YOUR LIPS MOVE, BUT I CAN’T HEAR WHAT YOU’RE SAYING: USING LAND USE MEDIATION TO COMFORTABLY REDUCE DRAMA AND REACH SOLUTIONS

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Legal and Planning Principles

• Planner’s role
  • Planner as functional mediator
  • When to call in an independent mediator
• Timing
  • Early mediation
  • Identification of parties, interests
• Who can participate/confidentiality
  • Appearance of fairness, open public meetings, public records

Case Study #1 (Infill Development)

• Owner proposes redevelopment of property in area of city targeted for growth
• Proposal requires council approved master plan, administrative variance to remove trees
• Neighbors and environmental group want to preserve trees
• Preservation is not compatible with development plans
• City wants to accomplish density, urban design goals but also be responsive to citizens

Case Study #2 (Affordable Housing)

• Owner of property developed with aging affordable housing proposes rezone.
• Existing zoning requires affordable housing to build above base floor area. Proposed zoning does not.
• Opposed by affordable housing advocates.
• City council supports affordable housing, but is mindful of legal requirements limiting city's ability to require provision of affordable housing by a landowner.

Case Study #3 (Preschool)

• Preschool started in a residential neighborhood without a permit
• Neighbors complain of traffic, noise, impacts to property values
• City initiates code enforcement action
• Owner applies for administrative conditional use permit, which is issued
• Neighbors appeal to hearing examiner
Case Study #4 (Subdivision)

- Subdivision of property adjacent to agricultural use
- Project requires a rezone to increase allowed residential density
- Neighbors concerned future residents will complain about agricultural use and about increased traffic
- Environmental groups want to protect ecological values
- Some council members favor the construction of new homes, some sympathize with the neighbors and environmental groups

Case Study #5 (Big Box)

- A national chain proposes large retail store
- Project is allowed by the zoning with site plan approval
- Local businesses are concerned about their future
- Adjacent residents are concerned about noise, traffic and stormwater
- City wants the additional tax revenue but also wants to be responsive to local businesses and residents