

**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



Legal and Planning Principles

- **Integration with public processes**
 - Delay
- **Contingent agreements**
 - Legal requirements cannot be waived by agreement



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