

COMMENTS ON “CLEAR & OBJECTIVE HOUSING: APPROVAL CRITERIA UPDATE” AGENDA ITEM

Part 2 – Draft Public Involvement Plan

May 7, 2018

Dear Planning Commissioners,

This document follows “Part 1,” submitted yesterday, and which addressed the “Draft Project Charter.”

To reiterate ... The “Clear & Objective Housing: Approval Criteria Update” agenda item summary and the attached “Clear & Objective Housing: Approval Criteria Update Draft Project Charter” and “Clear & Objective Housing: Approval Criteria Update Draft Public Involvement Plan” were made publicly available only late on Friday, May 4th, so there has been very little time available for thorough public review and comment on the 31 pages of critical information about this project.

The Public Involvement Plan (PIP) got off to a rocky – and ironic – start when Jenessa Dragovich, the Project Manager, sent several people an e-mail just before 9:00 p.m. expressing how much she was looking forward to “everyone’s input and involvement” and also posting 32 pages of detailed material for which “everyone” would have three days to thoroughly review and fully understand the implications of the draft project charter and PIP; and then to write up articulate comments and send the planning commissioners in time for the commissioners to review the comments on Tuesday, if they had time available before the Planning Commission meeting.

This is a *perfect* example of what I refer to as a “check-box” approach to “public involvement. The draft PIP is mostly a string of such check-boxes wrapped in aspirational language which isn’t actually reflected in the concrete details of the PIP.

The draft PIP has several deep structural problems

The “power structure” is narrow and inequitable

The true power to influence the outcome is overwhelmingly allocated to Planning Division staff and a lopsided group of “key stakeholders” with various agendas that support minimizing development constraints.

Time doesn’t permit a complete “walkthrough” of the process, but at every stage, only staff have a “first class” seat at the table with the Planning Commission and City Council. Staff therefore will control what tasks are done (e.g., what data is gathered), what gets presented to the commissioners and councilors, and how public comments are filtered and characterized. One of the most obvious decision points at which staff has virtual “veto” power is in selecting which solutions put forth by the public will be anointed as the “preferred concepts” for the Planning Commission to consider.

RECOMMENDATION: Establish one or more committees, “working groups” or “task teams” who deliver a report to the Planning Commissioners directly. Such committee(s) should have their own leadership and be aided by staff, as needed. (The scope, members and organization of these committees needs to be determined. An excellent prior example was the Infill Compatibility Standards Task Team.)

Both the draft project charter and PIP toss out a variety of undefined terms, including: “interested parties,” “stakeholders,” “key stakeholders,” “stakeholder working group,” etc. Despite this stew of terminology, there is no attempt to articulate the principles and criteria to determine the critical fact: Who gets a “seat at the table”? Leaving aside for a moment that the PIP allocates only diminished influence when a “working group” is mentioned, the initial list shows an appalling contradiction to the staff promise in the AIS: “We will strive to communicate with all stakeholders, including under-represented groups, in ways that people understand and can relate to.” The stakeholders list completely neglected groups whose members reflect minority, senior, disabled, renter and other “under-served” citizens. It also ignored Eugene’s Bicycle and Pedestrian Advisory Committee, which advocates for the safety of pedestrians and bicyclists. And tellingly, the staff didn’t include the Neighborhood Leaders Council.

Not only is the list incomplete and lopsided towards parties whose primary goal is fewer constraints on housing development, there is substantial overlap of the same “actors” such that certain actors will get multiple “bites of the apple” behind the façade of separate organizations.

This initial list also doesn’t provide any vital information on the organizations, in particular, the organizations’ transparency, requirements for membership, membership size, process for taking positions or making recommendations, etc.

Critically, there is a huge disparity between the capacity that advocacy organizations – many of them staffed and well-funded – have to drive the outcomes from “working groups” compared to the limited financial and time available to the city-chartered neighborhood organizations.

Finally, there is not rational foundation for why a non-local organization, such as 1000 Fiends of Oregon is elevated to a “stakeholder” when they are clearly just an interested lobbying group. Similarly, the opaque “WECAN” organization has refused requests by former councilor, George Brown, to be transparent about their membership and processes. Yet, what in reality is a tiny group of zealots with no claim to represent substantial constituency of Eugene citizens is included as a “stakeholder.”

