

Critique of MiCAP Prioritization Criteria List

The Minor Code Amendment Process (MiCAP) collected some suggestions from the public for criteria to prioritize proposed amendments. The following is a critique of the approach and specific criteria. – Paul Conte, April 1, 2007.

For more information on MiCAP, see www.jwneugene.org/micap.

Introduction [by MiCAP project team]

In order to prioritize the proposed code amendment changes in a fair and equitable manner, the public's input regarding prioritization criteria is currently being sought. These criteria will be used to objectively screen the large volume of code amendment suggestions.

The following is list of criteria that has been compiled from the input we have collected thus far. This list is in no way, shape or form a finalized list. It is merely a comprehensive library of the suggestions we have received to date; it is a work in progress. We encourage the public to continue provide alternative criteria and to comment on the existing suggested criteria both online and at the open house meeting on January 18th.

It is our intent that this list is representative of all of the voice of the community and their opinions. For this reason some of these criteria may seem to be repetitive. As this project progresses we will be working with the community and the planning commission to both combine the repetitive suggested criteria and condense the list.

General comments.

The whole notion of a semi-mechanical approach to scoring proposed amendments is questionable. Such an approach is highly dependent on validated metrics and is extremely sensitive to the details of how the “priority score” is calculated; for example, whether metrics are additive or multiplicative, how they are weighted, how non-linear and discontinuous relationships (functions, for the mathematically inclined) are treated, etc. This may sound “esoteric”, but it's actually just basic science.

In my experience, such attempts as we see here are often an inappropriate “fig leaf” for an insufficient decision process (whether private or public).

It would be more defensible to use some fairly simple approach to separating the “easy, beneficial, and widely-supported” proposals from the potentially “difficult” and/or “contended” proposals. More of the public process effort could then be spent on further categorizing and prioritizing the latter categories. (See more discussion at the end of the list.) In the end, the best approach is to have a well-informed, rationally-guided, public assessment be the fundamental process to decide which proposals to commit limited resources to.

That said, here are some specific comments on the criteria that have been proposed so far. There is a simple, fundamental way to assess each suggested criterion: “Test it” for

reasonableness against examples to see whether the criterion provides an effective way to “rate” proposals. See for example how a “Density” criterion(#19) fails such a test.

Suggested Prioritization Criteria (DRAFT)

Criterion	Description / Example
<p>1. Consistency with Growth Management Policies</p>	<p>This criterion would consider whether the suggested amendment was consistent with the City’s adopted Growth Management Policies (<i>see Appendix A</i>). Suggested changes that are consistent with one or more policies could be scored as a higher priority.</p> <p><i>The GM policies are intended for comprehensive planning, not as criteria for individual land use actions, including individual code amendments. Thus, these policies should be brought into the discussion when looking at the total “package” of current and proposed code”, not as a prioritization measure for individual proposals.</i></p> <p><i>An obvious recent example can be seen in the Council’s explicit directive to replace “blanket zoning” to achieve greater overall density with the tandem practices of “infill compatibility standards” (which may reduce maximum allowed density in some areas) and “opportunity siting” (which will increase actual density in some areas).</i></p> <p><i>It’s also unclear how a proposal would be “scored” relative to the GM policies. The GM policies are not weighted, and simply “counting” someone’s opinion of how many policies a proposal may further isn’t reasonable. Such judgments are not clear and objective, and some of the GM policies redundantly get at the same underlying point. In addition, there is an understandable “tension” among the GM policies, and appropriately using the GM policies requires a more comprehensive assessment of the complete set of inter-related actions, not a mechanical “rating” of individual actions.</i></p>
<p>2. Size of area affected</p>	<p>This criterion would consider the number of parcels or total acreage affected by the proposed amendment. For example, one amendment might affect all lands within the City; whereas another might affect only a few individual parcels. Suggested changes that had a broader impact could be scored as a higher priority.</p> <p><i>This metric is simply one factor in determining “scope of impact”. (Other factors being equal, an amendment that covers a larger geographical area has a greater impact.)</i></p> <p><i>Scope of impact can cut both ways because a greater scope may</i></p>

