Assessment Report

South Willamette Special Area Zone

Turner Odell and Tim Hicks

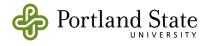Assessment Report

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Assessment Report: South Willamette Special Area Zone

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1.	INTRODUCTION

In response to controversy over planning efforts for the South Willamette Special Area Zone (SW-SAZ), the City of Eugene asked the Oregon Consensus (OC) program at Portland State University to conduct an assessment of the circumstances to see if there was an opportunity for a collaborative path forward.

Following is a summary of the assessment process, the key findings, and options for how the community and City might move forward. Finally, we include some clarification about the concept of a facilitated dialogue. We learned during our assessment interviews that there exist different understandings of the term "facilitation." We include here OC's understanding of the term in the hope that this will be helpful for future decision making.

About Oregon Consensus

Oregon Consensus is the State of Oregon's program for public policy conflict resolution and collaborative governance. The program provides mediation and other collaborative services to public bodies and stakeholders throughout state. OC brings together communities, civic organizations, government entities, and businesses to find new approaches to public issues. OC conducts assessments and, where appropriate, designs and facilitates impartial and transparent collaborative processes that foster balanced participation and durable agreements. Our program is housed in the National Policy Consensus Center (NPCC) at the Hatfield School of Government at Portland State University. The university affiliation helps OC to provide the neutral forum needed for stakeholders to come together and engage in open collaborative dialogue.

2.	ASSESSMENT PROCESS

2.1   Purpose of an Oregon Consensus Assessment

An assessment is a preliminary process by which an impartial third party seeks to determine whether there might be an opportunity to address a particular situation or conflict through some sort of collaborative process, and if so, how that process might be structured. An assessment seeks to:

* Review and understand the history of the situation
* Identify and interview key stakeholders in order to understand their involvement, perspectives, interests, and goals
* Survey the full range of perspectives on the issues
* Determine possible next steps and particularly whether conditions will allow for collaborative work among the parties to find solutions that will maximize the satisfaction of all involved interests
* Identify potential barriers to collaborative work among the parties and how these might be overcome
* Provide some ideas for next steps and how to proceed

2.2   Assessment Process for the South Willamette Special Area Zone

Over the course of several weeks, the OC assessment team (Turner Odell and Tim Hicks) studied background information and interviewed as many individuals as possible while balancing the need to work within a limited budget and the desire to ensure access to a broad and inclusive cross-section of interests. Interviewees shared generously of their time and provided a wealth of additional information and documents for our review. We also received unsolicited information and messages from other interested individuals.

Groups Interviewed

We conducted interviews with the following individuals—sometimes individually, but in most cases in groups of two to four people.

Members and Leaders of Official Eugene Neighborhood Associations

- *Southeast Neighbors Association*
    - Deborah Noble
    - Joyce Eaton
    - Seth Sadofsky

- *South Hills Neighborhood Association*
    - Vic Hariton
    - Bob Larson
    - Ralph McDonald
    - Janet Bevirt

- *Friendly Area Neighbors*
    - Kristina Lang
    - Nancy Ellen Locke
    - Lisa Arkin
    - Morgan Greenwood

- *Amazon Neighborhood Association*
    - Connie Berglund
    - Kevin Shanley

Other Associations of Residents/Neighbors

- *Council of South Eugene Neighborhoods*
    - Greg Giesy
    - Randy Prince
    - Heather Sielicki
    - Richard Sundt

- *South Willamette Neighbors*
    - Lanie Millar

- o Christine Sundt
- o Pam Wooddell
- o Eben Fodor

Local Businesses and Commercial Landowners
- Doug Brown and Ann Fulkerson *(owners of property on which Capella Market and Tsunami Books operate)*
- Scott Landfield *(owner of Tsunami Books)*
- Mark Leu *(owner of Capella Market)*
- David Nelkin *(business and property owner of Eugene Coin and Jewelry)*
- Paul Moore *(owner of Arriving by Bike)*
- Laura Parker *(owner of PT Solutions)*
- Brian Young *(Executive Administrator at Cascade Manor)*

City Leadership
- Kitty Piercy, Mayor of Eugene
- George Brown, Eugene City Council
- Chris Pryor, Eugene City Council
- Claire Syrett, Eugene City Council
- Betty Taylor, Eugene City Council

City Planning Officials
- *Planning Commissioners*
  - o John Jaworski
  - o Kristen Taylor

- *Planning Department*
  - o Robin Hostick, Planning Director
  - o Terri Harding, Principal Planner

Other Interested Parties

Walkable Eugene Citizens Advisory Network (WE CAN)
- Kevin Shanley
- Eliza Kashinsky
- Rick Duncan
- Rob Zako
- Anya Dobrowolski

Rationale for Interviewee Selection

Our goal was to sample the full diversity of views on the SW-SAZ planning process. At a minimum, an assessment should seek to understand the interests of both (1) parties that would be affected by the resolution of the issue and (2) 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).

