An Approach to Critical Analysis of West Linn’s Land Use Process (LUP): A simplified roadmap for consideration by the Committee for Citizen Involvement (CCI).

The singular goal of this discussion paper is to present a practical framework for critically analyzing the existing Land Use Process (LUP) in the city of West Linn as described in the version 6 of the document (Doc6) produced by the Committee for Citizen Involvement (CCI). This paper highlights Doc6’s major problems only. Specific problems of LUP require a more detailed and thorough analysis. Some, but not all, of these problems are discussed in Doc6.

It is important to examine critically certain aspects of LUP listed below and ask the hard questions:

1) **Structure**: does the structure of Doc6 reflect the structure of the major process (LUP) it aims to review? To be meaningful to its readers, a successful review needs to offer a clear, simple and unambiguous view of the process and its problems by structuring its report (i.e. Doc6) to closely resemble the key elements of LUP as a process. The current structure of Doc6, with its generic headings, sections and subsections, fails to achieve this goal.

Here is a suggestion for improving the structure of Doc6 that enhances its clarity and meaning:

<table>
<thead>
<tr>
<th>Introduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>History &amp; Background</td>
</tr>
<tr>
<td>Goals</td>
</tr>
<tr>
<td>Method</td>
</tr>
<tr>
<td>LUP: Roadmap, Milestones &amp; Landmarks</td>
</tr>
<tr>
<td>Findings</td>
</tr>
<tr>
<td>Recommendations</td>
</tr>
<tr>
<td>References</td>
</tr>
</tbody>
</table>

2) **Intended Audience**: Who are the intended audiences of Doc6 and the final version of this document (FD)? The existing Doc6 reflects a very narrow view that Doc6 is intended for the City Council, its administrative staff, and the Working Group that may be setup by the City Council to translate the findings and potential solutions found in the FD into recommendations for actions by the City Council. As an independent voice of the citizens, CCI should consider the citizens as one of the key intended audiences of the FD. Accordingly, the FD should, in its structure and content, reflect this philosophy. This statement has important practical implications for the CCI.

3) **Goals**: Several critical questions need answers. What are the goals of this review of LUP by CCI? Doc6 states the following as its primary goal: to create a land use process based on cooperation, not adversity. A non-adversarial and cooperative LUP can be considered only as a very limited goal because of the very nature of conflicting interests of groups that participate in LUP. Conflicts and adversity are “baked into” LUP. The best one can hope for is to balance the conflicting interests and needs of the involved groups in a highly structured, fair, open, and
transparent process that not only meets the legal and regulatory standards but also the larger societal and ethical standards. Doc6 does address, albeit in a scattered and sporadic fashion, some of the problems related to this vitally important balancing act.

The absence of a written document from the City Council that clearly stated the questions that CCI needed to examine in detail had rendered the CCI’s review process long, meandering, and very time consuming. At the very outset, the CCI, in the absence of a clear request or guidance from the City Council, should have asked: What are we trying fix?

**Question 1:** are we trying to fix a structurally broken system (i.e. LUP)?

**Question 2:** are we trying to encourage and enhance citizens’ participation in a structurally broken system? or

**Question 3:** are we trying to fix both?

These questions have serious and practical implications for CCI’s review process, affecting in particular the length, breadth and depth of the review process. Example: Consistent with its stated mission, if CCI chose to focus on Question 2, the efforts required would be considerably less when compared to Question 1 or Question 3, and the results would be significantly and substantially better and enduring. In other words, Question 2 is an eminently answerable question whose demands on time, efforts and other finite resources of the CCI are modest. That is not the case with Questions 1 or 3.

When we fail to devote sufficient time and energy to the task of finding the right questions to ask, it is inevitable that the review process would lead to answers that lack credibility, intellectual rigor and robustness and hence would most likely fail to satisfy the groups involved in LUP.

Other flaws and deficits in LUP and Doc6:

1) **Methods:** In addition to highlighting the length of the review process, it is imperative that the FD describe in some detail the sources and the methods used during the review process and provide access to the key references utilized by the CCI during this review process. Example: A list of documents used and the staff members involved and a summary of their presentations to the CCI will be helpful.

2) **Rationale and Context:** What prompted the City Council to seek this in-depth review of LUP? What is the historical background to this review? Without a clear and honest discussion of the context and rationale, it is hard for the citizens to appreciate the importance and the value of this review process and the FD that results from it.

3) **Externalities:** Missing completely from LUP and Doc6 is the well-known and well-established concept of externalities. This concept needs to be incorporated into the LUP and a substantial discussion of it should be included in the FD.
4) **Transparency, Accountability and Quality Assurance (TAQA):** There should be a strong and unequivocal commitment by the City Council to implementation of these principles in LUP. Currently, there are no well-defined policies and procedures that implement these foundational concepts in LUP. One of the ways of incorporating them in LUP is to examine all the processes in LUP and ask: Do these processes contain elements of TAQA? If not, why not? How do we develop, implement and monitor TAQA in all the processes that make up LUP? This is a very large, problematic area that deserves a separate and detailed analysis.

5) **Constraints faced by citizens taking part in LUP:** Doc6 and the FD should highlight the systemic constraints faced by the citizens taking part in LUP. This issue should not simply be dismissed as a problem of educating the citizens. In addition to listing these constraints in a systemic way and highlighting them at every stage of LUP, Doc6 and the FD discuss the remedies that are available to citizens that, to some extent, offer mechanisms for overcoming some of the effects of these constraints. It is important to highlight how the current review process has made some useful contributions in mitigating the effects of these systemic constraints.
A simple roadmap for understanding LUP and its review by CCI:

Chair Pryor talked about the idea of a roadmap in his recent email to CCI members. As anyone who undertakes an arduous and perilous journey in a difficult terrain knows, a simple, effective and comprehensive roadmap marked with milestones and clearly identifiable landmarks is vital tool that is essential for reaching the desired destination successfully. CCI has embarked on such a journey when it commenced the in-depth review and comprehensive reform of LUP. Here is a roadmap worth considering for this important journey:

*indicates multistep process.

Discussion of all the problems and recommendations found in Doc6 can be restructured and re-aligned to this simple roadmap of LUP. Such a restructuring and re-alignment will provide much needed focus and clarity to Doc6 and the FD and facilitate a structured, systematic and disciplined approach to specific problems and potential solutions.

Ver 2.0 / 04162018