

January 2004  
PSU TCSP Evaluation Report

Oregon Transportation and Community System  
Preservation (TCSP) Pilot Program  
Project Evaluation

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## I. Introduction

The purpose of the evaluation is to document and assess the application of alternative dispute resolution approaches of the Oregon Transportation Community System Preservation (TCSP) Pilot Program. Our intent is to identify meaningful lessons to guide other states and communities in the application of consensus-building and dispute resolution techniques in transportation, land use and community development decisions. It has been suggested that collaborative, consensus building processes result in long-term decisions that are more fair, efficient, wise and sustainable than those achieved through traditional processes.<sup>1</sup> Collaborative processes are expected to achieve such results because of the particular ways in which discussions are structured and facilitated, and the ways in which unique demographic, cultural, technical and political information are handled.<sup>2</sup> This document reports the findings of our evaluation.

The TCSP Pilot Program experienced disruptions in administration that encumbered consistent evaluation of dispute resolution approaches to collaborative planning. During the course of the Portland State University researchers' involvement with this program, the primary state contact person changed four times and the agency responsible for administration changed from the Oregon Commission on Dispute Resolution to the Oregon Department of Transportation. These two agencies originally cosponsored the pilot program. Consequently, the evaluators considered only four projects for evaluation and ultimately assessed the experience of only two.<sup>3</sup>

The two projects that are the objects of this evaluation include a dispute in Cave Junction, OR, in the Illinois Valley in southern Oregon and a collaborative planning process in Deschutes County in Central Oregon. The Cave Junction case potentially involved land use and transportation decisions revolving around the future provision of health care facilities and services. The second case represented a set of highly interdependent land use and transportation planning decisions with considerable implications for the environment and community development. The first case was found to be a narrow application of dispute resolution to a public decision; the second case proved to be an impressive example of the use of mediation to facilitate collaborative planning among a diverse set of governmental agencies.

This report begins with a brief review of the general methodology used by the researchers. The next two sections outline the two cases including a description of the dispute resolution process and methodology of the evaluation, findings, and analysis. The final section of this report suggests lessons learned from Oregon's application of dispute resolution approaches to collaborative planning in order to meet the goal of

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<sup>1</sup> Lawrence Susskind and Jeffrey Cruikshank, *Breaking the Impasse*, New York, Basic Books, 1987.

<sup>2</sup> Judith Innes, "Planning Through Consensus Building," *Journal of the American Planning Association*, (Autumn, 1996), pp. 460-472, and Connie P. Ozawa, *Recasting Science: Consensual Procedures in Public Policy-Making*, Boulder, CO, Westview Press, 1991.

<sup>3</sup> Two additional cases were listed in the scope of work, specifically Osweg Creek and Yachats 804. However, because the latter two cases were mediated by the same person as the in the Upper Deschutes County case, in consultation with OCDR staff we decided against including them in this evaluation.

integrating transportation, land use, environmental and community development decisions.

## **II. General Methodology**

### Case Selection

The evaluation was initially intended to be structured around an examination of four collaborative processes. Two of these projects were selected by the Oregon Public Policy Dispute Resolution Program's TCSP Selection Committee. (TCSP Selection Committee consists of the Director of the Oregon Dispute Resolution Commission, the Chair of the Public Policy Dispute Resolution Program Committee, and the Grant Administrator for Oregon Department of Transportation's Federal Highway Administration *TCSP Grant: Collaborative Problem-Solving Processes* Project.) These cases were the Illinois Valley Project and the Upper Deschutes County Project. Two additional cases were listed in the scope of work, specifically Osweg Creek and Yachats 804. However, because the latter two cases were mediated by the same person as the in the Upper Deschutes County case, in consultation with OCDR staff we decided against including them in this evaluation.

