

FINAL REPORT OF THE

PROCESS AND PROCEDURES Report

Submitted to the  
Columbia City Council

August 21, 2006

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## I. BACKGROUND

On January 18, 2005, the City Council passed by unanimous voice vote the motion that the Planning and Zoning Commission be asked to review the communication processes. (See Appendix A for Council Resolution.) To prepare a draft set of recommendations, a Stakeholders Work Group was created. (See Appendix B for participants.)

The Stakeholders Group met 17 times over an 18-month period, for a total of approximately 35 hours of deliberation. (See Appendix C for meeting dates and a summary of the Stakeholders' work.) All members attended nearly every meeting. In addition, subcommittees charged with examining particular issues met several times. In each case, the subcommittees represented a cross-section of the interests and perspectives of the committee. In addition to their work on a subcommittee, individual members researched issues and submitted reports and comments. A process and criteria were established to evaluate various suggestions and issues. (See Appendix D for the questions that guided the Group's review and recommendations.) As a result of this extensive examination of the issues and the free exchange of information and points of view, the Work Group was able to come to consensus around major issues. The following report, presenting points of consensus of the entire committee, was submitted to the Planning and Zoning Commission on June 8, 2006.

After holding a work session and a public hearing at the July 20, 2006 meeting, the Commission unanimously recommended the report be forwarded to the Council.

## II. PURPOSE

The purpose of the Process and Procedures Stakeholders Work Group is to review strengths and weaknesses of current process and procedures for land use decisions in order to make recommendations that enhance public trust by creating a decision-making process that is consistent, transparent and fair.

## III. THE CONTEXT

It quickly became apparent to the Work Group that those seeking changes and those who consider themselves impacted by the changes are equally dissatisfied with the current process and procedures used to make land use and site planning decisions in Columbia. Each group's belief that the process is weighted against it, with outcomes often pre-determined, leads to frustration, hostility and rancor.

The conviction that changes are needed is not necessarily based on dissatisfaction with the results. Rather, it results from the burdens that the current process imposes on the applicants, the affected parties, the staff, the Planning & Zoning Commission, and particularly the City Council. Prolonged and repetitive hearings, often at huge expense, contribute to inefficiency and a sense of frustration. The Council needs more time to concentrate on public policy issues, including the basic issue of how a given tract of land should be used. The public needs sufficient time and information for meaningful participation. High levels of anger and hostility often inhibit compromise and understanding. Consequently, there is little trust in the zoning process. Given this

environment, the Work Group seeks to enhance public trust with a fair and balanced process and set of procedures. To achieve this goal, it unanimously endorses the following goals and recommendations for achieving them.

#### IV. OUTCOMES/GOALS

1. Increase all Columbians' capacity and opportunity to participate in the process in a well-prepared and organized manner.
2. Improve efficiency.
3. Foster less adversarial public policy discussions on issues of mutual concern, using identified facts and clear rules/standards on which parties agree.
4. Assure that processes and decisions are consistent with city ordinances.

#### V. KEY ELEMENTS FOR ENHANCING PUBLIC TRUST IN THE PROCESS

1. Early involvement of interested parties in the rezoning process
2. Hearing rules that are clear, consistent, and appropriate
3. Education to increase knowledge of the process
4. Access to adequate, accurate, and timely information by all parties

#### VI. AREAS OF CHANGE

##### **A. Increase Public Capacity to Participate**

Many neighborhood groups and individuals perceive an imbalance of both knowledge and power between those seeking zoning changes and other affected parties. Feelings of inadequacy and disparity result because:

1. There is a perception that developers control the timing and flow of information.

*Recommendation: Increase and expand notices. Maintain a city registry of interested parties, including but not limited to Homeowners Associations, Neighborhood Associations, interest groups, and individuals.*

2. Citizens are ignorant of the process and lack necessary specialized knowledge.

*Recommendation: Greatly expand educational outreach on the Planning and Development process and regulations (See E. Education, below).*

3. There is not enough time for volunteers to become educated, informed, and organized. Citizens believe they cannot have an impact on and input into the system to make their views known before "the decision is made."

*Recommendation:*

1. *Provide earlier and better quality notice.*
2. *Have Planning and Development host an early informational meeting to describe the proposal and process.*
3. *Hold concept review meetings for requests to establish Planned Unit Development (PUD), Planned Office (O-P), Planned Business (C-P), and Planned Manufacturing (M-P) zoning districts, and for preliminary plats, minor subdivision final plats, and tract splits. Informal pre-application consultations with Planning and Development staff are encouraged for other development classifications. [Note: Interested parties will be welcome to attend, but the concept review is not designed for public comment and discussion.]*

4. For any requested or required concept review meeting with City staff, e-mail or regular mail notification of the meeting shall be sent to interested parties, defined as follows:
  - a. Owners and residents of record within a 200-foot radius of the subject property;
  - b. Organized and City-recognized neighborhood associations within a 1,000-foot radius of the subject property;
  - c. All persons and organizations that have registered their name and address with the City, according to criteria to be determined.

