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The 29th Annual Comprehensive Conference on Washington's
Growth Management Act

*Current topics of heightened interest including
affordable housing and climate change*

September 22 & 23, 2022

Live via Interactive Online Broadcast

Agenda—Day 1

9:00 Introduction & Overview

Ann M. Gygi, Esq., *Program Co-Chair*
Hillis Clark Martin & Peterson ~ Seattle, WA
Duana T. Kolouskova, Esq., *Program Co-Chair*
Johns Monroe Mitsunaga Kolouskova
Bellevue, WA

9:15 Affordable Housing as One of the Puget Sound Region's Biggest Challenges

Current plans and actions for addressing the housing problem: Legislative developments relating to affordable housing; action plan development at the local, regional, and state levels

Jessica M. Clawson, Esq.
McCullough Hill Leary ~ Seattle, WA

9:45 Reforming Comprehensive Plans and Development Regulations to Address Housing Attainability and Climate Resilience

Growth Framework Reforms and the Department of Commerce's initiative to develop potential plans, policies, and development regulations to advance "Middle Housing" with the objective of improving housing attainability and, in turn, climate resilience

Joseph Tovar, FAICP, MUP,
Affiliate Associate Professor
University of Washington College of Built Environments
Seattle, WA

10:30 Break

10:45 Practical Perspectives on the Challenges Arising from Incorporating Affordable Housing and Climate Resiliency Goals into GMA Planning and Project Permitting Processes

Potential problems with requiring plans to address climate change as a new deliverable for GMA compliance; "Middle Housing" programs vs other approaches for solving the housing problem; other major issues

Ray Liaw, Esq.
Van Ness Feldman ~ Seattle, WA
Michael Spence, Esq.

Hellsell Fetterman ~ Seattle, WA
Bryce Yadon, Principle
Bryce Yadon Consulting ~ Seattle, WA

12:00 Lunch Break

1:00 Where is "Big Development" Going in the Coming Years?

What will we see for high rise construction, convention centers, big public works, etcetera?

John C. (Jack) McCullough, Esq.
McCullough Hill Leary ~ Seattle, WA

1:30 The Need to Update Comprehensive Plans to Reflect Post-Covid Population Distribution Realities

As people become more comfortable with remote work from the suburbs, and want to avoid long commutes, what changes will we need to make to plan components such as population density and zoning to support business activities to support remote workers?

Morgan Shook, AICP, Partner & Project Director
ECONorthwest ~ Seattle, WA

Darren E. Carnell, Esq.,
Supervising Attorney - Land Use
King County Prosecuting Attorney Office
Seattle, WA

2:45 Break

3:00 Washington Indian Tribes and the GMA: Sovereign-to-Sovereign Consultation as a Necessary Part of Inclusionary Regional Planning

Legal requirements for Tribal consultation; how Treaty Rights can create Tribal interests in off-reservation development; tips for developing effective MOUs for Tribal participation in GMA planning and project review processes

Chloe Thompson Villagomez, Esq.
Foster Garvey ~ Seattle, WA

3:45 Project Development in Rural Areas

Infrastructure planner and land developer perspectives on the broad range of issues including water supplies, transportation and concurrency issues, and creative financing tools to build necessary infrastructure

Chris Young, Director of Development Services
Grant County ~ Ephrata, WA

James D. Howsley, Esq.
Jordan Ramis ~ Vancouver, WA

5:00 Adjourn Day 1

Agenda—Day 2

9:00 Judicial Case Law Update and Developments at the Environmental & Land Use Hearings Office

Review of recent court and agency decisions

Dean Williams, Esq.
Johns Monroe Mitsunaga Kolouskova
Bellevue, WA

10:15 Break

10:30 The Relationship Between GMA and SEPA

Substantive developments in SEPA law as they relate to the GMA and land use

Duana T. Kolouskova, Esq., Program Co-Chair

11:00 Substantive Due Process

Its past, present, and potential future in Washington land use law

Brian T. Hodges, Esq.
Pacific Legal Foundation ~ Sacramento, CA
Roger Wynne, Esq., *Director, Land Use Section*
Seattle City Attorney's Office ~ Seattle, WA

12:00 Lunch Break

1:00 Practice Workshop: New Final Plat Approval Processes

Implications of the shift from Council/Commissioner approval to planning director approval including the impact on appeal processes and how they are handled

Eileen McPhee Keiffer, Esq.
Madrona Law Group ~ Bellevue, WA

1:30 Ethical Issues for Land Use Practitioners

Special issues arising in practice before administrative regulatory bodies

Gary N. McLean, Esq., *President*
Hearing Examiners Association of Washington
Seattle, WA

2:30 Evaluations & Adjourn

Who Should Attend

Attorneys, planners, real estate and environmental professionals, Tribal, city and county officials, and anyone else involved in managing growth and development in Washington

About the Conference

This year the Covid-19 pandemic impacts on land use are coming home to roost because the pandemic has changed how we work and live. Many of those who became accustomed to working from home are choosing to skip the commute and continue doing that. In this comprehensive two-day program, we will look at where "Big Development" will be happening in the coming years and the need to update comprehensive plans to reflect post-Covid population distributions. We also will address the broad range of issues involved with developing projects in rural areas.

For urban core areas, the past year has seen affordable housing emerge as one of the Puget Sound region's biggest challenges. You will hear about current plans and actions for addressing the housing problem and state initiatives to promote "Middle Housing" as a pathway for improving housing attainability. Key stakeholders will provide their perspectives on the challenges arising from incorporation of affordable housing and climate resiliency goals into GMA planning and permitting processes.