We also considered but decided against evaluating the Southview PUD process and the Klamath Falls TSP Amendment process. In 2001, a case assessment was conducted on a dispute over a planned unit development. Although the consultant recommended this project for mediation, one party filed a lawsuit, causing the mediator to withdraw and to submit a negative case assessment. In mid-2003, the second Klamath Falls case nominated for evaluation involved the development of a transportation system plan (TSP). Although this project appeared to be moving forward into a collaborative planning process, the researchers determined that the time frame was inappropriate for this evaluation contract.

### Evaluation Criteria

This evaluation focused on the consensus building process and, if an agreement was reached, on the quality and character of the agreement with respect to the attainment of TCSP goals and Oregon's Quality Development Objectives.

The TCSP goals and Oregon Quality Development Objectives (hereafter referred to simply as the TCSP goals) include:

- improving the efficiency of the transportation system
- maximizing the use of existing infrastructure and minimize further investment
- reducing negative impacts on the environment
- increasing citizen access to jobs, services, centers of trade
- encouraging private sector land development patterns to achieve above goals
- involving non-traditional partners

- integrating transportation, community preservation, and environmental activities.

The extent to which a decision or plan meets TCSP goals was assessed based on the perceptions and opinions of expert staff and project participants as conveyed through face-to-face interviews.

Consensus building is a problem solving approach that is aimed toward developing agreements that satisfy the primary interests of all relevant parties on the long-term.<sup>4</sup> While a written mediated agreement is one indication of success, it alone is neither necessary nor sufficient.<sup>5</sup> Indicators of success include those listed by Innes<sup>6</sup> and Marshall and Ozawa<sup>7</sup> as well as those identified by the Oregon Public Policy Dispute Resolution Program and others identified through a review of relevant literature and appropriate documents.

Process indicators of success may include:

- self-organizing dynamics
- principles of civil discourse
- a practical purpose that is shared by all participants
- inclusion of representatives of all relevant and significantly different interests
- high-quality information exchange
- participants challenging assumptions
- participants remaining at the table, interested and learning
- full exploration of the issues and interests
- significant effort to find creative responses to differences.

Outcome indicators may include:

- implementable agreements
- complete agreements with no “hard” issues deferred or omitted
- high participant satisfaction
- cost effective agreements relative to most likely alternative
- evidence of ongoing relationships among participants, as needed, especially for implementation.

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<sup>4</sup> Lawrence Susskind, Sarah McKernan and Jennifer Thomas-Larmer, *The Consensus Building Handbook: A Comprehensive Guide for Reaching Agreement*, Thousand Oaks, CA: Sage Publications, 1999, p. xviii.

<sup>5</sup> Leonard Buckle and Susan Thomas-Buckles, c1982.

<sup>6</sup> Judith Innes, “Evaluating Consensus Building “ in Susskind et al, pp. 647ff.

<sup>7</sup> Gary Marshall and Connie P. Ozawa, “Mediated Negotiation, a Deliberative Approach to Democratic Governance Theoretical Linkages and Practical Examples,” in Peter Bogason, ed., *Tampering with Tradition: The Unrealized Authority of Democratic Agency*, Maryland: Lexington Books, forthcoming.

### Data Collection

Data was gathered from a variety of sources including available documents, meeting summaries, interviews of facilitators, project sponsors, and principal parties.

## **III. Illinois Valley Community Medical Needs Collaborative Process**

### Project Summary

The Illinois Valley Community Medical Needs Collaborative Process addressed a dispute between two organizations over the provision of future health care services. The Siskiyou Community Health Center (SCHC) had been renting facilities from the Illinois Valley Medical Center (IVMC) since 1988. In 1997, a community medical needs assessment conducted by a consortium of community organizations identified a need for expanded services. After a series of meetings the boards of the two organizations agreed that the existing IVC-owned site was not adequate for future expansion and in August 2001, SCHC purchased an alternative site. In order to develop this site, the SCHC planned to apply for state grants, which would require the endorsement of a local municipality. Because development of this parcel would raise a number of transportation issues, the city and state grew more concerned about the resolution of this dispute. By September 2001, four major issues were unresolved.<sup>8</sup> These were:

- Access management of the state highway, including reducing informal points of access,
- Improved connectivity within an area that is currently not tied in with the highway/downtown area,
- Street enhancement opportunities (extension of streetscaping, bike and pedestrian facilities beyond the existing downtown area), and
- “Gateway” improvements delineating the transition from the rural highway to the urban, traffic controlled, area.