## **B. Mediation as an Option**

There is no existing process or procedure that encourages or assists those affected to sit down and work out land use issues. Conflicts that are first identified in public hearings might have been resolved by compromise. Avoiding acrimony and “losers” in the process is desirable.

*Recommendation: Establish through ordinance a voluntary (for applicant and interested parties) and inclusive process for reaching compromises that can be incorporated into binding agreements.*

*It is suggested that provisions include a “first try” by the City staff to work out a compromise among interested parties, which would be entitled to deference and presumptive approval by the Planning and Zoning Commission and the Council, unless unlawful or against public policy. If unsuccessful, but there is still willingness to mediate, a trained mediator would work with the applicant, interested parties, and staff to resolve differences and reach a binding compromise. Otherwise, the provisions for resolving a contested land use issue would apply.*

## **C. Differentiation in Process and Procedures for:**

### **1. Land Use and Site Planning and**

### **2. Simple vs. Complex Cases**

Not all Planning and Zoning decisions are alike; some are relatively straightforward, while others are complex. Some are contentious; others are not. The current one-size-fits-all process for deciding land use and development issues in Columbia is too limited for complex cases and too cumbersome for simple cases. Consequently, it can thwart good decision-making, limit the discussion and formation of effective public policy, and deter active and substantive civic engagement.

*Recommendation: Establish separate, formal guidelines, procedures, and hearing rules for simple and complex cases to accommodate differences in the amount of information and public participation for each.*

Land use (zoning classification) and site planning (subdivision and development plan approval) are separate and distinct actions according to land use law. In practice, they are often confused or combined. Fundamental land use planning requires time and attention, separate and distinct from the particulars of a given proposal.

Because the current process poorly differentiates these time-consuming decision points, elected bodies are inhibited from setting policy, such as determining broad guidelines for land use, in a timely manner.

*Recommendation: Uncouple the land use decision from the site plan and subdivision details, in both sequence and method of review, to allow Council more time to address critical public policy decisions regarding land use, and to avoid premature discussion and debate of site plan and subdivision details.*

Appointed bodies and staff are selected, trained and directed to spend the time and develop the expertise necessary to deal with operational and technical details, such as those specific to site planning. When the two functions of setting policy and negotiating technical details are combined in a single body, one responsibility or the other receives short shrift.

*Recommendation: Charge the city staff and the Planning and Zoning Commission with oversight and the working out of technical aspects of a proposed plan.*

#### **D. Eliminate Duplicate Hearings**

The current process requires citizens, developers and other interested parties to present proposals and comments at separate public hearings before the Planning and Zoning Commission and the City Council. This duplication is inefficient, costly and frustrating for all parties. If changes are made between the two hearings, they do not benefit from meaningful, informed public input. The numerous assets of the City staff, commissions and Council would be much more efficiently utilized by restructuring the tasks of each body.

*Recommendation: The City Council, as the elected legislative body, should reserve for itself fundamental policy decisions regarding land use and delegate decisions regarding technical details of a project to the Planning and Zoning Commission. Staff is charged with providing factual information to Council and Commission. Council reserves final approval of any proposal.*

*Recommendation: The evidence and findings of the Planning and Zoning public hearing are entered into the City Council record, limiting the Council hearing to the merits of the proposed land use and only those details of the proposed plan or subdivision that raise policy issues.*

The overall effect of the above recommendations would:

1. Make the process more predictable and transparent;
2. Minimize the inconvenience of duplicate hearings;
2. Reduce frustration that leads to escalating animosity between parties;
3. Make better use of City assets and resources; and
4. Lessen Council's administrative burden while preserving its authority and obligation to make final decisions.

## **E. Education**

The group recommends a major expansion in general public information and creation of education programs related to Planning, Land Use and Zoning issues. As citizens become more informed and better educated, and know where to seek information, they will be better equipped to participate in the process. Increased participation should improve the quality of decisions and decrease resentment of decisions that are made. Those educated to participate in and predict the process are less likely to be distrustful of the process and outcomes.

