

Refinement Plan Process Framework

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This document provides an introductory, high-level description of the elements of a refinement plan process. This document covers two types of refinement plans:

- Neighborhood Refinement Plans (NRPs), such as the *Westside Neighborhood Plan (WNP)*; and
- Those Special Area Refinement Plans (SARPs) that serve the same purpose as an NRP, but which cover an area within the boundaries of two or more city-chartered neighborhood organizations; for example, a potential *South Willamette Street Refinement Plan (SWSRP)*.

This document covers both amending an existing refinement plan, such as the *WNP*, and creating a new refinement plan, such as the *SWSRP*.

This document covers the following elements:

- Charter
- Planning Team
- Neighborhood Planning Process
- Statutory Approval Process

Refinement Plan Charter

The Refinement Plan Charter is a document that City Council approves and which establishes at least the following:

- Purpose
- Geographic Scope
- Work Products
- Timeline
- Establishment of the Planning Team

See attached draft template [*forthcoming*].

Planning Team

Composition

The Planning Team comprises eight to twelve members of the community within the geographic scope identified in the Charter. A “community member” is either:

- A member of the city chartered neighborhood association for a Neighborhood Refinement Plan; or

- A resident within the geographic area of a Special Area Refinement Plan, or a person who otherwise qualifies as a member of one of the SARP neighborhood organizations, *based on the respective neighborhood's membership criteria as applied to the SARP's geographic area*. For example, a Friendly Area Neighbors (FAN) member must be a resident, property owner, or business owner, 18 years of age or older within the FAN boundaries. So, in addition to residents within the geographic area of a potential *South Willamette Street Refinement Plan*, the owner of property or a business within the FAN portion of the *SWSRP* who is at least 18 years old, would also be a member of the *SWSRP* community.

The Charter establishes the Planning Team composition and method of appointing Planning Team members.

The composition may be specified simply as the number of team members, or it may specify certain “slots” to be filled. Here’s an example from the *Westside Neighborhood Plan*:

- Nine residents (owner occupants and/or renters)
- One business principal
- One social service agency principal

For a SARP, there might also be some allocation of slots to each of the neighborhoods. Here’s an example from the *Willakenzie Area Plan*:

- Six neighborhood residents
 - Four selected by the Cal Young Neighborhood Association
 - Two selected by Harlow Neighbors
- Two unincorporated area residents
- Three business principals
- One principal of the sand and gravel industry

The *Willakenzie Area Plan* allocation of the six neighborhood residents was based on the number of households in each of the two neighborhoods.

Appointment process

The Charter also establishes the method of appointing Planning Team members. There are numerous ways that this can be done. For active neighborhood organizations, here’s a sound approach, coordinated by the organization’s board:¹

¹ Many years ago, Eugene had an independent “Citizen Participation Committee” (CPC) that played a key role, in addition to neighborhood organizations, in nominations and approval of Planning Teams. Unfortunately, the CPC was dissolved and the Eugene Planning Commission was designated to serve as the CPC. However, since the EPC itself has a statutory role in the final approval process of a refinement plan, it’s inadvisable to put those few, unelected individuals in a position to control the

1. The neighborhood organization board establishes a proposed process and criteria for nomination of Planning Team members (within the framework of the Charter), and the general membership deliberates and approves a final version.
2. Conduct a robust announcement and invitation for applicants.
3. Interview the candidates by the board or committee appointed by the board.
4. Recommend applicants to the general membership (by the board or committee)
5. Nominate the members (by the general membership)
6. Present the list of nominated members to City Council for approval of the Planning Team.

This approach helps ensure that the Planning Team has the support of the neighborhood(s) and elected officials.

The role of the Planning Team

The Planning Team has four fundamental responsibilities:

- Oversee a robust process to ensure that all interested members of the neighborhood or SARP area have full knowledge about the issues, facts and different opinions.
- Oversee a robust process to ensure that all interested members of the neighborhood or SARP area have the opportunity to engage in full discussions with other community members in preparation for decisions regarding the draft refinement plan (or plan amendments).
- Prepare a draft refinement plan (or amendments) that fully reflects the positions of members of the neighborhood or SARP area.
- Oversee a deliberation and decision process to ensure that all interested members of the neighborhood or SARP area have an equal role in determining the final draft refinement plan.