In particular, we tried to get a thorough understanding of concerns being raised by affected neighbors, and the neighborhood associations were a good place to find that. But we note that some of the neighborhood association people with whom we spoke indicated that they were not expressing the position of the association as a whole, but rather were there to offer their perspectives as individual members. It was emphasized to us that there exists a range of involvement, perspectives, and concerns within the community. We were referred to the joint letter to the City Council from the four engaged associations for a statement of an official position. We also sought to hear the perspectives of Eugene residents who were supportive of the SW-SAZ draft plan. Many interviewees on all sides of the issues were also interested in participating in part because of the precedent being set by the SW-SAZ planning process and outcomes for similarly situated areas around Eugene (particularly those identified in the Envision Eugene process).

To be clear, we have not evaluated, nor could we measure, the size of the membership of any of the organizations we interviewed, nor did we attempt to measure the extent or prevalence of any particular viewpoint either within each of those organizations or in the community. Our goal was to canvass all the diverse perspectives in the community. Should it become important to more clearly understand the relative extent or prevalence of particular perspectives, either within a neighborhood boundary or within the affected area more generally, there are tools available that we mention in the section below on *Options for a Path Forward*.

3. KEY ASSESSMENT FINDINGS

Throughout the interview process, we heard concerns related to both process and substance. Many interviewees spoke about their belief that the process used to develop the SW-SAZ plan did not adequately engage the affected public, although some thought the process was sufficient. With respect to the substance, many interviewees had specific and detailed concerns with the content of the plan. Both process and substantive concerns are outlined in more detail below.

3.1 Concerns about Process

Concerns about Adequacy of the Public Engagement Process

A common theme among interviewees was that the public engagement process had been inadequate. A number of interviewees noted that they were not aware of the scope, impacts, or in some cases even the very existence of the SW-SAZ until the plan was poised for adoption. Many interviewees believed they had received no or inadequate notice of the ongoing SW-SAZ planning process or opportunities for public input. Or, if they did receive some notice, interviewees believed it did not convey the significance of the process underway or the importance of participating—nor did it provide sufficient time in which to review and understand planning documents between receipt of notice and meeting date.

For some, part of the problem was confusion or a lack of awareness that the scope of the Plan had, in their understanding, shifted over time from being almost exclusively focused on improvements to the Willamette Street commercial corridor to including a much wider area of impact and significant zoning changes to surrounding residential areas. Interviewees suggested that many folks might have not felt the need to engage extensively based on the early scope, but would have engaged much more actively had they been aware of the change in scope.

Overall, those who were concerned about the lack of adequate public engagement conveyed that they would have engaged in the process earlier and more fully if they had been aware of the ultimate scope and impact of the plan. The experience of insufficient public engagement resulted in a sense that the plan was suddenly being imposed on the community without sufficient involvement of residents. This created a feeling of distrust toward the City and the Planning Department, fueling a perception that the City was acting unilaterally and not taking into account community interests.

In addition, there was a perception by some that even when the public did attempt to provide input, the City wasn't listening. This appeared to be a reflection of their experience not only with the current planning effort, but also with several major planning efforts that had previously been undertaken in Eugene. Collectively this meant for some, again, that there was an underlying erosion of trust in city planning efforts.

Additionally, a number of interviewees questioned why South Willamette was chosen as the first area to use as a template for other key corridors in the city that would subsequently be studied for urban infill development. These voices expressed the opinion that the South Willamette area was a functioning community that would be significantly disturbed, if not destroyed, by the planned development and questioned whether this was necessary given their understanding (whether accurate or not) that (1) there was room within the neighborhood for more gradual housing stock increase and infill with space for accessory dwelling units ("granny flats") and cluster housing development, and (2) that the City already has fulfilled its obligation to address 20-year population projections.