*Recommendations:*

- 1. Brochures, guides, and other publications;*
- 2. A dedicated section of the City's Web site and targeted electronic communication;*
- 3. Creation and maintenance of an e-mail list or registry of individuals and groups that  
want to receive notification of filings, such as REDI, the Chamber of Commerce, Smart  
Growth, environmental groups, Neighborhood Associations, etc.;*
- 4. Use of media, including CAT3 and the Columbia City Channel;*
- 5. Public forums that include invitations for special groups such as officers of  
Neighborhood  
Associations, developer groups, and other stakeholders;*
- 5. Speakers Bureau for neighborhood associations, civic organizations and other  
interested  
groups.*

## VII. SUMMARY OF RECOMMENDATIONS

1. Increase and expand notices. Maintain a city registry of interested parties, including but not limited to Homeowners Associations, Neighborhood Associations, interest groups, and individuals.
2. Greatly expand educational outreach on the Planning and Development process and regulations (See IV. Education)
4. Provide earlier and better quality notice.
5. Have Planning and Development host an early informational meeting to describe the proposal and process.
6. Hold concept review meetings for requests to establish Planned Unit Development (PUD), Planned Office (O-P), Planned Business (C-P), and Planned Manufacturing (M-P) zoning districts, and for preliminary plats, minor subdivision final plats, and tract splits. Informal pre-application consultations with Planning and Development staff are encouraged for other development classifications. [Note: Interested parties will be welcome to attend, but the concept review is not designed for public comment and discussion.]



7. For any requested or required concept review meeting with City staff, e-mail or regular mail notification of the meeting shall be sent to interested parties, defined as follows:
  - a. Owners and residents of record within a 200-foot radius of the subject property;
  - b. Organized and City-recognized neighborhood associations within a 1,000-foot radius of the subject property;
  - c. All persons and organizations that have registered their name and address with the City, according to criteria to be determined.
8. Establish through ordinance a voluntary (for both applicant and interested parties) and inclusive process for reaching compromises that can be incorporated into binding agreements. It is suggested that provisions include a “first try” by the City staff to work out a compromise among interested parties, which would be entitled to deference and presumptive approval by the Planning and Zoning Commission and the Council, unless unlawful or against public policy. If unsuccessful, but there is still willingness to mediate, a trained mediator would work with the applicant, interested parties, and staff to resolve differences and reach a binding compromise. Otherwise, the provisions for resolving a contested land use issue would apply.
9. Establish separate, formal guidelines, procedures, and hearing rules for simple and complex cases to accommodate differences in the amount of information and public participation for each.
10. Uncouple the land use decision from the site plan and subdivision details, in both sequence and method of review, to allow Council more time to address critical public policy decisions regarding land use, and to avoid premature discussion and debate of site plan and subdivision details.
11. Charge the city staff and the Planning and Zoning Commission with oversight and the working out of technical aspects of a proposed plan.
12. The City Council, as the elected legislative body, should reserve for itself fundamental policy decisions regarding land use and delegate decisions regarding details of a project to the Planning and Zoning Commission. Staff is charged with providing factual information to Council and Commission. Council reserves final approval of any proposal.
13. The evidence and findings of the Planning and Zoning public hearing are entered into the City Council record, limiting the Council hearing to the merits of the proposed land use and only those details of the proposed plan or subdivision that raise policy issues.

### VIII. OTHER ISSUES AND CONCERNS

The purpose of the Stakeholders Work Group was limited to consideration of the process and procedures for making decisions regarding land use and site planning. However, three other issues emerged that the Group believes ultimately affect the success of the recommendations in improving the quality of the way Columbia deals with growth and development. Addressing the process and procedures is the first step, but to have the greatest value, other changes are necessary. Therefore, the Group strongly recommends that the Council begin the following initiatives:

1. Review current subdivision regulations for the purpose of modernizing and determining needed changes.
2. Review current zoning regulations for the purpose of modernizing and determining needed changes.
3. Develop a vision-based comprehensive plan.

The Work Group's recommendations are designed to create an integrated process and should not be considered in isolation. However, as indicated by the three items above, their implementation is only a first step. With the rapid growth of Columbia and the deteriorating confidence of the public in the current process, time is of the essence. Consequently, the Stakeholders Work Group strongly and unanimously urges that the recommended changes in their entirety be given prompt and serious consideration.

We appreciate the opportunity to offer these recommendations for the improvement of the City's process and procedures and to contribute to an even better future for the City of Columbia.

APPENDIX A  
COUNCIL RESOLUTION

TO: City Council  
FR: City Manager & Staff  
DATE: January 10, 2005

Summary: Previously the Council asked the Planning and Zoning Commission to make recommendations for improving notification of stakeholders and other interested parties regarding the status of various Planning proposals such as re-zoning, CP Plan reviews, annexations, subdivision plats etc. At a recent pre-meeting work session, the Planning Commission proposed forming a "stakeholders" group to advise the Commission on possible revisions to our current procedures. While no specific participants were discussed, it was felt that a group similar to that which helped review street standards and the group that helped review our PUD processes could be very helpful for this review.