The reality is that it is residents, residential property owners and housing developers (including market-rate and subsidized housing) that are the “core” parties that have by far the most at stake in amendments to housing code. That does not mean that advocates for wise use of land and resources, climate health, pedestrian and bicycle use, and other concerns have no “stake” in housing code, but they should not be “driving the bus” in this process. Since the Planning Commission and City Council exercise the ultimate control over the outcome, advocacy groups are already assured of ample opportunity to affect the officials’ decisions.

RECOMMENDATIONS:

- A. Establish clear and sensible criteria for categories of “interested parties,” “advocacy organizations,” and “stakeholders” (parties upon whom the outcome would have a direct and concrete impact).
- B. Provide information on organizations that are candidates for designated role(s) in the process, e.g., purpose, membership requirements, membership size and demographics, names of leaders and agents, decision process for taking positions, annual budget, etc.
- C. Establish one or more committees with appropriate membership and responsibilities to present directly to the Planning Commission.
- D. Individually include all active, chartered neighborhood organizations as “key stakeholders.” (I.e., do not lump them as a single group when appointing members of committees)

The linear process has a high risk of failure

The PIP process is what’s often called a “waterfall” model, where each stage is completed before its results “fall” into the next stage. This process is well-understood to be high risk for several reasons. The two most critical causes of failure are:

- “What you don’t know you don’t know.”
- Complex public problems cannot be addressed by a one-shot “Learn-Do” approach to public engagement because you *learn* from *doing*. That fact requires an iterative, “Learn-Do-Learn-Do-Learn-Do” process throughout the project.

Time doesn’t permit a comprehensive tutorial in these comments, but there are plenty of educational and consulting services that provide education and support for this iterative approach.

It is particularly important to understand how this ties into an essential public engagement principle: “social learning.” In highly simplified terms, social learning is an iterative engagement of “experts” (using the term loosely, i.e., planners) and “community members” (again loosely). Over each iteration, the experts impart knowledge to community members so that the community members have a greater ability to apply what they know about their community and a greater effectiveness in influencing the outcome. Complimentarily, over each iteration, the community members impart critical social and contextual knowledge to the experts so they better understand the issues and context in which solutions must be developed.

Unfortunately, to my knowledge, the local staff and consultants have little if any training and experience in social learning and its value in public engagement.

RECOMMENDATION: Engage a consultant and take other steps to educate the staff on iterative processes and social learning.

The “Survey of Issues” is one-sided and marginalizes residents’ interests

Under “Phase 1: Survey Issues” on page 6, this statement is a glaring “tell” about the inherent bias in the PIP:

“The project manager will conduct listening sessions with stakeholders to introduce the project, gain input on what the existing barriers to development are in terms of criteria and process, * * * *.”

The only input sought is on “barriers” to development. That ignores the every bit, if not more important, issue of inadequate “protection” against development that diminishes livability or otherwise has substantial negative impacts. That Oakleigh Meadow Cohousing PUD and the Capital Hill PUD could be approved without safe and reliable emergency access to the sites or adequate pedestrian safety is tragic evidence that the “survey” needs to catalog code deficiencies of this sort.

The survey should also build on prior work, including the large catalog of code changes created during the Minor Code Amendment Process and the successful clear and objective standards that were adopted by unanimous Council vote for the Jefferson-Westside Special Area Zone.

The PIP coordination is incomplete

As described in Part 1, addressing code issues necessarily requires coordination with comprehensive plan policies. There are like some occasions where limited scale amendments to refinement plans (e.g., the South Hills Study) or limited area plans would provide the most solid and context-sensitive solution.

The elephant in the room – The draft PIP itself should have engaged the public

As my comments on the charter and PIP make clear, this draft is nowhere near ready to move ahead to City Council.

RECOMMENDATION: Before moving a draft to the City Council take two to four weeks and have some open discussion session for the public to learn more and provide informed feedback. (I.e., practice a little “social learning.” Council will certainly allow time to get this critical project off on the right foot.

To continue as the charter and PIP are currently proposed would provide a roadmap leading straight to another South Willamette Special Area Zone failure.

Remember the adage: “If you don’t have time to do it right, when will you have time to do it over?”

Respectfully submitted,

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