Criterion	Description / Example
	<p><i>make a proposal <u>less</u> desirable or more difficult to achieve. Thus, any metric of a “scope of impact” should be used only as a <u>multiplier</u>, rather than an independent scale for prioritizing proposed amendments.</i></p> <p><i>In this particular case, affecting a larger area should not <u>add</u> to a proposal’s priority “score”.</i></p> <p><i>See especially discussion under 10.</i></p>
3. Level of concern	<p>This criterion would consider how many individuals or organizations rated a particular suggestion as a high priority. NOTE: While potentially useful in gauging level of interest, this criterion may be difficult to measure in an equitable fashion.</p> <p><i>This is one way to express “public ranking of priority ,” which is inherently something that must be part of this public process.</i></p> <p><i>Neighborhood Associations’ positions on prioritization should be given substantial weight because they are a formally recognized means of increasing public participation.</i></p>
4. Correcting an existing error	<p>This criterion would consider whether the proposed amendment is correcting an existing error or inconsistency in the code. Suggested changes that correct an existing problem could be scored as a higher priority. It would be meant to connect the intent of code to correct code language.</p> <p><i>This would be better used to categorize and then “triage” the proposals, rather than used as part of a “score”. A “simple/easy” fix to a “major” problem, for example, should be scored higher than a “complex/difficult” fix to a “minor” problem.</i></p> <p><i>See 7.</i></p>
5. Cost	<p>This criterion would consider the overall cost to fully develop the proposed amendments and take them through the hearing process. For example, some proposed amendments are relatively straight-forward to write; whereas others are very complex and would require considerable time and effort to prepare. Suggested changes that are relatively inexpensive to accomplish could be scored as a higher priority.</p> <p><i>Cost is a basic (and workable) metric. How to weight cost and “value” is the challenge.</i></p>

Criterion	Description / Example
<p>6. Public Involvement</p> <p><i>This would be more accurately labeled: Level of public process required.</i></p>	<p>This criterion would consider whether a separate public involvement process was needed to fully develop the suggested amendment. For example, some suggested code changes might require additional planning commission work sessions or a special committee to work through significant policy issues. Suggested changes that can be accomplished without a separate public involvement effort could be scored as a higher priority.</p> <p><i>This may be useful to estimate, and then use in estimating: cost (see 5), complexity (see 8), and difficulty.</i></p>
<p>7. Reason for change: Corrective / Perfective / Adaptive</p>	<p>Corrective: It's most critical to correct "broken code," meaning code that does not work the way its intended to.</p> <p>Perfective: Amendments that simplify or clean up the code language or make minor tweaks in the effect. For example, clarifying undefined words.</p> <p>Adaptive: Changing standards, or other parts of code, to work differently. For example, adding flag lot standards to R-2, R-3, & R-4.</p> <p>NOTE: The corrective/perfective/adaptive terminology comes from established practices in revising computer software code. It seems apt here, but other terminology could work as well.</p> <p><i>See Comment [2], below</i></p>
<p>8. Complexity</p>	<p>This criterion would consider the level of difficulty to construction a solution/write a code. Those amendments that are simple would be given a higher priority. For example, Replacing the undefined term "side property lines" with the defined term "lot side line" is easy. Crafting a useful standard for "minimum lot width" is hard because of the many irregular variations of lot shape. In the middle would be fixing the insufficient definition of "lot frontage" and the inconsistent use of that term throughout the code.</p> <p><i>See Comment [2], below</i></p>

Criterion	Description / Example
9. Agreement	<p>This Criterion would take into consideration the amount of agreement among the community. Almost all “perfective” changes and many “corrective” changes should have little opposition because in theory, they don’t change the intent of the code. Among the “adaptive” changes, some may be substantial enough changes that various parties will have major disagreements and fight hard to prevail. Other “adaptive” changes will have near universal support or a large body of support with a small, but notable group of opponents. Those amendments that are easily agreed upon would receive a high priority.</p> <p><i>See Comment [2], below</i></p>
10. Intensity of Impact <i>This should probably be labeled: Scope of impact</i>	<p>This criterion would take into consideration the number of people affected and depth of effect on basic needs. Amendments that would affect a majority of people would have a high priority.</p> <p><i>“Scope of impact” is a multiplier, not an “additive” factor. Take for example two proposals: A, scored <u>low</u> on other criteria; and B, scored <u>high</u> on other criteria. If they have equal “scope of impact” (population, area, etc.) then the greater that scope, the greater the difference in score between them should become.</i></p> <p><i>The number of people affected is just one factor in determining “scope of impact”. See comments under 2, above.</i></p>
11. Impact of no change <i>This is really just a “benefit” metric.</i>	<p>This criterion would take into consideration the impact of not making an amendment or deferring it to a later date. An instance where deferment or maintaining the code would have a “negative” impact would result in a higher priority. NOTE: The issue of subjectivity arises here. An objective tool to identify “negative” impact would have to be put in place.</p> <p><i>This is just the inverse of measuring “benefit if adopted,” and should not be a separate measure from any “benefit” metric.</i></p>

