



Oregon

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May 21, 2009

TO: Land Conservation and Development Commission

FROM: Ann Glaze, Chair, Citizen Involvement Advisory Committee (CIAC)
Cliff Voliva, Communications Officer and Liaison to CIAC
Darren Nichols, Community Services Division Manager

SUBJECT: **Agenda Item 12, June 4 – 5, 2009 LCDC Meeting**

CITIZEN INVOLVEMENT WORK PROGRAM DEVELOPMENT

I. Background

The Citizen Involvement Advisory Committee (CIAC) works with the Land Conservation and Development Commission (LCDC) to advise the commission regarding citizen involvement and related policy issues. The committee is currently developing a work plan for its next round of statewide efforts.

In a letter dated December 8, 2006, CIAC offered its observations and suggestions to the Oregon Task Force on Land Use Planning (“Big Look” Task Force). In that letter, the CIAC listed six general areas for improvement for citizen involvement in the land use process. That list offers background and context for the potential work plan elements included in this report (see Attachment A).

Several months ago, CIAC also initiated a conversation with DLCD’s Community Services Division. The initial purpose for that discussion was to explore opportunities to improve citizen involvement in the post acknowledgment plan amendment (PAPA) process. Following a few adjustments to DLCD’s PAPA process, the conversation was expanded to include periodic review and other department processes. Those subsequent conversations led to the creation of a draft project list addressing a wide range of potential citizen involvement efforts, including increasing CIAC involvement in periodic review.

II. Purpose

The Department of Land Conservation and Development (DLCD) and LCDC’s CIAC recognize that citizen involvement is a vital component to Oregon’s statewide planning program. CIAC and DLCD also recognize that Goal 1 is limited in terms of its prescriptive requirements, and that the ability of citizens to provide meaningful input into land use decision-making may not be fully realized across the state.

The following list of *Opportunities, Issues and Challenges* to citizen involvement in Oregon is the result of recent meetings between DLCD staff and the CIAC. These are general observations about the state of citizen involvement and suggestions for CIAC, DLCD and LCDC to investigate further. The list provides a starting point for discussion, prioritization and development of a joint work plan for LCDC, CIAC and DLCD to capitalize on opportunities and to address citizen involvement issues. The items are *not* presented in order of priority, and LCDC is requested to provide feedback or direction to the CIAC and the department regarding this initial list of potential citizen involvement efforts.

III. Opportunities

Following is a list of opportunities identified by CIAC members:

- Provide citizen access to the State of Oregon’s Legislative Information Notification Update System (LINUS) bill tracking system, or other comparable tracking system, for interested citizens to follow bill amendments and hearings during the legislative session.
- Provide a state-sponsored blog site for interaction and information sharing between citizens and interested parties on land use issues, including citizen involvement.
- Encourage all local, regional and state land use applications to be available online. This effort recognizes that the current budget climate may present challenges for some organizations. The CIAC would work with local and regional partners to make online applications available within a reasonable timeframe.
- Develop and maintain an information database (including a GIS component) for current land use data sharing between local, state, federal and Tribal entities. Make current data available to local governments and citizens for planning projects, decision-making and comprehensive plan updates.
- Change periodic review to focus on community visioning. This suggestion recognizes several challenges and limitations: funding, politics, staffing, additional process, public education, etc.
- Provide CIAC and local governments an opportunity to work together during the plan evaluation phase of periodic review. Also include CIAC as a standing member of the Periodic Review Assistance Team to review and comment on proposed local citizen involvement in periodic review.
- Rename Periodic Review to reflect something more meaningful to citizens.
- Seek LCDC recognition of formal neighborhood groups in legislative land use processes.
- Early involvement with citizens and neighborhood groups prior to planning projects and land use decisions. This suggestion would also provide specific guidance for local governments undergoing periodic review, plan amendments and local decision-making processes. Potential advantages include:

- limited appeals of local decisions;
 - increased trust of local government planning and process;
 - better projects and proposals incorporating citizen input/suggestions;
 - better communication between local officials and citizens;
 - increased citizen support for overall community vision.
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- Provide citizen involvement training for elected and appointed officials, and for citizens.
 - Demonstrate and showcase successful citizen involvement programs and strategies used by local governments in Oregon and elsewhere.
 - Develop outcome measures for use by CIAC and local Committees for Citizen Involvement (CCI) to demonstrate improvements over time.
 - Schedule monthly CIAC meetings with alternating meetings conducted via video conference or other technology. CIAC members suggest conducting a “test pilot” meeting format that could also be used to improve remote participation from citizens, commission and committee members and staff.

