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grandrapids

SEPTEMBER 25-27, 2024



American Planning Association
Michigan Chapter
Creating Great Communities for All

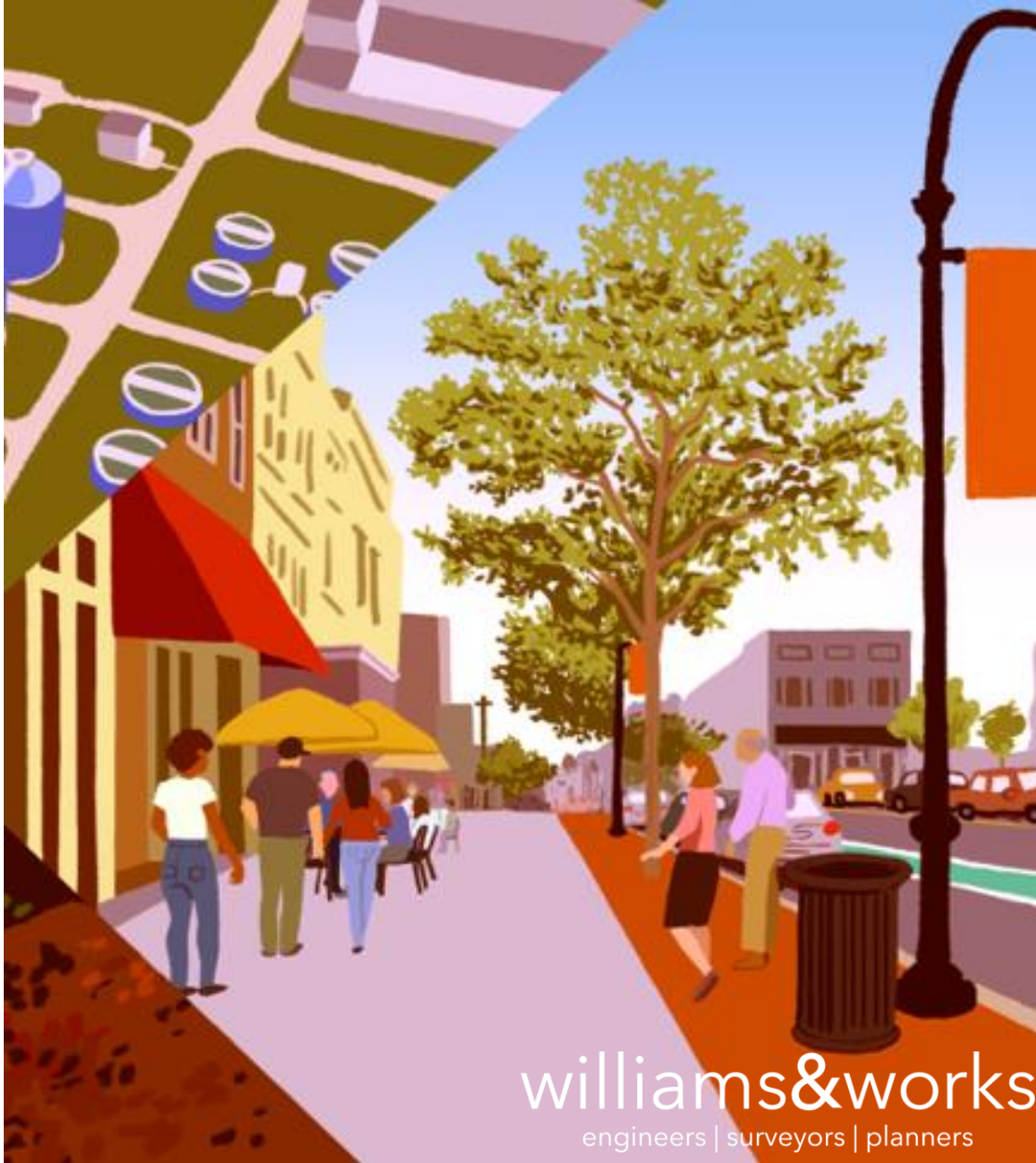


THEY SAID *WHAT!*?

NAVIGATING PUBLIC AND PLANNING COMMISSION MEETING CHAOS



American Planning Association
Michigan Chapter
Creating Great Communities for All



YOUR PRESENTERS:

Andy Moore, AICP

Executive + Planning Group Lead

Nathan Mehmed, AICP

Executive + Senior Planner



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STORY TIME!

(COMMUNITY NAMES HAVE
BEEN REDACTED TO
PROTECT THE INNOCENT)

PLANNING
ADVISORY
EXPLICIT CONTENT



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THE ONE WITH THE SOUND EFFECTS

Context:

A site plan review application led to a raucous crowd of local residents playing sound bites from their phones during the applicant's presentation.

How it was Handled:

The Planning Commission chairperson did *literally nothing* and laughed along with the rest of the public.



THE ONE WITH THE SOUND EFFECTS

The Takeaways:

- Local leadership doesn't always understand their role and the need to be objective and impartial when reviewing applications.
- The public won't often self-regulate when there are strong feelings – especially in opposition.
- Ensure that the public and the Planning Commission are made aware of some basic rules to ensure an orderly meeting.
- Local leadership must be educated so they understand their role and how to handle difficult meetings.