It's essential to understand that the Planning Team is responsible for overseeing a process that results in a draft refinement plan that reflects the views of a broad, well-informed neighborhood community.

There are several important points to understand about a Planning Team:

- The Planning Team must reflect the interests of the neighborhood (or SARP) community; the Planning Team is not the vehicle for reflecting other interests that conflict with the neighborhood (or SARP) community's interest. That happens during the public approval process before the Planning Commission and City Council.

composition of the Planning Team since that would be inconsistent with the intent that a CPC provide an *independent* guarantee of broad citizen participation.

For example, the Planning Team is not the vehicle to attempt to reconcile the opinions of a representative of an advocacy organization (e.g., 1000 Friends of Oregon) with the opinions of members of the neighborhood (or SARP area). If neighborhood members (not on the Planning Team) want to advocate for particular agendas, that's appropriate – each neighborhood member must have the same opportunity to express his or her positions. But outside organizations or their representatives do not have a “seat at the table” as far as the Planning Team's responsibilities.

- In addition to being a member of the neighborhood (or SARP area), a Planning Team member must be committed to the responsibilities listed above. Planning Team members are not appointed to represent a particular sub-population or political agenda. The Planning Team is not where appointed members jockey and negotiate for their own agendas. They must be committed to ensuring a robust community process and a draft refinement plan that reflects the community's intent.
- Any community member whose priority is to advocate for his or her personal or political agenda has every right to do that during the process; but with that priority, he or she should *not* be a member of the Planning Team.

Two examples may help illustrate the above points.

A JWN resident homeowner would meet the most basic criteria to be a Planning Team member, i.e., he or she would be a member of the JWN neighborhood. However, if that individual desired to be *on the Planning Team* with the individual's priority being to get the Planning Team to produce a refinement plan amendment welcoming new EmX service through the neighborhood, the individual *should not* be appointed to the Planning Team. Instead, the individual should have the same opportunities as an *opponent* of EmX through the neighborhood community process to persuade other neighborhood members to support EmX.

This principle does not mean that Planning Team members are not supposed to share information or express opinions on the Planning Team. For example, the principle value of having one or more local business principals on the Planning Team is to ensure the process is inclusive of business owners and that community members become knowledgeable about business owners' concerns and aspirations. The distinction is that a Planning Team member should use their knowledge of the community, as well as their knowledge and experience in various areas (e.g., business, social services, transportation, etc.) to help engage as many community members as possible and help ensure community members are well-informed across a variety of perspectives. Then, a Planning Team member should respect the will of the community, even if that's contrary to the Planning Team member's personal opinions.

As a second example, consider two individuals who own a rental properties in the area of a potential *South Willamette Street Refinement Plan*, but who don't live in that area. Both individuals would be "members" of the SWSRP community.

Now suppose that one of the individuals (Jones) makes clear that he or she will put their individual financial interest aside while serving as a Planning Team member, but the other individual (Smith) desires to be on the Planning Team so as to advocate for his and other non-resident property owners' financial interests. Jones would be an appropriate candidate to appoint to the Planning Team, but Smith would not. Smith has every right to advocate for policies that would potentially increase the market value of his or her property, *but only as one among all the members of the SWSRP community*.

In order to ensure that Planning Team members understand and faithfully fulfill their role, there should be a "Principles of Participation" document approved before inviting people to apply for the Planning Team. (See attached example.)

Neighborhood Planning Process

[A more complete description will be coming soon]

The following link provides the PDF of a self-running Powerpoint presentation that was provided on CD to the Planning Commission. It will show you how a community-driven process was done to develop code for the JWN neighborhood.

<https://trusttheneighbors.files.wordpress.com/2016/01/presentationtoepc.pdf>

When the proposal got to City Council, the (renamed) Jefferson-Westside Special Area Zone was approved 8-0, and the City Council actually broke into applause.

Because JWN already had reasonably good refinement plans, and several of us knew how to write zoning code, we went straight to developing a new zoning ordinance.

The south Willamette Street area lacks a refinement plan, and thus the first work product needs to be a refinement plan. Here is some additional information on refinement plans and the process.

<https://trusttheneighbors.files.wordpress.com/2016/01/refinementplanfaq.pdf>

Statutory Approval Process

The Eugene City Council has adopted land use code provisions, consistent with Oregon Revised Statutes, that specify the public process for adoption or amendment of a refinement plan.