IV. Issues and Concerns

- Local governments may provide minimal opportunity for citizen involvement prior to adopting local plan amendments. Plan amendments are often adopted as “consent agenda” items with little or no information regarding the proposal or its impact on citizens or the community.
- Some local governments create barriers to citizen involvement, making it more difficult for citizens to learn about and engage in the local land use process. Reasons for these barriers may include real or perceived costs, time frames, or political resistance.

V. Challenges

Most local governments have limited staff capacity to handle existing planning needs. Local governments are also unaware of or uncertain about the value of including citizens more directly into planning and land use processes. Regular citizen involvement program updates are difficult for most Oregon local governments to add to existing priorities.

Oregon’s statewide planning program offers little guidance and few examples for local governments to rely on in completing a review and update of citizen involvement programs. Although state level staff recognize a growing need for local government training in citizen

involvement (and many other planning issues), current budget levels severely limit opportunities to provide needed training.

VI. Initial Areas of Interest

On April 16, 2009, CIAC discussed the following efforts against two basic criteria:

1) benefit(s) to citizen involvement; and 2) relative ease of implementation.

The committee's initial vote is listed below in order of preference.

- CIAC regional networking with local governments, citizens and DLCD staff (4 votes)
- Post Acknowledgment Plan Amendments: develop more public notice/involvement (3)
- Assess local appeal fees and other impediments to transparency (3)
- CIAC and DLCD collaborate with federal and state agencies (2)
- Change Periodic Review from technical exercise to “community visioning” (2)
- Examine general resistance (barriers) to public involvement (1)
- Legislative recognition of neighborhood groups (1)
- Rename Periodic Review to reflect the true meaning of the exercise
- Provide technical assistance grants for citizen involvement program updates
- Provide “remote” CIAC meeting opportunities: teleconference, video conference

VII. Next Steps

CIAC

- Assemble a more developed list of ideas and potential work actions, with help as needed from DLCD staff.
- Prioritize items for recommendation to and direction from LCDC.
- Refine and adopt a draft work plan for submittal and approval by LCDC.
- Assign tasks to individual CIAC members and/or CIAC sub-committee(s).

DLCD staff

- Continue to work directly with CIAC chair to assemble and refine a list of department, committee and commission tasks to be presented to the commission as a DRAFT work plan.
- Work with CIAC to refine and revise, as appropriate, the following:
 - Periodic review process for CIAC participation
 - PAPA process for CIAC participation
 - Grants process for CIAC participation

LCDC

- Review draft CIAC work plan and recommendations.
- Provide direction as appropriate to CIAC and DLCD for coordinated efforts.

VIII. Commission Action

The commission is not asked to take formal action at this time.

This report is intended to provide LCDC with a summary of recent conversations between CIAC and DLCD. The report is also intended to solicit feedback and direction from LCDC regarding the work of CIAC and interactions between the committee and the department.

Staff and the committee suggest that the joint conversation continue to proceed and that CIAC develop a refined work plan for the 2009-2011 biennium. Both CIAC and DLCD have identified areas for additional coordination, and are prepared to work together to improve citizen involvement efforts statewide.

IX. ATTACHMENT

- CIAC letter to Oregon Task Force on Land Use Planning (December 8, 2006)

Statewide Land Use
Planning Goal One:
To insure the
opportunity for citizens
to be involved in all
phases of the planning
process.

Website:
[http://www.oregon.gov/
LCD/citizeninvolvement.
shtml](http://www.oregon.gov/LCD/citizeninvolvement.shtml)

CIAC Members:

Beth Bridges
Eugene

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Citizen Involvement Advisory Committee

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December 8, 2006

To: Benefits and Burdens Work Group of the Oregon Task Force on Land Use
Planning
From: Pat Zimmerman for the Citizen Involvement Advisory Committee (CIAC)
re: Land use situations that are the most "unfair".