These two previous groups were recruited by the Commission to provide insight from various interested parties, and a similar process is envisioned in this review. The stakeholders group would prepare recommendations at public meetings, which would be publicly discussed by the Commission. Opportunities for input from the public at large would be included in the process. The Commission would consider, discuss and form its own recommendations at a regular Commission meeting, and forward them to council for its review and consideration.

Requested Council Action: Should Council approve the formation of a stakeholders group to assist the Planning Commission in reviewing communication processes, a motion so indicating is requested.

**City Council minutes of January 18, 2005 – excerpt of Reports**

**(C) Public Notice Process for Planning and Development Issues.**

Mr. Watkins explained that this came out of the Planning and Zoning Commission after the Council had asked them to look at it. He stated they could not find specific direction, so they wanted to obtain specific direction to look at the issue and suggested their approach be to put together an advisory group. They felt that approach had been successful in street standards and with the updates of the PUD's.

Mr. Ash asked if this was committee worthy or something the Planning and Zoning Commission could handle. Mr. Watkins replied that the Commission felt the committee was the best way to go. Mayor Hindman agreed with their assessment and added that there was a lot of citizen interest in it.

Mr. Ash made the motion that the Planning and Zoning Commission be asked to review the communication processes. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

APPENDIX B

STAKEHOLDER'S WORK GROUP PARTICIPANTS AND MEETING TIMES

Tom Bass  
Local Developer

Frank Schmidt  
MU Professor  
Neighborhood Association

Duane Cramer  
Trust Officer, Boone National Bank

Dan Simon  
Attorney

Bill Crockett  
Engineer

Don Stamper  
Executive Director  
Mid-Missouri Development Council

Nancy Harter  
Non-profit Consultant  
Neighborhood Activist

Craig Van Matre  
Attorney

Paul Ladehoff  
Director, University of Missouri – Columbia  
Campus Mediation Service  
Center for the Study of Dispute Resolution

Vicky Riback Wilson  
Neighborhood Association

Scott Rutter  
Realtor

Traci Wilson-Kleekamp  
Neighborhood Association

Group Facilitator – Jerry Wade, Chair, Planning and Zoning Commission  
Ex officio – Tim Teddy, Director, Department of Planning and Development

APPENDIX C  
STAKEHOLDER'S WORK GROUP WORK SCHEDULE

Note: All meeting times have been from 4:00 – 6:00p.

March 16, 2005: Defined Purpose and Vision of Stakeholders Group's work.

April 6, 2005: Defined criteria for process review and began analysis of planning and development process.

April 27, 2005: Continued review of process and identified focus on the 4 kinds of applications – Subdivision, Rezoning, zoning for voluntary annexations and planned zoning.

May 18, 2005: Discussion of Subdivision application process.

June 8, 2005: Discussion of Rezoning application process.

July 13, 2005: Continued discussion of Rezoning application process and discussion of zoning for voluntary application process.

September 7, 2005: Reviewed planned zoning and began discussion on public hearing process and structure.

October 5, 2005: Continued discussion of public hearing process and structure.

October 26, 2005: Continued discussion of public hearing process and structure.

November 9, 2005: Consideration of changes that should be made in the planning and zoning procedures.

November 30, 2005: Consideration of changes that should be made in the planning and zoning procedures.

January 18, 2006: Consideration of changes that should be made in the planning and zoning procedures.

February 8, 2006: Consideration of changes that should be made in the planning and zoning procedures.

March 14, 2006: Consideration of changes that should be made in the planning and zoning procedures.

April 5, 2006: Determine recommendations to be included in final report.

May 3, 2006: Determine structure and focus of final report.

May 31, 2006: Finalize report.

## APPENDIX D

The stakeholders work group defined the following questions to focus its deliberations and decisions of what was included and what was not included in the report.

1. Does the process support adequate public education on the processes with continual information and staff to answer questions?
2. Does the procedure enhance access and the free flow of information?
3. Does the proposed procedure enhance the notice to interested persons of the change?
4. Does the procedure enhance the information exchange and the reaction process?
5. Does the procedure lead to the finality of the decision making process?
  - Timeliness?
  - Transparency?
6. Does the timing of the process allow time for all sides to be fully prepared and engaged?
7. Is the process efficient in terms of time and cost for all?
8. Is the notification process fair with adequate information and reasonable time to react?
9. Is the process fair to both sides with rules defined, adhered to, and understood?
10. Is the procedure consistent with the over-all plans for the community?
11. Is the procedure timely, say what the decision is, and when it will be implemented?