Criterion	Description / Example
12. Ignore Budget	<p>This criterion would disregard the amount of funding that would be required to adopt the amendment during the prioritization process. In this instance, budget would not be considered as a prioritization criteria in order to allow financially taxing projects the ability to be prioritized in a higher manner.</p> <p>NOTE: Unfortunately, the code amendment process does have a fixed budget and it should be recognized that those amendments that are more financially cumbersome will restrict the amount of suggested amendments that can be brought into this project. Further, some amendments may be so costly they cannot be completed at this time with the amount of financing available for this project.</p> <p><i>This entry is really an argument about a criterion, not a proposed criterion.</i></p>
13. Number of Appeals	<p>The amount of times a specific amendment issue has been appealed to the planning commission (?) should be an indicator as to the importance of the amendment. The more the amendment issue has been appealed, the higher the priority it would receive.</p> <p><i>While this is intriguing, there needs to be some data to support this idea. For example, it may be that “financial interests at stake” is directly correlated to “decision is appealed”, rather than “importance.”</i></p>
14. Variety of issue Types	<p>This criterion would take into consideration the type of issue that the amendment dealt with. For example, large policy issues versus small housekeeping issues. In this instance, one type of issue would have a higher priority over the other types of issues.</p> <p><i>Greater scope cuts multiple ways, and is better measured with other metrics:</i></p> <p><i>a) cost (see 5)</i></p> <p><i>b) complexity (see 8)</i></p> <p><i>c) scope of impact (see 10)</i></p> <p><i>This should probably be relabeled: Scope of policy/code affected.</i></p>
15. Environmental Impact	<p>This criterion would take into consideration how much impact and the type of impact that the suggested amendment would have on the environment. Those that would have a significantly negative impact on the environment would be given a low priority.</p>

Criterion	Description / Example
	<p><i>This may be hard to measure, but is a good example of a straightforward criterion.</i></p>
16. Time Sensitivity	<p>This criterion would take into consideration what type of impact deferring the suggested amendment would have. Those that would have a significant impact if deferred would be given high priority.</p> <p><i>This may be adequately covered by other measures of “benefit”. In general, other things equal, it’s preferable to implement “great” amendments sooner and “fair” amendments later.</i></p> <p><i>However, there may be some specific proposals where there’s a specific deadline this fall, such that if a particular amendment doesn’t make it in this round, it loses all or much of it’s value.</i></p> <p><i>This can probably be better handled by simply identifying such “special cases” (if any).</i></p>
17. “Temperature” gauge	<p>This criterion would take the “temperature” of an issue among residents. This is a somewhat subjective criterion but critical to respond to. These are the issues that are most important to Eugenions (sic).</p> <p><i>This seems like just another way to say “level/intensity of public support”.</i></p>
18. Controversy level	<p>This Criterion would establish the level of controversy surrounding a suggested amendment. Those issues that are easy to agree on would be given a high priority. One the other hand it has been stressed that, “Difficulty (tough changes, along with easy ones) in reaching agreement in community – but have been referred to this process (move the ball forward on hard ones even if not with code amendment ready at end of this project).</p> <p><i>Not sure about the explanation.</i></p> <p><i>See 8 -- “Agreement”</i></p>
19. Density	<p>This criterion will consider whether or not the suggested amendment contributes to higher urban density or encourages sprawl. In this instance, the criteria would rank those amendments that encourage higher urban density as a higher priority.</p> <p><i>Simply increasing density is obviously not an appropriate criterion because re-introducing cramped tenement houses</i></p>