Eugene Code (EC) Sections 9.7500 through 9.7560 and 9.8421 through 9.8424 cover the process, which in brief comprises:

- Once a draft refinement plan or amendment(s) are produced by the neighborhood planning process (above), City Council formally initiates adoption or amendment of a refinement plan, based on the draft.
- The City provides formal notice of a public hearing by the Planning Commission.
- City staff produces a report with findings regarding the plan.
- The Planning Commission holds a public hearing and accepts oral and written testimony.
- The Planning Commission deliberates and makes a recommendation to City Council.
- The City provides formal notice of a public hearing by the City Council.
- The City Council holds a public hearing and accepts oral and written testimony.
- The City Council deliberates and votes on the proposed plan or amendments.
- If the City Council adopts or amends a plan, the action may be appealed to the state.
- After a specific period (which may vary) and after resolving appeals, the plan's policies become effective.

The timeline for the statutory process is roughly six to nine months, depending on the complexity.

A new or amended refinement plan may require concurrent amendment of the *Metro Plan*, especially if the land use designations or densities are changed.

Note that the statutory process is where *any* individual or organization has the ability to provide evidence and arguments for or against the proposed plan. The formal, somewhat legalistic nature of the statutory process works to the advantage of both City staff and established organizations, such as the Planning Commission, Home Builders or Lane County, 1000 Friends of Oregon, etc. To a large degree, the process is “inside baseball,” with the average citizen, and even neighborhood organizations, at a disadvantage *if there hasn't been a genuine, neighborhood community process to develop a draft.*

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The Special Area Refinement Plans (SARPs) that serve the same purpose as an NRP, but which cover an area within the boundaries of two or more city-chartered neighborhood organizations; for example, a potential *South Willamette Street Refinement Plan (SWSRP)*.

CHARTER

OF THE SOUTH WILLAMETTE STREET AREA PLANNING TEAM

Adopted _____, 201__

ESTABLISHMENT

The South Willamette Street Planning Team was established in _____ 201__ by the by adopted motion of the Eugene City Council address planning for future development in and transportation services for the area around south Willamette Street.

PURPOSE

The primary purpose of the Planning Team is to conduct a community-based process to produce a draft Special Area Refinement Plan for area around south Willamette Street.

The Envision Eugene pillars and the adopted Eugene Growth Management Policies shall be used to guide the work of the Planning Team and community in developing the *Draft South Willamette Street Area Refinement Plan (draft SWSARP)*.

PROJECT SCOPE AND CONTEXT

Planning elements to be addressed:

- Residential and commercial development.
- All modes of transportation service and facilities.

Geographic area covered:

The draft SWSARP will cover approximately the area bounded by Amazon Parkway, 24th Avenue, 29th Avenue and Portland Street and the western boundary of Wxxx Plaza. Based on adequate findings and community direction, the Planning Team may shrink and/or expand the draft SWSARP boundaries in the following ways:

- The northern boundary may be moved south as far as 26th Avenue.
- The southern boundary may be moved south as far as 31st Avenue (extending the eastern boundary along Hilyard Avenue).
- The western boundary may be moved west as far as Jefferson Street and XXX, etc.

MEMBERSHIP AND VOTING

General

The Planning Team comprises:

1. Voting members recommended by active, city-chartered neighborhood associations and approved by the City Council.
3. One non-voting staff member designated by the Planning Director.
4. One non-voting, ex-officio member who is a Planning Commissioner designated by the Planning Commission.
5. As non-voting, ex-officio members, the Ward 1 and 2 City Councilors.

Neighborhood association members and alternates

Each active, city-chartered neighborhood association, or their respective board, may recommend one person as a Planning Team member and one person as an alternate for the Planning Team.

Term of service

The term of service shall be as long as the Planning Team exists or until the member resigns, can no longer serve, or is removed under the provisions of this charter.

Removal and replacement of members

1. The City Council may remove any voting member or alternate for reasonable cause.
2. A neighborhood association may remove its member or alternate at any time.
3. A non-neighborhood-association member may remove his or her alternate at any time.
4. The Planning Director may remove the non-voting staff member at any time.
5. The Planning Commission may remove an ex-officio member at any time.
6. A replacement for a member who resigns, can no longer serve, or is removed under the provisions of this charter shall be recommended and appointed as provided under sections IV.B through IV.D.