On the other hand, it was clear to us from the interviews that there was a sincere desire on the part of the City staff to employ effective public engagement in the development of the plan—and some interviewees, including both City staff and others, felt that there had been significant outreach and public engagement throughout the process (noting the number of public meetings and other opportunities that were provided for public input). This assessment was not structured to evaluate the adequacy of the design or implementation of the public engagement process. We did find general agreement, including from City staff and elected officials, that however well-intentioned and well-designed the process was, it was not, for whatever reasons, ultimately successful in engaging the affected public at the times and to the extent that was needed. 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.

Concerns about the Use of a Special Area Zone Instead of 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. Some suggested that a Refinement Plan would provide a more thorough approach that would require data collection and studies (e.g., traffic and parking studies) that would address some of the substantive concerns that interviewees were raising about the impacts of the Plan (see discussion of these issues below). It was suggested by some that, due to limited resources available for planning, the City had, to some degree, shied away from doing full-blown refinement plans where possible because of the substantial burden of developing those plans and the related documentation.

Reflecting the erosion of trust noted above, some interviewees felt strongly that the path forward from here should be to abandon the SAZ Plan altogether and for residents themselves (with technical support from the City) to develop a Refinement Plan for the area. They pointed to examples of such community-driven planning processes elsewhere in Eugene.

3.2   Concerns about Substance

Interviewees offered a variety of opinions on the substance of the Plan ranging from comfort with and support for the Plan in its general outlines, to specific concerns with pieces of the Plan, to strong opposition to the Plan as a whole.

Those interviewees who expressed varying degrees of support for the plan noted that it was an important first step in realizing or implementing the overall vision for Eugene that was captured in the Envision Eugene process and resulting plan. They noted, among other things, the need for and benefits of creating appropriate areas of additional density to accommodate a growing population and the benefits of a "20-minute neighborhood."

Those with concerns with the content of the Plan raised a number of issues including, but not limited to, the following.

Traffic/Congestion

Interviewees were concerned that the addition of hundreds of additional housing units to the area would significantly and adversely impact the local traffic conditions, and they were particularly concerned that there had been no significant study of that issue.

Parking

Similarly, many expressed concern that the additional housing units were planned without the inclusion of adequate parking and would make a not-great situation (currently) even worse. They were largely unconvinced that the strategy of limiting parking in order to encourage residents and visitors to forego the use (or ownership) of cars would be successful.

Neighborhood Character

Many interviewees were very concerned that the plan would adversely affect or destroy the character of the South Willamette neighborhood. They valued the current mix of housing types (including smaller single-family options) and the "charm" of the neighborhood—a character that would be disrupted by the replacement of small single-family homes by multi-story/multi-family structures. There was also concern that the new residents would be of a different economic stratum and would be less engaged with the neighborhood.

Affordable Housing

A number of interviewees expressed concern about the related loss of affordable housing stock and the impacts that would have on the neighborhood and Eugene more broadly.

Solar Access and Viewshed

Many interviewees were concerned that the SW-SAZ development plan would allow the construction of taller, multi-story structures[1] that would block the sun and desirable views from existing residences. Some were concerned about specific changes on lots that would allow taller structures adjacent or proximate to their existing properties. Others were concerned about solar access and views more generally. In both cases, interviewees were also sometimes concerned about the resulting loss in property values.

Implementability

Finally, some interviewees pointed out aspects of the proposed Plan that did not seem to match realities on the ground. For example, interviewees suggested it made no sense that the Plan proposed lining a short dead-end street with all new multi-family housing without a plan for parking or access in and out of the block onto the busy Willamette Street corridor.

Other Issues

Additional questions about plan details and development impact were raised including the need for schools to accommodate increased population.

The interviews reflected less concern about the appropriateness or acceptability of changes proposed for commercial properties along Willamette Street itself. There were those who had issues with the details, but there was less pushback on the idea that the commercial corridor could and should be improved. That said, commercial property and business owners on Willamette Street were concerned about implications of the proposed plan for parking, traffic (particularly access and egress as well as truck traffic forced onto residential streets), what they saw as a 15-foot "taking" with increased set-back due to street widening, and the commercial consequences of increased property values leading possibly to national chains forcing out local owners, There were also mixed opinions about the proposed changes to the street itself (including the current re-striping effort). Many voices identified the importance of finding a way to fund placing utility lines underground.

