



## Land Use Boot Camp – Basic Training

Wednesday, February 29, 2012  
Sammamish City Hall

### Conference Program

8:00	8:30	<b>Registration, Refreshments and Networking</b>
8:30	8:45	<b>Welcome and Introductions</b>
8:45	9:45	<p><b>The Foundation</b> <i>Scott Missall</i></p> <p>An in-depth overview of the statutes that make up the planning laws of the State of Washington (Planning Enabling/Commissions Act, Growth Management Act, Hearing Examiner Statutes, Regulatory Reform Act, Land Use Petition Act, State Environmental Policy Act and Shoreline Management Act)</p>
9:45	10:45	<p><b>Making Your Own Legislation</b> <i>Joe Tovar</i></p> <p>How to Make the Best Zoning Ordinance for Your Community</p>
10:45	11:00	<b>Break</b>
11:00	12:00	<p><b>Transparency, Objectivity and Citizen Participation</b> <i>Andy Lane</i></p> <p>Making Government Accessible, Above-Board and Responsive (Open Public Meetings Act, Public Records Act, Regulatory Reform Act, GMA Public Participation, Appearance of Fairness Doctrine and Procedural Due Process)</p>
12:00	1:00	<b>Lunch on Your Own</b>
1:00	2:00	<p><b>You Can't Touch That</b> <i>David Bricklin</i></p> <p>The Land Use Untouchables: Vested Rights Doctrine, Nonconforming Uses and Finality (<i>Nykriem v. Chelan County</i>)</p>
2:00	3:00	<p><b>Making the Perfect Case and Decision in a Local Land Use Hearing</b> <i>Tadas Kisielius and Emily Terrell</i></p> <p>Codes and Criteria, Rules of Procedure, Rules of Construction, Evidence, Hearing Formats, Decisions, Objections and Resources</p>
3:00	3:15	<b>Break</b>
3:15	5:00	<p><b>Mock Hearing: Joint Session</b> <i>Sharon Rice and Phil Olbrechts</i></p> <p>Distribution of Hypothetical Case, Break-out to Prepare, Hearings and De-briefing</p>

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## Speaker Bios

### **Dave A. Bricklin**

David A. Bricklin is a partner in the Seattle law firm of Bricklin & Newman, LLP. His practice emphasizes environmental, land use, and community issues.

Mr. Bricklin received his undergraduate degree from Michigan State University. He is a graduate of The Harvard Law School where he was a co-founder and editor of the Harvard Environmental Law Review. He has practiced environmental and land use law throughout Washington State since 1979.

Mr. Bricklin was closely involved in the development of the Washington Growth Management Act. Mr. Bricklin is a past President and Director of the Washington Environmental Council, former Co-Chair of the Washington Conservation Voters, and a founding member and Director of Futurewise (formerly 1000 Friends of Washington).

### **Tadas Kisielius**

Tadas, a partner of Gordon Derr LLP, counsels public and private clients on issues pertaining to land use, water, and environmental law. He has appeared on behalf of clients in local legislative proceedings, in state and federal court, and in administrative adjudicative proceedings, including appearances before the Pollution Control Hearings Board, the Growth Management Hearings Board, the Shoreline Hearings Board, and the Boundary Review Board. He represents public clients in drafting and adopting regulations required by the Growth Management Act (GMA) and the State Environmental Policy Act (SEPA). Additionally, he represents private clients in their efforts to secure land use approvals for development projects throughout the state. Tadas's water law practice includes permitting of new appropriations, transfers and changes of existing water rights, and water rights transactions.

### **Andy Lane**

Andy Lane is an attorney with a focus on land use, natural resources, and environmental law. He advises landowners and developers, as well as municipalities and Native American tribes regarding permitting and long-range planning issues, water rights, and compliance with environmental laws. Mr. Lane takes a practical approach to the practice of law, recognizing that land use disputes can frequently be avoided by good planning and that when disputes arise, they frequently may be resolved by creative thinking rather than prolonged litigation. Mr. Lane began his law career as a contract attorney with the Growth Management Hearings Board, where he assisted the Board with the analysis and resolution of dozens of Growth Management Act ("GMA") appeals. He also served as a Snohomish County Deputy Prosecuting Attorney, where he advised County staff and elected officials on a variety of land use matters.