Substantive developments continue apace. You will hear case law developments in both the boards and the courts. We will discuss substantive developments under SEPA and their impact on GMA and land use, plus substantive due process considerations. We'll wrap up with ethical issues for land use practitioners so land use attorneys can fulfill their ethics credits requirements in a meaningful way.

We hope you will join us for what promises to be an interesting and informative two days. Register now to reserve your virtual seat!

~ Ann M. Gygi, Esq. of Hillis Clark Martin & Peterson and
Duana T. Kolouskova, Esq. of Johns Monroe Mitsunaga Kolouskova, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$670. For Tribal members, public interest NGO's, students, and people in their job for less than a year, our rate is \$447.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International. As a value-added bonus, you will receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, September 16, 2022. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for ^Number Washington MCLE, ^Number ABCEP environmental professional, and ^Number AICP land use planner credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

Faculty

Ann M. Gygi, *Program Co-Chair*, is a partner at Hillis Clark Martin & Peterson. She focuses on land use entitlements and due diligence, growth management and development regulations, and environmental laws such as the State Environmental Policy Act (SEPA), the Shoreline Management Act, and critical areas regulations. She has assisted clients with master-planned-development entitlements, annexations, land use due diligence, subdivisions, and related development permits throughout the Puget Sound region.

Duana T. Kolouskova, *Program Co-Chair*, is a named partner at Johns Monroe Mitsunaga Kolouskova. She represents developers, builders, property owners, and developer/builder organizations in all aspects of land use law as well as related environmental, municipal, construction, and real estate law matters. She has been the legal advisor to the Master Builders Association of King and Snohomish Counties (the MBA) for many years.

Darren E. Carnell is a Supervising Attorney for the Land Use section of the King County Prosecuting Attorney Office.

Jessica M. Clawson is a partner at McCullough Hill Leary. She works with private developers on land use and permitting issues throughout the state of Washington, with a specific focus on complex projects within complicated urban jurisdictions. Her experience with clients has resulted in the permitting of tens of thousands of multifamily units, several million square feet of Class A office, and thousands of hotel rooms.

Brian T. Hodges is a senior attorney with Pacific Legal Foundation. Brian authored the certiorari petition in *Koontz v. St. Johns River Water Management District* and was on the litigation team that argued *Knick v. Township of Scott* to the U.S. Supreme Court.

James D. Howsley is a shareholder at Jordan Ramis. He represents companies, developers, and builders throughout the Pacific Northwest in a range of complex land use/development projects, including advocacy for large scale master planned developments throughout Washington and Oregon, getting new land into urban growth areas, and working with local governments on complex and creative financing tools to build necessary infrastructure.

Eileen McPhee Keiffer is a co-founder of Madrona Law Group. She handles a wide variety of municipal matters, such as utility, telecommunications, land use, public procurement and contracting, open government, and general municipal advice. For example, she has represented the City of Seattle in nine LUPA proceedings initiated by developers challenging the City's water infrastructure extension requirements.

Ray Liaw is a partner at Van Ness Feldman. She represents developers, public agencies, utilities, institutional investors, and nonprofits on a wide range of land use and real estate matters throughout the Pacific Northwest.

John (Jack) C. McCullough, McCullough Hill Leary, concentrates on land use law and real estate financing and development. He has experience in the Growth Management Act, zoning, shoreline regulations, environmental compliance, and wetland regulation.

Gary N. McLean is President of the Hearing Examiners Association of Washington.

Morgan Shook, AICP is a Partner & Project Director at ECONorthwest. He works for a range of government, business, and nonprofit clients, providing analyses that highlight opportunities, consequences, and trade-offs of decisions affecting land and infrastructure. He also recently served on the Seattle Planning Commission.

Michael Spence is a partner at Helsell Fetterman. His practice emphasizes real estate transactions and brokerage matters, land use/zoning, alternative dispute resolution and litigation. He currently serves as retained legal counsel for the Seattle-King County

Realtors and represents and advises many independent real estate brokerage firms on a wide range of real estate and business-related matters.

Joseph Tovar is an Affiliate Associate Professor in the University of Washington College of Built Environments. In 2020, he began working in the College's Northwest Center for Livable Communities as the project manager for "Updating Washington's Growth Policy Framework". He previously served as a member of the Washington State Growth Management Hearings Board.

Chloe Thompson Villagomez is a principal at Foster Garvey and focuses her practice on advising Native American Tribes and tribal entities. Prior to joining Foster Garvey, she served as the Tribal Attorney for the Snoqualmie Indian Tribe, Associate General Counsel for Port Madison Enterprises (an agency of the Suquamish Tribe) and in private practice with a boutique Indian law firm in the Minneapolis area.

Dean Williams, Johns Monroe Mitsunaga Kolouskova, focuses on negotiating with local jurisdictions for development approvals and representing builders in administrative and judicial appeals. He represents developers with permit applications in Kittitas, Thurston, Snohomish, and King Counties, and the Cities of North Bend, Edgewood, Sammamish, Issaquah, Kirkland, Lacey, Bellevue, Renton, and Redmond.

Roger Wynne is the Director of the Land Use Section in the Seattle City Attorney's Office.

Bryce Yadon, Bryce Yadon Consulting, formerly served as the State Policy Director for Futurewise and continues to represent Futurewise on legislative matters.

Chris Young is Director of Development Services for Grant County.