3.3   Disagreement on Facts or Interpretation

It became apparent through the interviews that there was marked disagreement and differences in understanding about various facts, findings, and assumptions—or the interpretation of relevant facts or findings. Sometimes, these differing interpretations contribute to an additional erosion of trust among the parties. The areas of disagreement or differences in understanding of both the

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[1] *Note that the interviews revealed apparent differences of opinion about the general effect of the SW-SAZ on allowable building heights and/or the likelihood that taller structures would be built in any given location. The challenges associated with this and other disagreements on the facts or issues are described in more detail below.*

details of the planning proposal and the implications of the zoning changes are far too many to enumerate here—nor is it necessary for the purposes of this assessment. With no venue for effective dialogue and communication among the key parties, community, and City, these differences of understanding remain in place, unresolved and unclarified, cementing the conflict and feeding the distrust.

3.4   Relationships

It appears that currently there is no constructive structure within which to foster effective communication. And, although all the interviewees were very cordial and effective in helping us understand the issues and their concerns, the tone of the *public* dialogue on these matters at times approaches incivility. For example, comments and dialogue on media websites in response to articles or Op/Ed pieces related to the SW-SAZ and Envision Eugene have been at times unkind and personal, with commenters often using aliases. Exchanges like these are only serving to further polarize views and people and deepen distrust and misunderstanding. Such exchanges may also be inhibiting or chilling participation by residents with differing viewpoints who would otherwise engage in reasonable discourse on the subject.

Despite all this, our sense was that most interviewees saw value in collaborative approaches to moving forward and resolving differences. However, their enthusiasm for and confidence in collaborative approaches was certainly tempered by a lack of trust.

4.   DISCUSSION OF FINDINGS

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.

Without a venue for effective communication, trust will not increase, misunderstandings will not be clarified, and shared understandings will not be built. In the absence of trust, it will be difficult for the community and the City to work together effectively. If the community and City are not able to work together in a context of collaborative inquiry and learning, a decision will be left to the City Council without the benefit of agreement within the community or between the community at large and the City. Depending on how things went from there, it is conceivable that the Council's decision would be challenged. In any event, the decision making would be characterized by adversarial dissention and would provide an unhelpful precedent for subsequent city planning.

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.

The process would be explicitly intended to shift the dynamic from an adversarial conflict between and among the City and community members to a process of joint inquiry, exploration, and learning.

Given the number of potential community members involved, it will be necessary to design a process that, on the one hand, is manageable and promotes efficient, constructive, and productive dialogue between and among community interests and the City and, on the other hand, provides for widespread and inclusive access to the information and the process by all members of the community.

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. The criteria for working group members would include having the time to meet with City representatives in a series of joint-inquiry and fact-finding meetings, having the support of community members, and having the ability to participate effectively in a collaborative process.

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. In this format, discussion is kept manageable, efficient, and productive while the goal of widespread participation is supported.

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

While the assessment interviews suggest that the City and some community members see the value of initiating a joint learning and trust-building process, and seem willing to participate in such an

effort, it is likely that questions about the goals and structure of such an effort will need to be addressed and answered as a step in moving ahead.

Among other tools and methods available to the working group, Oregon's Kitchen Table, a program within the National Policy Consensus Center (NPCC) at Portland State, could be used for in-depth survey engagement if that should be useful for gauging community views beyond the views of those who are able to attend the working group meetings. The Oregon's Kitchen Table model is able to provide detailed and impartial information. The working group would be able to fashion the tool to achieve the goals it identifies. As mentioned above, the tool could be useful should it become important to more clearly understand the relative extent or prevalence of particular perspectives, either within a neighborhood boundary or within the affected area more generally.

As mentioned above, 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). Such a process might, however, either be put on hold pending the outcome of the joint learning and trust-building process suggested above or could run parallel to the above process, with each venue feeding information to the other. However things are structured, the essential aims would be to build trust, improve communication, and develop shared understandings.

Clarification of the Meaning of Facilitation
We discovered during the assessment that the words "facilitated process" meant different things to different people and that, for some, the term conveyed a picture of a structured and coercive process imposed by outsiders with the goal of getting the community to accept the City's plan—a process that would interfere with the community developing its own vision of a future for the planning zone.

Oregon Consensus' understanding and intent with respect to a "facilitated process" is a process that works to cultivate effective communication among the various stakeholders and perspectives so as to optimize mutual understanding and responsible participation that might lead to agreements that can satisfy all interests. The facilitator's role is to create a process that is fair and inclusive and to promote good communication and the development of sound information upon which the parties can agree and can base decisions that are widely accepted. A facilitator seeks not to impose a way but to help those involved find their way, not to help one party be right but to help all parties find right.