THE ONE WITH THE CONFLICTS OF INTEREST

Context

A majority of Planning Commissioners had entered into lease agreements for utility-scale renewable energy project.

How it was Handled

The Planning Commission invoked the “rule of necessity” upon advice from their attorney.



THE ONE WITH THE CONFLICTS OF INTEREST

The Takeaways:

- The “rule of necessity” is a legal principle that allows for a decision even if the decision maker(s) are biased or conflicted.
- While not ideal, this allows for business to continue – without it, in this case, the application could not have been processed.
- All real or perceived conflicts of interest need to be disclosed in public.
- Work carefully with your municipal attorney to ensure that best practices and procedures are followed to avoid legal problems down the road.





THE ONE WHERE BOTTLES WERE THROWN

Context:

A process to update a zoning ordinance enraged local residents to the point that they threw bottles at the planning commission in protest.

How it was handled:

The bottle-throwers were asked to leave if they could not act respectfully. The elected officials had local police attend the following meeting in an attempt to discourage a repeat issue, which upset the bottle-throwers further.



THE ONE WHERE BOTTLES WERE THROWN

The Takeaways:

- The chair handled the disruption well. By giving a warning and defining the expectation, the initial meeting did not escalate further.
- People have feelings and unfortunately they are not always expressed in the most appropriate or productive ways.
- Bringing in the local police to attend the next meeting, while arguably reasonable, escalated the situation further at future meetings.
- Providing for public comment before AND after a contentious agenda item (that is not a public hearing) may help provide more appropriate outlets for sharing concern. More can be less.





THE ONE WITH SIX+ ATTORNEYS

Context:

A moratorium led to a series of zoning amendments and roughly six attorneys attending almost every meeting; each sharing conflicting information and advice (at times to each other).

How it was Handled:

The Planning Commission was concerned and confused and expressed fear in making decisions. Ultimately, the text amendments were adopted and went to referendum.



THE ONE WITH SIX+ ATTORNEYS

The Takeaways:

- Some communities have an abnormally high quantity of retired attorneys!
- Ensuring that public comment is contained to a time limit helps to reduce grandstanding.
- Moratoriums are often controversial and should be used only in close consultation with a municipal attorney.
- A closed-session with the municipality's attorney may have helped clarify to the Planning Commission their role and calmed their fear of decision-making.
- Planning commissions that do not regularly review contentious applications or work through conflicts need additional guidance at the outset (and reminders).





THE ONE WITH THE CHAINSAW

Context:

Opposition to a PUD inspired a concerned local resident to run a chainsaw outside the meeting chambers as a noise demonstration.

How it was Handled

The chainsaw ran for about 10 seconds before being shut down and the room smelled like exhaust for a while afterward.



THE ONE WITH THE CHAINSAW

The Takeaways:

- People will get, uh, creative in how they communicate their concerns to the Planning Commission.
- In contentious meetings where litigation or appeals are likely, following the proper processes and public input is key.
- When in doubt it is best to err on the side of *more* public comment, not less.





THE ONE WITH THE RACISTS

Context:

Residents opposed to migrant labor camp distributed homemade, racist flyers throughout the community.

How it was Handled:

The Township (correctly) informed the public that they were not aware; condemned the flyers at the public hearing.



THE ONE WITH THE RACISTS

Lessons Learned:

- People can (and will) say almost anything they want, no matter how abhorrent.
- The Planning Commission also has an obligation to maintain order, and sometimes hateful speech devolves a productive meeting into chaos.
- The Planning Commission needs some strong personalities to handle confrontational meetings.
- Sometimes, they need a nudge from the planner to regain control.
- In retrospect, zoning concerns over the project were overblown (it was eventually approved).





THE ONE THAT TOOK NEARLY THREE YEARS

Context:

A special exception use for a mining operation that extended through COVID restrictions, a property transfer, and change of applicant tested the patience of local residents.

How it was Handled:

The Planning Commission, planner, attorney, and others continued on with the process, while acknowledging concerns. A point person from a community group was assigned to be the main point of contact with the planner.



THE ONE THAT TOOK NEARLY THREE YEARS

The Takeaways:

- An contentious application can become even more difficult when it is disrupted by a global pandemic (who knew?).
- Contentious or otherwise complicated applications can take a long time to process.
- While sometimes repetitive, ensuring that public concerns are being heard helps to build trust in the process.
- When there are a lot of properties or concerned residents involved, a coalition with a single point of contact can help efficiently disseminate information and address concerns.



BROAD TAKEAWAYS

- Engage experts when necessary (engineers, attorneys, subject matter experts) and listen to them.
- Make sure decisions are based on the zoning ordinance and master plan, not emotion and public pressure.
- Trust and protect the process!
- Regardless of what happens, following the ordinance, statutes, and bylaws will ensure a defensible decision.
- Staff (planners, zoning administrators, etc.) can play a neutral role in establishing clear, effective communication and points of contact.



BROAD TAKEAWAYS

- The planning profession and process is exposed to all kinds of humanity.
- Sometimes a meeting will devolve into chaos regardless of how well it is conducted or how prepared everyone is.
- A well-trained Planning Commission will help maintain order and define expectations for public behavior.
- There are times when postponing a decision may allow for a course-correction or heads to cool.



QUESTIONS & DISCUSSION

Let's share our stories!

