

February 16, 2007

**Ms. Lisa Gardner**  
Planning Director  
Eugene Planning Division  
99 West 10th Avenue  
Eugene, OR

**RE: Land Use Code Amendments (LUCA) process**

Dear Lisa:

Residents and businesses in neighborhoods throughout Eugene have a substantial stake in the code that ultimately results from the Land Use Code Amendments (LUCA) process currently underway. As neighborhood leaders, we want the LUCA process conducted in a fair, open, and effective manner so it successfully provides ordinary citizens, as well as businesses and community organizations, a reasonable and meaningful way to participate in fixing and improving Eugene's land use code.

We're concerned, however, that the LUCA process thus far reflects a serious lack of transparency, clarity, and coherency in how decisions will be made, and the process to-date has failed to provide adequate opportunities for citizens to become educated about and discuss potential amendments. The LUCA process is not working well for ordinary citizens and is at risk of becoming another mismanaged project that doesn't serve the public interest and diminishes confidence in the planning process and the Planning Division.

To help establish a more effective LUCA process, we've listed specific problems below. Additional details are provided in the attached notes. We've also offered several recommendations for correcting the process.

**Lack of process transparency, clarity, and coherency**

The process has been underway since mid-Fall, and yet still lacks adequate transparency, clarity and coherency regarding when and how key decisions will be made. Specifically:

- The process lacks a clear and adequately precise statement of purpose, scope, and deliverables.<sup>1</sup>
- A clear, adequately specific, and relatively stable schedule has yet to be presented.<sup>2</sup>
- The public has gotten too little information, too late, about LUCA meetings.<sup>3</sup>
- The most recently posted "Tentative Schedule – Minor Code Amendments" block diagram and the November 7, 2006 "City Of Eugene Land Use Code Amendments Outreach and Involvement Overview" (revised draft) do not provide a complete or coherent description of the fundamental elements of the LUCA process, including decision points and processes, work products, and the structure of public involvement at various stages.<sup>4</sup>
- The cutoff date for submitting proposed amendments continues to be a moving target, and it's unclear how proposed amendments submitted at different points in the process will be treated.<sup>5</sup>
- The "lay" public hasn't been provided an adequate opportunity to learn which sections of code to address for their particular concerns and what level of preciseness is required for a proposed code amendment to get serious consideration.<sup>6</sup>

- There is as yet no description of how (or even whether) proposed amendments will be “winnowed” and/or “prioritized” prior to Planning Commission consideration. While it may be premature to expect all these decisions to be settled, there is a critical lack of a clear description of when, how, and by whom, the *approach* to winnowing and prioritization will be made.<sup>7</sup>
- It’s unclear what, if any, public meetings will provide an opportunity for thorough public discussion of proposed amendments prior to Planning Commission selection of amendments to recommend to Council.<sup>8</sup>
- There is also no information about the criteria the Planning Commission will use in making recommendations for Council action. Nor is there any information on when and how such criteria will be established. Thus, the public cannot know how to most effectively support (or oppose) proposals during public meetings.

Essentially, the public hasn’t been provided sufficient information at this point to know when or how citizens can effectively participate in many process decisions that are likely to have broad ramifications in the ultimate outcome. The process currently appears to be pressing forward towards critical decision points without a real plan for how to have *meaningful* engagement by a *well-informed* public.

The consultants have said this will all work out as the process continues. However, they have yet to even *identify* the key decisions to be made and when, how, and by whom the decisions will be made or when the public will receive information and have an opportunity to discuss and make recommendations on various decisions.

This lack of clarity, transparency, and coherency prevents the public, including us as neighborhood leaders, from effectively preparing for, and participating in, the decision process. The problem is further exacerbated by failing to provide timely, clear, and adequate information the public needs to offer thoughtful input into the process.

### **Failure to provide adequate public education and opportunities for discussion about proposed amendments**

The substantive core of the LUCA process is the “library” (i.e., collection) of proposed amendments. This library currently contains at least sixty pages of proposed amendments submitted by individuals and organizations. The contents are presented in only one form: as a PDF document with no Table of Contents or Index and only the coarsest of categorizations (e.g., “Industrial,” “Residential,” etc.).

- The document does not provide a manageable way for citizens to comprehend or react to what’s been proposed. Most fundamentally, related items are neither grouped, indexed, nor cross-referenced. Only in the most recent version were items even given an identifying number.
- Two of the previous versions of the document have been published with substantial errors and omissions, which were detected only by careful review by an interested citizen. The repeated publication of an inaccurate and incomplete document shows a lack of diligence on the part of Planning staff to assure consultants’ work meets minimum standards of accuracy.

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- The process doesn't appear to include any public meetings, or other means (such as a Web forum), to help interested citizens get answers to questions about the meaning and impacts of proposed amendments.
- There is no apparent mechanism to record and associate public comments on specific items. Thus, citizens can't learn what other individuals and organizations have said about proposals. Public meeting(s) alone are obviously an inadequate way to receive and disseminate public comments on such a large collection of proposals; and, as mentioned above, it's not clear the process even provides any opportunity for thorough public discussion of proposed amendments

As a result of these project shortcomings, citizens face daunting obstacles to becoming well-informed about the proposed amendments. Consequently, citizens, including neighborhood leaders, are severely hampered in their ability to effectively support or oppose amendments that may impact them.

