

Leagues Complete Survey in Jackson County – by Jean Milgram

In teams of three, Rogue Valley and Ashland Leaguers have interviewed officials of each of the eleven municipalities in Jackson County, plus the county itself, on their implementation of Goal One in the Oregon Land Use Comprehensive Plan.

Goal One requires that cities and counties set up a Committee for Citizen Involvement (CCI) to monitor citizen involvement and adopt a Citizen Involvement Program providing for "involvement in all phases of the planning process". The goals in the land use comprehensive plan are stated to have the force of law, but no enforcement mechanism has ever been established.

Since the mission of the League of Women Voters is to encourage the informed participation of citizens in government, our support of statewide implementation of Goal One in land use planning is a given. This year the two Leagues in Jackson County decided to find out how widely Goal One is being followed in their area.

A committee drew up a detailed list of 27 questions to ask city planners and other officials such as city managers and mayors. The questions dealt with both Citizen Involvement Committees (CICs) and Citizen Advisory Committees (CACs), as well as some general questions about land use planning. Examples of questions:

Is the Citizen Involvement Program or Policy in your Comprehensive Plan currently active?

What procedures do you provide to generate local citizen input on land use issues and/or applications?

What specific types of land use issues and/or applications are routinely considered by ad hoc citizen groups?

There is some interest by DLCD – CIAC and private groups in passing legislation that will create enforcement mechanisms for Goal One. Do you think that Citizen Involvement in Land-use planning should be legally mandated with enforcement mechanisms?

The League committee first sent individual members to each jurisdiction's planning department to get a copy of their Citizen Involvement Policy/Program. Then calls were made asking for appointments for an interview. During the ensuing three months all the interviews were completed.

Introduction

Beginning in late fall 2005, a committee of the Ashland and Rogue Valley Leagues of Women Voters (LWV) undertook a six-month survey of the incorporated municipalities in Jackson County, OR, to assess compliance with State Planning Goal 1 (citizen involvement) as it relates to land use planning. This report is the result of that survey.

Goal 1's stated intent is for every municipality "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process" (OAR 660-015-0000(1)).

The LWV supports Oregon's land use planning program which includes a requirement for open and meaningful citizen involvement at all levels of government. This requirement is core to the League's mission - to encourage the informed participation of citizens in government. Jackson County members of the LWV wanted to understand how the citizen involvement program envisioned under Goal 1 was actually working in land use planning in Jackson County.

Eleven incorporated municipalities in Jackson County agreed to participate in the survey. Those communities, listed by population size, are: Medford, Ashland, Central Point, Eagle Point, Talent, Phoenix, Jacksonville, Shady Cove, Gold Hill, Rogue River and Butte Falls.

Interviews with key officials in each municipality were conducted by small teams of LWV committee members using a standardized questionnaire. Typically, the Planning Director or City Administrator, sometimes accompanied by the Mayor or Planning Commission Chairperson, was/were the interviewee(s).

Terminology

During our survey we found considerable confusion about the acronyms "CCI" and "CAC". A CCI is not the same as a CAC.

Goal 1 requires a local government to assign to a CCI (Committee for Citizen Involvement) the mission of helping develop and implement a program for fostering citizen involvement in land use decisions.

Formal citizen involvement, when it occurs, is typically carried out by one or more CACs (Citizen Advisory Committees) - ad hoc or standing committees appointed by the governing body to address particular land use issues. There are many other modes of citizen involvement, however, that could and should be employed in a robust program.

Findings

The questionnaire was organized into three sections: 1) Goal 1 Compliance through a designated Committee for Citizen Involvement (CCI), 2) use of Citizen Advisory Committees (CAC) in considering land use issues, and 3) additional land use questions of significance to Jackson County.

Section 1: All communities surveyed have a written plan for citizen involvement though the plans differ considerably in content and none of the municipalities strictly adhere to their written plan. Larger municipalities tend to have a more formalized citizen involvement process, while smaller ones tend to use a more informal process. Many communities designated their Planning Commission as their CCI and a few had no designated CCI but, rather, used ad hoc CACs to address specific land use planning issues. All of the municipalities understood the requirement for promoting an active and involved citizenry and all reported having outreach programs to address this; some by meeting minimal legal requirements to notify residents who could be impacted by a land use change, others by actively soliciting citizen participation through newsletters, media announcements, flyers, and sometimes direct contact. Monitoring and evaluating the actual level of citizen involvement was, in some cases, clearly specified but, in others, altogether lacking.

