

Land Use Mediation – We Can All Just Get Along

Moderator

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Panelists

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Case Study #1

A non-union national chain proposes a large retail store adjacent to an established residential neighborhood. The residents of the neighborhood have joined with the local union to oppose the store. The union fears competition with union businesses in the town. The residents are concerned about noise, traffic and stormwater impacts and want the city to impose mitigation conditions. The city wants the additional tax revenue but also wants to be responsive to residents.

Case Study #2

A commercial project has no community opposition, but the local fire district asks the city to impose several hundreds of thousands of dollars in SEPA mitigation. The developer and the City believe the City has no legal authority to request this mitigation. The fire district has threatened to appeal the SEPA determination and project approval unless the requested mitigation is imposed.

Case Study #3

Residents of a manufactured home park zoned for multifamily residential use apply for a GMA comprehensive plan amendment and rezone to designate the property “manufactured home park” because they fear the owner may convert the park to other uses. The property owner opposes the action and files an application that vests the property for a multifamily development. The park is in an area designated for high density multifamily, mixed use and commercial uses; the manufactured home park has a density of four units per acre. While the opinions of council members vary, the majority want to do what is best for the residents.

Case Study #4

A County adopts a critical areas ordinance pursuant to the Growth Management Act (GMA).

The ordinance is appealed to the Growth Management Hearings Board by an individual landowner, a non-profit environmental group, an Indian Tribe, and a state agency. These appellants challenge the ordinance on the grounds that it does not meet the minimum requirements of the GMA to designate and protect critical areas. The County Commissioners recognize that they must follow the requirements of state law, but they are sympathetic to constituents who oppose GMA imposed critical area protection requirements. If the parties develop a new agreed upon ordinance through mediation, the County must then hold a public hearing on the new ordinance.

Case Study #5

A small business owner starts a preschool in a house in a residential neighborhood. The school requires an administrative conditional use permit due to its size, but the owner does not obtain one. The neighbors are concerned about traffic, noise and property values. They file a complaint with the city code enforcement section. The city initiates enforcement action, requiring the use to cease or the owner to obtain a permit. The owner applies for a permit, the city issues it and the neighbors appeal to the hearing examiner. The hearing examiner affirms and the neighbors appeal under LUPA.

Case Study #6

A property owner proposes to subdivide vacant forested property for the construction of homes. Nearby neighbors have used informal trails on the property for years and want the property to remain in open space. Local environmental groups want to ensure that the ecological values of the property are protected. The city council has decision making authority over the proposal. Some council members favor the construction of new homes to meet GMA goals and some sympathize with the neighbors and environmental groups.