### **Scott Missall**

Scott M. Missall is a partner at Short Cressman & Burgess PLLC, in Seattle where he practices in the areas of land use and development, government and municipal law, environmental law, and ethics. Mr. Missall chairs the firm's Land Use and Development Group and Local Government Group. He wrote and updates "Overview of Local Administrative Law" for the Washington Administrative Law Practice Manual and "CR 24 (Intervention)"

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for the Washington Civil Procedure Deskbook. Mr. Missall speaks frequently on topics in his practice areas. He earned a dual B.A. from Western Washington University and a J.D. from Northwestern School of Law of Lewis & Clark College. Mr. Missall is a member of the King County, Washington State (past chair, Administrative Law Section; member, Environmental Law and Land Use Section) and American bar associations, and the Washington State Association of Municipal Attorneys. He has been named a Washington Law & Politics Superlawyer® on several occasions and was named a Top 2010 Lawyer in land use law by *Seattle Met* magazine.

## **Phil A. Olbrechts**

Phil A. Olbrechts is hearing examiner for ten jurisdictions and city attorney for three others. He has published numerous articles on land use law and is the last editor of the "Short Course on Local Planning", published by the Washington State Department of Commerce. He has taught several land use courses at the University of Washington College of Architecture and Urban Planning and has made hundreds of presentations on land use law throughout the state in continuing legal education seminars, legal conferences and training programs for local appointed and elected officials. He is an honors graduate of the Seattle University Law School and former partner at Ogden Murphy Wallace, PLLC. He is currently managing member of Olbrechts and Associates, PLLC.

## **Sharon Rice**

Sharon Rice first heard LUPA's siren song as a law clerk to Snohomish County Superior Court Judge Thomas Wynne when she wrote a bench memo on a land use appeal. Mesmerized by the four banker's boxes of documents and the then-obscure city code provisions, she was introduced to the adventuresome field of land use law. After receiving a JD from the University of Washington, Ms. Rice worked for legal services, advocating for individuals at administrative hearings. Deciding land use was a better fit, she took a contract attorney position with a firm that provided exclusively hearing examiner services for Puget Sound jurisdictions for three years. With two partners she founded the hearing examiner firm Toweill Rice Taylor in 2005. TRT served eleven jurisdictions over five years, amicably dissolving at the end of 2010. Ms. Rice began her solo examiner firm in January of 2011; she currently contracts with nine cities and counties throughout Washington State. Since 2007, she has served as President of the Hearing Examiners Association of Washington.

## **Emily Terrell**

Emily Terrell has 12 years' experience in the field of land use planning. Ms. Terrell holds a bachelor's degree in environmental policy and a master's in city and regional planning and is certified by the American Institute of Certified Planners. She is the former planning director for the City of Milton, WA. Ms. Terrell works regularly with land use attorneys in the capacity of Hearing Examiner pro tem for cities and counties.

## **Joe Tovar**

Joe Tovar, FAICP, is a Principal at Inova Planning, Communications and Design. Mr. Tovar has over 30 years of experience inspiring community visions, providing strategic advice to elected and appointed officials, and building high-performance planning departments. As planning director for Kirkland, Covington, and Shoreline, he designed and implemented award-winning plans and strategies for citizen engagement, community

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visioning, town center development, subarea planning, shoreline public access, annexation, environmental and economic sustainability. As a former member of the Washington Growth Management Board, he has deep knowledge of the legal framework for planning and the broad range of choices available to communities. He has taught best planning and organizational practices to local elected officials, city managers, attorneys, developers, planning commissioners, planning directors and lay citizens.

Mr. Tovar holds a BS in Environmental Planning from the University of California, a Master of Urban Planning from the University of Washington, and is a graduate of the Rocky Mountain Program for Senior Executives. He is a Fellow of the American Institute of Certified Planners, an affiliate Associate Professor at the University of Washington, and writes a Planning Advisor column for the Municipal Research and Service Center.