Criterion	Description / Example
	<p><i>would rank the highest.</i></p> <p><i>In addition, there are highly-beneficial code amendments to maintain the stability and character of established neighborhoods that are likely to reduce density in some area.</i></p> <p><i>See discussion under 1.</i></p>
<p>20. Irrevocable changes vs. revocable changes vs. status quo</p>	<p>This criterion would take into consideration whether or not the suggested amendment is irrevocable and what would happen if the status quo is maintained. For example, changing allowable height of fence vs. allowing four-plex within an existing single-family neighborhood. Those amendments that are revocable would be given a higher priority.</p> <p><i>This is another intriguing idea. Code amendments themselves are, of course, always “revocable”. I think this intends to get at the fact that it would take a long time to “reverse” the effect of permitting (e.g.) fourplexes in single-family neighborhoods because once built, they can be maintained for a hundred years or more. In contrast, the effect of allowing higher fences might be “reversed” over a twenty year period after the fence height was returned to a lower limit.</i></p>

What’s missing?

Here are several criterion that should be considered:

- *Public support, as measured by a variety of metrics. A key metric should be “neighborhood association” support.*

The following are directly from the Eugene-Springfield Metro Plan, and – unlike the Growth Management policies – these are adopted as mandatory criteria for land use actions, including code amendments.

- *Encourages home ownership, particularly for low-income households (Metro Plan policy A.20)*
- *Reduces impacts of higher density residential and mixed use development on surrounding areas. (Metro Plan policy A.23)*
- *Increases the stability and quality of older residential neighborhoods. (Metro Plan policy A.25)*
- *Encourages rehabilitation of existing housing and neighborhoods. . (Metro Plan policy A.26)*

Criteria Utilization

Below are comments that have come from community members that may not represent specific criteria, but rather ways to go about utilizing the criteria.

- [1] There are currently two ways to amend the code: 1) apply directly to the council for a type V application (EC 9.7500, 9.8060) or 2) submit through this meat grinding process. The later should distinguish between amendments that are minor in scope and applicability (i.e. truly housekeeping changes) and those of broader implications. Simply saying the size of area affected adequately addresses the import of certain changes, e.g. seemingly small changes that can have significant impacts to a sector (e.g. healthcare) and for changes that have a ripple affect on multiple zoning districts, although the change may be proposed for a single zone. These changes of major impact should be given a fair hearing by council and not simply winnowed out as not meeting initial criteria.
- [2] The “hard/easy” and “agreement” dimensions are highly subjective, of course. But the point isn’t to apply some numerical scale to determine which get winnowed out and what the priorities are. The point is to help triage the candidates. For example, proposed amendments that are corrective, easy and receive little opposition should simply be put on the “to do” list. They provide substantial benefit for low cost. The “perfective” amendments can go on a “do as time allows” list (except for the unlikely case where there is significant disagreement). The real attention to winnowing and prioritization should be on the “hard” hard corrective or adaptive items and the adaptive items where there is disagreement. This is where we need neighborhoods to have a major say in the decisions.

APPENDIX A The City Council adopted Growth Management Policies:

Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently.

Encourage in-fill, mixed-use, redevelopment, and higher density development.

Encourage a mix of businesses and residential uses downtown using incentives and zoning.

Improve the appearance of buildings and landscapes.

Work cooperatively with Metro partners (Springfield and Lane County) and other nearby cities to avoid urban sprawl and preserve the rural character in areas outside the urban growth boundaries.

Increase density of new housing development while maintaining the character and livability of individual neighborhoods.

Provide for a greater variety of housing types.

Promote construction of affordable housing.

Mitigate the impacts of new and/or higher density housing, in-fill, and redevelopment on neighborhoods through design standards, open space and housing maintenance programs, and continuing historic preservation and neighborhood planning programs.

Encourage the creation of transportation-efficient land use patterns and implementation of nodal development concepts.

Increase the use of alternative modes of transportation by improving the capacity, design, safety, and convenience of the transit, bicycle, and pedestrian transportation systems.

Encourage alternatives to the use of single-occupant vehicles through demand management techniques.

Focus future street improvements on relieving pressure on the City's most congested roadways and intersections to maintain an acceptable level of mobility for all modes of transportation.