

**Critique of**  
**“Assessment Report of South Willamette Special Area Zone”**

by Turner Odell and Tim Hicks  
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The report is available on-line at:

<https://trusttheneighbors.files.wordpress.com/2016/04/ocassessmentreport21mar2016.pdf>

This critique was written by Paul Conte and is drawn from an e-mail exchange with Tim Hicks.

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In a “nutshell,” the report concludes:

- The SW-SAZ process failed.
- There’s lack of trust in the City.
- The City needs to build trust.
- Get a dozen or so people around a table for a “facilitated” discussion to build trust.
- We (Oregon Consensus) don’t understand refinement plans, so we conclude they won’t build trust.

This was pretty much a waste of money that states the obvious and provides just a formulaic “let’s talk” solution.

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Here are some excerpts that will give you a good sense of the report.

==== Excerpts ====

“In summary, the assessment found that:

- As a generalization, trust between the City and many of the affected residents is low.
- There is not currently an effective venue for communication and trust-building between the City and residents.
- There exist different understandings, possible misunderstandings, and disagreements among community members and between the City and residents about the issues and specifics involved.
- The issues are of deep importance to everyone involved.
- There is general agreement that it is important to “get this one right,” that it is important to the city as a whole and to the local community that the process and outcome for this planning area be as widely supported as possible.
- There appears a willingness on the part of community members and the City to consider a constructive and collaborative way forward.”

“Based on the findings, we recommend, as a first step in creating a path forward, the creation of a process that includes, at a minimum, key community members and representatives from the City planning department with three initial goals:

- Build trust between the City and community members
- Improve communication among and between the City and the various community interests
- Develop better mutual understanding of the issues involved and the facts and data that might support decision making.”

“One possible process design to achieve these goals is to identify a number of community members (12–16 at most) who represent the various interests that exist within the larger community who are willing and able to form a working group with City representatives.”

...

“To satisfy the goal of widespread and inclusive community access to the process and the information it develops, the working group meetings could be open to all community members who wished to participate as observers who could feed questions and ideas to the active representatives “at the table” over the course of the series of meetings

This model would require the following:

- Effective process design and management
- Resources for neutral facilitation to help discussions be productive
- Willingness on the part of the City and community members to commit the time it will take to participate
- Commitment to creating a safe collaborative space in which constructive dialogue and mutual learning can take place
- Setting aside fixed positions in order to engage in a genuine process of joint inquiry focusing on community interests and City perspectives in order to better understand each other and the issues involved, and seek possible zones of agreement for next steps”

“Some interviewees were supportive of a community-driven planning process that would receive technical support from the City but be otherwise independent. While this is one way to accomplish a different outcome, it does not, by itself, effectively address fundamental interests of trust and working relationships (being more akin to tossing the ball to the other side of the court).”

==== End Excerpts =====

The initial critique of the assessment that was e-mailed to Oregon Consensus ...

The Oregon Consensus report is lightweight, fairly predictable, and of relatively little concrete value except to proponents of SW-SAZ, who want the City to retain actual control of the process.

The report fails to identify the respective positions of the parties so there’s no way to understand or weigh the various perspectives.

The report glaringly neglects to even mention the four neighborhood organization's letter clearly stating the position of these organization boards.

The findings are this "mush" that generalizes what is already well-known.

You clearly didn't ever understand the statutory role of a refinement plan process, and the two-step structure by which the community first has a chance to work together to develop a vision, and then moves on to a city-wide process.

Your "options" transparently boil down to one -- a classic "all-comers" facilitation, which leaves the neighbors at a disadvantage because they come to the table without have had a meaningful process among themselves.

You didn't do the work to fully understand the practical way that a refinement plan would work, and you made a gratuitous marginalization of this process as merely "tossing the ball to the other side of the court." A well-informed, balanced assessment wouldn't have been so far off the mark.

#### Oregon Consensus's Response to the initial critique:

Thank you for sharing your perspective on the Assessment Report and we are sorry that you see it in the light that you do. Within the constraints of a limited budget and time, we worked hard to interview individuals representing the diverse perspectives surrounding SW-SAZ, including individuals and organizations who have concerns with project and/or process. As we have said to you before, and as the report states, the assessment was not meant to, nor would it have been able to measure or weigh the various perspectives of interviewees.

The conclusions of our assessment relate to process. We suggest, from a neutral perspective, that the plan should not move ahead under the current conditions but rather that a trust-building and joint fact-finding process be initiated so that community members and the City can work together to move forward from the current impasse to future decision-making, whatever that decision-making might turn out to be. While reasonable people can disagree about substance, we have concluded that the health of the community and its ability to work together towards an acceptable solution to this very difficult situation will be furthered by a collaborative approach rather than the adversarial attitudes and practices that dominate many current interactions. This is one of the reasons we recommended the path that we did.