Section 2: All respondents said that their municipality uses CACs to address long-range planning issues such as zoning or ordinance or comprehensive plan changes. Some communities used ongoing standing committees, others appointed advisory committees, as needed, to address specific issues, and several communities used both. Service on a CAC, in many communities, was open to any interested resident (or citizen) although a selection process was typically employed. A few respondents indicated that CAC membership was more limited and solicitation was directed. Most communities provide guidance for the committee members. Sometimes there is support provided in terms of a meeting facility, printing, and a staff liaison. The majority of the municipalities have staff actually participate on the committee. The frequency of CAC meetings and the terms of service varied. If minutes are taken, they are typically either "available on request" or posted on the official website. All respondents stated that recommendations from the CACs are considered during the decision-making process and local citizens have opportunities to provide input through the public meeting process. However, the majority of respondents commented that citizen involvement could be improved. Many expressed frustration that citizens are not engaged and need to better understand the role they can play in the decision-making process.

Section 3:

(Measure 37) – Most of the municipalities have adopted procedures for processing Measure 37 claims. Only two had received a claim as of the time the survey was conducted. *(Since Measure 37 claims are not considered to be "land use" issues, public input is not required.)*

(Regional Problem Solving) - Seven of the 11 municipalities interviewed are included in the RPS process. All seven feel to a greater or lesser degree, it is a helpful process. A couple of the communities feel the process is moving too slowly and are actively negotiating with Jackson County, outside the RPS process, to expand their Urban Growth Boundaries (UGB) to allow for more development.

(Enforcement of Goal 1) - Participants in the survey were asked whether Goal 1 citizen involvement should be legally mandated with enforcement mechanisms. All but one of the communities answered with a strong "no". Most doubted whether enforcement would be effective. Some stated that citizens cannot be forced to be interested. Some indicated that lack of funding for extensive outreach could create a problem with compliance.

Conclusions

Productive citizen involvement at the front end of land use planning can reduce conflict. When channels of communication are open, good ideas arise and a sense of ownership of the end product develops. Citizens need to understand the difference between productive and destructive participation and have an obligation, equal to that of the governing body, to be informed and to participate.

- Although all the cities participating in this survey have a state-approved citizen involvement component in their comprehensive plan, none strictly adheres to the plan.
- There is a great deal of confusion about what is required under Goal 1. All cities clearly understood that citizen involvement in land use planning is required, but they differed about how best to achieve the widespread productive involvement envisioned.
- There is confusion among most respondents about the acronyms ("CCI" and "CAC," etc.) and their separate responsibilities.
- There is considerable confusion over the provisions in Goal 1 in allowing a planning commission to serve as a CCI and what duties the planning commission should or could actually perform in that capacity.
- The use of CACs in addressing land use planning issues varies considerably among the municipalities.
- Many communities do not have adequate resources to actually achieve the level of citizen involvement envisioned under Goal 1.
- Some respondents seem to genuinely desire an increase in involvement, while others seem content with perfunctory compliance.
- There is no real enforcement mechanism to ensure compliance with the Goal 1 mandates regarding citizen involvement in land use planning.

Recommendations

1. The intent behind Goal 1 should be revisited and perhaps the Department of Land Conservation and Development (DLCD) or another qualified organization could offer a Goal 1 'refresher course' to governing bodies involved in land use planning.
2. Open discussions should be held throughout the communities to brainstorm ways for increasing citizen participation with limited resources.
3. Communities need adequate funding to insure that their programs for citizen involvement in land use planning are properly administered and that outreach to citizens is active and rewarding.
4. Citizen committees, in practice, should be independent of the governing body. Each committee should be given guidelines by staff or the governing body as to expectations and then allowed to do its work. A member of staff should never actually serve on the committee but should be available to answer questions and provide essential information.
5. Notice of the committee meetings should be openly posted and active citizen participation sought.
6. Minutes of the meetings should be kept and made available to the public in a timely fashion. An increase in the use of websites as an informational tool should be explored.

7. The assistance of community organizations should be sought for training citizens in ways to productively engage in the land use planning process.
8. Goal 1 should be revised to eliminate the option of using the planning commission as a CCI. The CCI is supposed to engage in active outreach to the citizens. Most planning commissions are composed of volunteer citizens with a large mandate. Commissioners simply do not have time to perform all their required duties and also administer an active citizen involvement program.