The Josephine/Jackson Regional Community Solutions Team applied to the state for a TCSP grant to hire a mediator. The state approved funding and hired mediator Keri Green to conduct a case assessment and prepare recommendations for a collaborative process. Soon after the TCSP application was filed, the IVMC proceeded to plan to expand its existing site. This move created additional stress for the city government that was now in the position of handling two competing requests for the expansion of medical facilities. In January 2002, Green issued her report and recommended further discussion to bring the dispute to resolution. After two face-to-face meetings and several meetings

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<sup>8</sup> Oregon Department of Transportation/Public Policy Dispute Resolution Program, TCSP Grant Application: Illinois Valley Community Medical Needs Mediation Process, August 29, 2001.

between the mediator and the parties separately, an agreement was signed and the mediator filed her completion report by April 2002.

### The Process

Under contract with the state under the TCSP Grant: Collaborative Problem-Solving Processes Project, a consultant was hired to conduct a case assessment to determine the suitability of this case for the TCSP grant program. In the case assessment report, the interested parties named included the City of Cave Junction, the Siskiyou Community Health Center (SCHC), the Illinois Valley Medical Center (IVMC), and members of the Regional Community Solutions Team agencies.

The consultant conducted interviews<sup>9</sup> with five organizations or individuals within the first six weeks of the contract. These groups included:

- The Oregon Economic and Community Development Department
- The mayor of the City of Cave Junction
- Illinois Valley Medical Center (IVMC)
- Siskiyou Community Health Center (SCHC)
- Illinois Valley Community Response Team

She also spoke with the USDA Rural Development Service near the conclusion of the process.

In the consultant's view, these interviews confirmed assessments of the situation that had been put forth in prior work, specifically a report written in Spring 2001 after extensive interviews with IVMC and SCHC.<sup>10</sup> Consequently, the consultant recommended that an additional case assessment was not necessary, and that she could contribute best to the process by attempting to mediate an agreement to the following outstanding issues between the IVMC and SCHC.

- Who will own and operate an expanded health care facility and ancillary services,
- The location of the expanded facility,
- Financial considerations regarding the chosen arrangement,
- The geographic scope of the region to be served by the facility, and
- Early prevention planning to address highway access issues on alternative sites.

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<sup>9</sup> Keri Green, "Final Report: Mediation/Facilitation Services," April 23, 2002.

<sup>10</sup> Arty Trost, "Report to the Boards of Illinois Valley Medical Center and Siskiyou Community Health Center," April 9, 2001.

Upon acceptance of her recommendation, the consultant-now-mediator “tested” a proposal to sever the relationship between the organizations with each group separately. Both groups were amenable and the mediator then held two joint meetings of the executive committees of the boards of the two organizations in February 2002. The mediator drafted a joint statement of support and cooperation based on discussions with members of the two boards over the month of March. An agreement was signed in April 2002, and presented to and endorsed by the Cave Junction City Council.

The agreement states the end of the landlord-tenant relationship between IVMC and SCHC. The SCHC will move forward on its expansion plans and the construction of a new facility on a 7-acre parcel at the north end of Cave Junction. IVMC will explore the possibility of constructing an assisted care facility on its property. The boards agreed to be mutually supportive.

### Stakeholder Interviews

We conducted two sets of small group interviews on December 3, 2002. The first group was comprised of three members of the Illinois Valley Medical Center Board; the second group was comprised of three members of the Siskiyou Community Health Center. Although additional members were contacted, the interviews were declined.

To guide our discussions we relied on two tools. The first was a timeline of key points in the history of the dispute that we had extracted from available documents. The second was a prepared set of questions specific to the outcome and process of the mediation.

