

THE COMMISSIONER



The Montgomery County Planning Commission in Pennsylvania hears from members of the community at a local meeting.

Running Efficient, Effective (and Shorter) Meetings

BEST PRACTICES

PLANNING COMMISSIONERS HAVE A TOUGH JOB. In most towns, these good-hearted volunteers agree to serve to give back to the community. Some commissioners start with a loose understanding of land use, zoning, or how local government works. Many know even less.

Armed with little more than a civic-minded desire to contribute, commissioners are commonly (and rightfully) surprised when they are thrust into heated disagreements over controversial development proposals. Things get less comfortable when the shouting objectors include neighbors, lifelong friends, and even family members. It's relatively common to hear commissioners question (off the record, of course) why they agreed to serve—or how good intentions resulted in “lost invitations” to the annual block party.

Many of these awkward situations are avoidable, and nearly all of them can be attributed to a lack of planning commission support. Mandatory training has taken root unevenly, and municipalities and local planning agencies can only do so much with limited resources. There's an undeniable need for professional development help.

Until funding or legislative resources are more widely available, commissioners are forced to learn by doing. That includes spending more personal time educating themselves on how to run focused, effective public meetings. Perhaps more than any other skill, a commission's ability to understand and apply the appropriate standards can make (or break) a meeting, a commission, and, in many cases, the public's confidence.

Review standards: the commission's best friend

So, what standards must a commissioner consider?

Your local plan and zoning code provide guidance. Plans set the vision, goals, and policy guidance, while the zoning code contains objective standards that commissioners must evaluate and apply to the facts presented during a meeting. Despite the arguments, emotional appeals, and personal testimonials baked into most (if not all) public meetings, a planning commission really only has one job. It must make a recommendation indicating whether a proposal meets the applicable standard of review. That's it.

These objective criteria bring transparency, order, and a degree of predictability to a commission's proceedings. That's



Sticking to zoning codes and other objective criteria helps maintain orderly, transparent proceedings, such as at this meeting in Oakland, California.

important. Hewing to the publicly available plan and review standards not only makes for a more focused meeting, but it can promote confidence in the commission's proceedings and, on a broader level, local government. Even if an applicant or resident disagrees with the commission's recommendation, they can respect the process if they understand the factors the commission considered.

For commissions that handle zoning issues, let's look at the standards. Each zoning approval request generally comes with different review standards. For example, zoning variances require commissioners to consider whether a unique, land-based hardship exists, if approving a variance will alter the neighborhood's character, and whether a variance is consistent with the community's master plan.

Commissions reviewing conditional use (sometimes called special use) requests consider whether a proposed use will harm neighboring property values or negatively impact the neighbors' use and enjoyment of their property.

There are different standards when considering a rezoning request, including the trend of development in the area, whether the property historically has been underutilized, and if rezoning a property promotes the public health, safety, and welfare. When reviewing planned developments, a commissioner may find the community has five, 10, or 15 different

standards to consider when reviewing the planned development proposal.

All of this may seem overwhelming, and that's a perfectly reasonable reaction. The goal, however, is not to confuse or intimidate. Rather, the standards are designed to provide commissioners with a rational structure to guide public meetings. Gaining a working understanding of the relevant factors will allow commissioners to ignore irrelevant testimony, focus on what matters, and provide clearer, more useful recommendations to their elected officials. In other words, standards help commissions do their job.

The consequences of ignoring the standards (or worse yet, creating them on the fly) are real. First, the commission will deprive elected officials of the advice they are statutorily authorized to receive. A commission that misapplies the standards forces elected officials to reweigh the evidence that the commission mishandled, in addition to considering all other factors within their purview. It also can create an instant credibility gap and encourage elected officials to ignore future commission recommendations.

Second, it can increase the chance of litigation. Comments made by commissioners on the record that are unrelated to the review standards or suggest personal bias create golden opportunities for attorneys seeking to challenge a community's zoning decision. A seemingly offhand

comment by a commissioner can quickly become an allegation in a zoning lawsuit.

Finally, and on a more practical level, misapplying the standards leads to longer, more confusing meetings that tend to frustrate all parties—the applicant, the public, and the commission. Remember, few good decisions are made after 10 p.m.

What's a commissioner to do? Aside from familiarizing yourself with the plan and the relevant standards before each meeting, which is always an excellent idea, commissions should require applicants to submit written responses to the zoning standards. Ultimately, it's the applicant's burden to prove that he meets the standards. These need to be made in writing.

Commissions in communities with more staff resources should ask them to analyze the standards, either verbally during the meeting or, better yet, in a written staff report to the commission. A community's professional planning staff is uniquely positioned to provide an unbiased analysis of whether relevant standards are met.

Alternately, some communities rely on a standards worksheet the commission reviews and completes at the conclusion of testimony. The commission, typically led by the chair, will read each standard and ask for input from the commissioners concerning whether it has been met and what facts support that conclusion. This deliberative process not only focuses the commission on what matters, it also demonstrates to the public exactly what factors the commission is considering. The basis of the decision needs to be part of the written record of the meeting.

A hallmark of a strong commission is a group of individuals who aren't afraid to ask an applicant, the public, or a fellow commissioner how a comment relates to the relevant standards. It's an inherently reasonable question. After all, the commission's job is to evaluate whether the standards have been met. ■

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