Summary

Goal 1 is an idealistic and lofty goal, designed to be broad enough to allow for diversity of compliance strategies within the various communities. It is clear that this flexibility is needed and that “one size does not fit all” when it comes to citizen involvement. Unfortunately, this flexibility has resulted in confusion as to what exactly is expected. In many cities the written plans are good, but are simply not followed. In many cities there are inadequate resources to actually achieve the level of citizen involvement envisioned under Goal 1.

The interview process used in the LWV survey illuminated the unique way each city views Goal 1 citizen involvement requirements. Some cities engage in mere perfunctory legal compliance, while others actively seek an involved citizenry. Because of the diversity in city size, resources, written plans and compliance levels, the LWV committee determined the fairest method for reporting its findings would be this overview report. We have included more details in “Additional Information” below.

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Members of the Committee:

Olena Black, LWVA; Trish Bowcock, LWVRV; Margaret Bradburn, LWVRV; Kate Culbertson, LWVA; Helen Jones, LWVA; Cynthia Lora, LWVRV; Jean Milgram, LWVRV; Carolyn Ramsey, LWVRV; Susan Rust, LWVA; Vanya Sloan, LWVA; Nancy Swan, LWVRV.

Background on Goal 1

In 1973, Oregon adopted an innovative statewide land use planning program. Thousands of every day citizens participated in the process. A uniform set of goals for land use and resource utilization was sought. *Oregon's Statewide Planning Goals and Guidelines* came out of this process (see www.lcd.state.or.us for a complete text of the 19 goals). The goals are mandatory. The guidelines accompanying the goals are suggestions on how the goals might be implemented. Under Oregon's program, every governing body involved in land use planning must have a comprehensive plan consistent with the 19 stated goals. Each comprehensive plan and any changes made to the plan must be approved by the state, to ensure compliance with the goals, before becoming final.

Citizen Involvement is the first goal in *Oregon's Statewide Planning Goals*, and is referred to as “Goal 1”. Every governing body involved in land use decisions must have a written mechanism in its comprehensive plan for involving citizens in the planning process. Goal 1 advocates a plan that encourages open input from the citizenry and an effective two-way channel of communication between the citizenry and the governing body. Goal 1 advocates allocating financial support to citizen involvement programs. There is no enforcement mechanism to compel compliance. Local governments are required to send in annual reports on their progress with citizen involvement.

Survey Methodology

The survey committee members studied each city's comprehensive plan as it related to citizen involvement in land use planning. The committee then drafted an extensive questionnaire, based upon one used in a statewide survey conducted by the Citizen Involvement Advisory Committee of the Oregon Department of Land Conservation and Development. A letter was sent to each community's city planner

with copies to other key officials requesting an interview. Interviews were scheduled by telephone. Municipal respondents in the interviews varied by city; typically being the planning director or city administrator. In several cities the mayor and planning commission chairperson also attended.

LWV teams comprised of two or three League members carried out the interviews. Most of the interviews were taped to assure accuracy in reporting. The interviews lasted anywhere from 30 minutes to two hours. A copy of the questionnaire was provided to the interviewee at the time of the interview.

The questions asked were divided into three categories: Category 1 sought information on the city's compliance with Goal 1; Category 2 dealt with the use by the city of Citizen Advisory Committees ("CACs") in considering land use issues; and category 3 dealt with miscellaneous issues regarding land use planning; Measure 37, Regional Problem Solving, and Goal 1 Enforcement.

Jackson County's Pending Citizen Involvement Plan

The LWV committee chose not to formally interview Jackson County on the citizen involvement component of its comprehensive plan. Jackson County is currently revising its citizen involvement program and the LWV committee has been closely monitoring this process. Currently, the Planning Commission is the formal CCI for Jackson County. When the county eliminated budgeting for staff to assist with citizen outreach, most ongoing CACs dissolved. Although citizen involvement has occurred in Jackson County land use planning, it is most certainly not at optimal levels. In the proposed changes to the citizen involvement component of the county's comprehensive plan, the CCI will operate as an independent body of citizens, reporting directly to the Board of Commissioners. At the time this report was prepared, final hearings had not been held and a couple of the commissioners were opposing the changes, expressing concern that delays would be created if citizen involvement in land use planning was increased.