Responsibilities of alternates

1. An alternate is expected to stay fully informed on the proceedings of the Planning Team.
2. An alternate should take positions and cast votes consistent with the expressed intent and prior positions and votes of the respective primary team member.

Voting

1. Each voting member shall have one vote.
2. An alternate may vote only when the respective team member is not present.

ORGANIZATIONAL STRUCTURE AND RULES

Standard organizational structure and rules

Except as provided in other sections of this Charter, the Planning Team shall be organized and operate as described in the *Organizational Structure and Rules of the Eugene Infill Compatibility Standards Planning Team*, which shall initially be adopted by a two-thirds vote.

Meetings

1. All meetings of the Planning Team shall be open to the public.
2. Only voting Planning Team members, or an alternate when the respective primary member is absent, may make motions or vote during Planning Team meetings.

ADOPTION AND AMENDMENTS

Adoption

1. The Planning Team shall adopt this Charter by approval, at a Planning Team meeting, or in writing within ten days of a vote, of at least eleven neighborhood association members and four other (non-neighborhood) voting members.
2. This Charter shall become effective upon approval by the Eugene Planning Commission.

Amendments

With the exception of Sections I (Establishment), II (Purpose), and VI (Adoption and Amendment), this Charter may be amended by the following steps:

1. A voting member of the Planning Team must provide notice of a proposed amendment, including the language of the amendment, at a regular Planning Team meeting preceding the regular meeting at which the amendment is to be considered.
2. A proposed amendment may be considered, amended, and approved at the regular Planning Team meeting following notification. Approval of an amendment requires the same approval by voting members as stated in Section VI.A.1.
3. The Planning Commission must approve any amendment approved by the Planning Team for the amendment to become effective.

Principles of Participation by Planning Team Members

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The following principles of participation have been agreed upon by all members of the _____ Planning Team that has been chartered to develop a draft [Neighborhood or Special Area] Refinement Plan [or amendments to the _____ Refinement Plan].

- Planning Team members will represent and be accountable to the community members of the [_____ neighborhood association or the geographic area encompassed by the planning process].
- Members will work for the overall “good of the neighborhood community,” rather than represent or promote particular organization(s) or agenda(s).
- Members will work in good faith and with reasonable effort to educate community members about the work of the Planning Team.
- Members agree to follow the adopted **Charter, Organizational Structure and Rules, and Process Plan and Schedule**.
- While they serve on the Planning Team, members agree not to lobby City Council or the Planning Commission on behalf of their own positions or points-of-view that are contrary to the decisions of the Planning Team.
- If a member receives inquiries from the media, the member is free to speak from their individual experience, but not to speak for the Planning Team or to speak against decisions of the Planning Team. For inquiries that require a broader perspective or in-depth response, contacts should be referred to the Planning Team Chair or other spokesperson designated by the Planning Team.
- Planning Team members will:
 - Extend trust relative to the intentions of other members. Avoid making assumptions about the interests and motivations of others.
 - Avoid adherence to a specific ideology and seek solutions all can support.
 - Value diverse points of view, and the right of others to express differing points of view.
 - Share information and opportunities to participate among all members.
 - Share off-line dialog and information with the rest of the Planning Team.

- Respect the decisions of the Planning Team. Individual members' opinion of decisions made by the Planning Team can be stated and reflected in the record, but members agree not to undermine the work of the Planning Team.
- Commit to attend Planning Team meetings, be prepared, and arrive on time. (Notify the Chair if you expect to miss a meeting or be late.)
- During Planning Team meetings, members will:
 - Commit to productive discussion practices, such as staying on agenda topic, and framing solutions and proposals that advance the discussion.
 - Respect the presiding person's role as gatekeeper of rules and agreed-upon standards of courtesy and conduct. Members will strive to "keep their own gate."
 - Wait to speak in turn.
 - Participate, but share the floor.
 - Speak with civility, both in tone and content.
 - Speak to issues, not individuals. (Avoid making or taking issues personally.)
 - Strive for brevity, avoiding restatement or speech-making.
 - Avoid side conversations and distractions during meetings.
 - Turn off cell phones and beepers.
 - Be courteous and judicious with use of laptops.