### **Proposed action**

We urge you to direct responsible Planning Division staff to take prompt action so the LUCA process provides citizens the opportunity to participate *effectively* at all decision points. This requires, at a minimum, that the project staff and consultants:

- Provide clear, accurate, and complete information on the process scope, schedule, decision points, and decision processes.
- Provide timely public meeting announcements and include clear, concrete information about the structure and outcomes of the meeting.
- Provide adequate information, including proposals to be considered, well in advance of meetings so citizens and community organizations can consider and discuss proposals *prior* to the meeting at which a proposal is considered.
- Manage the proposed amendment library so that it is accurate, up-to-date, and can be comprehended and used effectively by ordinary citizens.
- Provide a means for citizens to get answers to questions about specific proposed amendments.
- Provide a means for recording citizen comments and making them available for review by other citizens.

We hope these changes will lead to a successful LUCA outcome that serves the public well.

Thank you for your consideration.

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The neighborhood leaders listed below are submitting this letter on their own behalf, not on behalf of their neighborhood associations. The organization names and titles are for identification purposes only and do not imply the organization has taken a position on the letter's contents.

Signatories:

**Jefferson Westside Neighbors**

Paul Conte, Co-chair

Rene Kane, Co-chair

**Santa Clara Community Organization**

Jerry Finigan, Chair

Kate Perle, Board member, NLC representative

**South University Neighborhood Association**

Bob Peters, Chair

**West University Neighbors**

Deborah Healey, Chair

**Amazon Neighbors**

Erik Muller, Co-chair

**Fairmount Neighbors**

John Barofsky, Co-chair

**Southeast Neighbors**

Kevin Matthews, President

Lisa Warnes, Vice President

**River Road Community Organization**

Rob Handy, Chair

Jolene Siemsen, Board member

Jan Spencer, Board member

Mara Wile, Board member

Kate Kelly, Board member

Teresa Damron, Board member

Marilyn Mohr, Board member

**Laurel Hill Valley Citizens**

Jan Wostmann, Co-chair

Rich Hazel, Co-chair

**Friendly Area Neighbors**

Bernie Corrigan, Co-chair

Carlos Berrera, Co-chair

**Crest Drive Citizens Association**

Kathy Saranpa, Chair

**Whiteaker Community Council**

Majeska Seese-Green, Chair

**Downtown Neighborhood Association**

Tom Peterson, Chair

**Active Bethel Citizens**

Linda Swisher, Bethel team member

**Churchill Area Neighbors**

Matthew Sheinin, Chair

Craig Topham, Vice chair

**Harlow Neighbors**

Robert Kline, Chairman

Jack Radabaugh, Vice chair

Louise C. Wade, Executive Committee

## NOTES

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1. Prior to the start of LUCA, there were indications from staff and public officials that the “minor code amendments” process in 2005 would be followed by a process for more substantial amendments. Yet we’ve now heard from LUCA consultants that the project scope is not intended to include major code changes. If this central issue has yet to be decided, when, how, and by whom will the purpose, scope, and deliverables be determined?
2. No public information was presented or discussions held about what appears to have been a significant decision to delay Council action from this Spring to next Fall. (Council action in Spring 2007 was originally reflected in the “Land Use Code Amendments And Process Facilitation Scope Of Work” document. The most recently posted “Tentative Schedule – Minor Code Amendments” block diagram indicates Fall 2007.)
3. The January 18 public meeting wasn’t even on the City’s weekly “Public Meetings Calendar.” Meeting dates are not updated in a timely manner on the LUCA Web page. (As of February 16, the page still displayed: “Next Community Meeting / Thursday January 18th, 2007.”) No announcement of “Feedback Loop Meeting #4” had yet been made, despite its being shown as “Late February” on the “Tentative Schedule”.

This basic mismanagement of the meeting schedule critically undercuts the ability of citizens to plan their individual participation and it hampers neighborhood associations and other community groups planning their own education and “turn out” activities.
4. As one example, the “overview” doesn’t even include information about the two Planning Commission meetings or the “Council Check-in” shown on the block diagram, yet what is planned for these three meetings is critical to understand the public process.
5. For example, will an individual or organization be able to introduce, or have a Planning Commissioner introduce on the party’s behalf, a proposed amendment *after* public meetings to review and comment on proposals have already been held? If so, how will such “late” submissions be subject to the same level of scrutiny and comment by the public?
6. Many citizens have little familiarity with the organization or technical aspects of land use code, but still desire to see changes in some aspects of land use regulations that they can express in plain English (e.g., “don’t allow development on alleys”). The process has lacked an educational component that would help citizens, including neighborhood leaders, refine their proposals so they are clear and adequately targeted and thus can successfully “compete” on a level playing field with other proposals that are submitted in a form more closely resembling standard code language.
7. For example, the “overview” says: “the project team will prepare several alternative approaches [to] using the selection criteria to create prioritized lists of suggested changes. Prior to Planning Commission deliberations, the project team will hold meeting #4 to review the draft lists and get feedback on the prioritization criteria from attendees.”

However, meeting #4 is scheduled for late February (i.e., within the next two weeks) and yet no “alternative approaches” have been posted for the public to review. Furthermore, there has been substantial public comment already that applying numerical criteria is *not* an appropriate way to winnow or prioritize, and yet there’s no indication of how or whether the LUCA process will be revised to reflect this public input.
8. According to the “overview” document, Meeting #4 is concerned with feedback on *prioritization criteria*. Likewise, Meeting #5 is described as for feedback on the Planning Commission *selection criteria* recommendations. No substantive focus is provided for Meeting #6, which is the final public meeting.