated awards program. The creative and dedicated work of Washington's planners, from small towns to large cities, from the state's growing urban centers to its resource-rich rural and agricultural regions, will be on display at the Awards Luncheon. The luncheon will be held in Portland, on the second day of the 2016 Annual APA Planning Conference.

This year is a joint conference of the APA's Washington and Oregon chapters. **Join us at the conference and help celebrate great planning!**

Events

Land Use Boot Camp #3

October 14, 2016 8AM – 4:30PM

City of Spokane City Council Chambers

Audience: PAW Land Use Boot Camp events are skill based courses for planning, administrative and legal professionals focusing on timely issues and include land use law and practice updates. AICP CM and CLE credits available. Click [here](#) for agenda.

Please note [WCIA members](#) are eligible for two reimbursed registrations per member. WCIA members must register and pay PAW first. Then, after the Boot Camps reimbursement can be requested by going to this [link](#) prior to December 16, 2016. Register [here](#).

Cost: \$65 for PAW Members
\$100 for Non-Members



PAW Land Use Signage Boot Camp

Early 2017. Check the [website](#) for details as they become available.

Employment Opportunities

[PAW's Employment page](#) is a great resource for information on jobs, internships and other planning-related opportunities of interest for PAW members and friends.

Resources and Links

[WA State Dept. of Commerce](#)

[Municipal Research Services Center](#)

[APA – Washington](#)

[National Assoc. of Regional Councils](#)

[Association of Washington Cities](#)

[WA State Association of Counties](#)

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