Thank you for the opportunity to submit the CIAC's list of six problems with our current land use system. We have included examples of some of them, garnered from meetings we have held with citizens all over the state over the past two years..

1. Measure 37 harms neighbors, prohibits citizen input and contributes mightly to citizen disillusionment.

Neighbors can do nothing when their property values are decreased by M37 developments. It is clearly unfair to neighbors and their communities.

2. Appeal fees are prohibitively high at the local level.

Citizens have no practical recourse when bad or illegal decisions are made by local officials.

Examples: Josephine Co.'s appeal fees have gone from \$250 in FY 03/04 to \$1550 in FY 06/07, a 520% increase. Clatsop Co.: \$2356, and if the actual cost of the appeal exceeds the amount of the fee by more than 20% because of the detailed nature of the proposal or the number of hearings that are required, the applicant must pay the full amount of the actual cost. This clearly has a chilling effect on citizen involvement.

3. Goal One mandated local Citizen Involvement programs have mostly disappeared, replaced by Planning Commissions.

Without independent Committees for Citizen Involvement, there is generally no citizen involvement program at the local level. This contributes to citizen's alienation from the land use program because there is no defined access to information, education and support. Even when a program exists on paper, it often is not carried out.

Examples: The CIAC was contacted recently by a member of a local-government recognized area advisory committee. The city has an involvement program on paper, but refuses to fund it, making the volunteers pay for copying, renting meeting rooms, etc. Frequently, even when local neighborhood groups have organized themselves, local governments refuse to recognize them.

4. Citizen's primary method of influencing policy changes – Periodic Review – no longer exists in most jurisdictions.

The original citizen involvement program was largely concerned with the creation of Comprehensive Plans and the periodic review of these plans. But all counties, and cities under 50,000 population, no longer have to do periodic review. Instead, policy level changes are handled by local ordinance as specified in ORS 197.610 – 197.625. This process affords little time or access for citizen involvement, and requires rapid response – typically 7 days notice for the (usually only) hearing, and a 21 day appeal period. Very few citizens have the ability to effectively respond to changes in local land use policies in these circumstance. In contrast, Periodic Review required extensive publication and notice of the local work tasks, multiple public hearings and mandatory notification of those so requesting. It was this level of protection for citizen's participation which the land use program envisioned, and which we have lost.

5. The land use system at both state and local levels is heavily biased against "ordinary" citizens, leaving little access for even the most motivated.

Examples: The CIAC has heard innumerable stories around the state on this subject. Citizens go to their local planning department to find information about a particular application and are treated rudely, ignored, told they can't see the file, patronized, treated to jargon and acronym filled "explanations" and generally made to feel that they have no business bothering the "experts". In response to our survey asking about local citizen involvement programs, a county planner answered "Our citizen involvement program is when we talk to citizens across the counter".

People who work cannot get to the planning department when it's open, leaving them to negotiate these incredibly complex issues on the phone. Most jurisdictions charge \$0.25 per page for copying, a good source of income. Perhaps this is why they don't put applications and other critical information on their websites.

Columbia Co. requires a Open Records form be filled out and processed, often taking three or more weeks, before a citizen can even look at a planning file. It further requires the citizen to sign a statement that she or he will pay whatever amount the county decides to charge for a possible legal review of the file with no notice of charges before they are incurred.

A few jurisdictions – Bandon, Ashland, Eugene and others – require developers to meet with local citizen's organizations before an application is deemed complete. Their experience is that this reduces time and cost of the process and decreases the number of appeals.

6. Most Oregonians neither understand nor value the land use system.

Citizen education on the land use system is nearly non-existent, with predictable results. The few people who do get involved are often too late in the process to have any effect on the outcome, causing further alienation. For example, they see and dislike the results of sprawl, but have no understanding of how it happens and what they can do to change things.

Efforts like "Envision Oregon" but on a much larger scale should be a very high priority. Citizen education would yield huge benefits.