#### The follow-up, detailed critique that was e-mailed to Oregon Consensus ...

I understand the limits to time and budget, and in my own professional practice I've had to deal with clients who want and reliable and full answer to an issue without allowing for the budget and/or time to produce that outcome. I didn't expect Oregon Consensus to do more than could be done within the constraints.

My intuition is that your interviews produced a lot more value than is reflected in the report.

The interviews clearly weren't designed to produce an analysis of, for example, percentages of Eugene voters who support various positions. There's no fault in that.

However, you should (and still could) provide concise summaries of the “key points” you heard and read from individuals. That would have, for example, provided essential details and context. Let me give you an example that cuts multiple ways. Rick Duncan is a real estate appraiser, “deal maker” and former Planning Commissioner, with very broad knowledge. In the past, I’ve learned a tremendous amount about development issues through personal contact and hearing him during Planning Commission discussions. I want to know the “key points” you heard/read from Rick. I think most city councilors are familiar with these aspects of Rick and so would also be able to associate points made with context.

Without some individual details, no one can look at all the pieces and reach their own conclusions. Instead, we have only the way that OC presented the synthesis and no way to validate it.

Here’s an example from the report of the kind of conclusion that citizens and decision makers need to validate:

*“We would also note that community interviewees who felt the engagement process was adequate tended to be those who were generally supportive of the plan’s content as currently proposed, even as they recognized and acknowledged that additional revisions might be necessary to address legitimate concerns within the community.”* (page 5)

This OC conclusion tells us a lot, but not enough -- how strong was that correlation, and how were the relevant, underlying “key points” expressed and by whom?

The biggest problem of all, however, is that you entirely missed the connection between a refinement plan process and establishing trust.

This sentence in the report shows you never learned the fundamental process and outcome differences between a code change (such as SW-SAZ) and adopting a refinement plan:

*“Another process-related concern expressed by some of the interviewees was the City’s choice to use a Special Area Zone instead of a Refinement Plan as the vehicle for making changes to zoning in the Plan area.”* (pages 5-6)

A refinement plan does *not* make changes to zoning!

I offered to provide some basic information about refinement plans, but you declined. If you had learned more (from me or another knowledgeable source), you might have discovered several critical points:

1. Refinement plans produce binding policies (along with non-binding goals, objectives, findings and implementation recommendations). Zoning code then implements the policies and must conform to the policies. This process is enshrined in the Statewide Planning Goals, with which you had an obligation to understand. I hope you will produce a supplement to your report after gaining an understanding of the statewide planning framework.
2. Although there are reasonable arguments about alternatives to a refinement plan process, neither a code change nor what was done as a staff-led “area planning” exercise are at all comparable alternatives. The essential element of a refinement plan process is that it’s a two-step process. First, the community members in the plan area

develop a draft recommendation. Second, the draft becomes the subject of a city-wide process, which has both statutory requirements, and for which an “all-comers” facilitated process might be valuable.

3. A refinement plan process (or an alternative, community-based process to produce a shared vision) is the best, perhaps only, way the City is actually going to build trust with the neighborhood community. Any process that attempts to “fix” or create “Version 2.0” of the SW-SAZ before “Step 1” is done will simply be a rerun of the past five years.
4. A refinement plan (or other legitimate approach to “Step 1”) does not in any way disenfranchise or diminish the citizen involvement of other interested parties -- that comes in “Step 2.”

There is much more for you to learn about how refinement plan processes work.

If you want to provide a credible report and recommendations for a pragmatic path forward, OC is going to have to address the “two-step” approach.

As a final note, I read that you somewhat expanded your description of who you were going to interview to include:

*“parties who, even if not directly affected by the outcome, could nevertheless affect or influence the resolution of the issue (either through their direct responsibility for a decision or through their access to an alternative forum for affecting the outcome—such as litigation).” (pages 3-4)*

Had that been clear, I would not have held back in requesting to be interviewed. That was not actually within the scope of the City Council motion, and I regret that apparently OC was misled to feel you should go beyond the neighborhood community. That was a serious mistake both in transparency and the skew of your interviews, since only “WE CAN” seemed to be interviewed under that category. There are many more legitimate individuals and organizations that should have been advised you were interviewing people in this category.

I hope we will see a supplement from Oregon Consensus that resolves this problems with the assessment.

#### Oregon Consensus final response:

Thanks Paul. We won't be producing further supplemental analysis of our interviews. As we told all interviewees, our summary report would not include attributions of perspectives to specific individuals. Our task was to summarize what we heard. And again, our conclusions address what we see as possible process steps that would allow fruitful work on the substantive issues

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