The interviews revealed that the IVMC felt that its efforts to work with SCHC to provide health care services to the community had failed. The IVMC board members, which consists entirely of volunteers, recounted that the IVMC facility had been made available to the IVMC after a fire destroyed a medical facility in a cooperative living community in Takilma, OR, several miles away from Cave Junction. From early on, the IVMC members indicated that the visions of the two organizations had been incompatible. Whereas the IVMC had provided bedrooms for medical personnel in order to enable 24-hour service, the SCHC had converted the rooms into additional offices. Whereas the IVMC saw a need to provide medical care to the entire community, including the retirees who had relocated from southern California, they viewed SCHC’s focus as provision of care to Oregon Health Care recipients and the underserved population. IVMC also mentioned that whereas the base of their support had been generous community members, the SCHC depended on grant funds and external sources of support. The IVMC board members agreed that the mayor of Cave Junction wanted the dispute between the two organizations resolved.

The SCHC board members recounted several years of working with inadequate facilities at the IVMC site and unfilled promises of expansion by the landlord, IVMC. The board members also noted a difference in the mission of the two organizations. Whereas the SCHC viewed IVMC’s main concern as providing medical care to middle



and upper-middle class residents, the SCHC sees its mission as providing for the underserved population. When SCHC received a large lump sum Medicaid payment, the board decided to purchase a 7-acre site located along Highway 199 (the main link between Grants Pass and I-5 and Cave Junction). Although this parcel is located within the urban growth boundary, it is not within city limits. In order to develop the property, SCHC intended to apply for state grants and needed either the city or the county's endorsement. According to the board members, the City did not want to endorse the SCHC project in the face of community dissension; although endorsement by the county was an option for the SCHC, they believed that the county commissioners might have been reluctant to "end-run" the city. The SCHC was aware that the region and the state was interested in investing in infrastructure improvements that would open up land for further economic development opportunities.

According to the SCHC board members, the IVMC proposed a cooperative arrangement that would entail expansion on the existing site, but it was not accepted by SCHC. At that point, the IVMC went to the mayor. SCHC felt they no longer needed the IVMC facilities, but that IVMC was dependent on the rental income from SCHC because demand for rental space in Cave Junction is not high.

The timeline discussion elicited perception-based differences between the two groups. The IVMC group made three corrections or clarifications regarding the actions of IVMC. In all three cases, the changes suggest that IVMC was more deliberate and aggressive in advocating their position than represented in our language in the timeline. For example, rather than "changes position" regarding the suitability of its site for expansion, the IVMC group substituted "makes a proposal". On the other hand, the SCHC group made corrections that suggested that the SCHC had attempted to assume a more cooperative stance, commenting that when the topic of a cooperative purchase of additional properties had been brought up, the IVMC said "no."

We also used a structure questionnaire to guide our interviews. Our first set of questions concerned the outcome of the process, in this case, the agreement that was reached. The two parties agreed that the outcome was achieved faster with a mediator than would have occurred otherwise, and that their only costs were time and effort. However, both parties responded that the agreement did not resolve the underlying causes of the conflict or the issues of concern to them, and that they anticipate serious implementation obstacles, both citing the lack of monitoring or enforcement provisions.

Neither parties believed the agreement would result in improvements in the efficiency of the transportation system, maximization of existing infrastructure, or minimization of further investment in infrastructure. The IVMC was doubtful that the impacts on the environment would be reduced, although they did agree that if the project were successful, access to jobs, services, and centers of trade would improve. The IVMC did not believe that the project would encourage private sector land investments to achieve more efficient infrastructure use, although the SCHC did believe so.

The parties concurred that no non-traditional partners were engaged and that potentially valuable parties were not included in the process. The IVMC identified the city planning department; the SCHC believed that staff participation would have improved the substantive soundness of the decision. The IVMC felt it succeeded by getting the SCHC executive director off the negotiating team.

Both groups seemed satisfied with process indicators of “civil discourse,” such as the effective use of ground rules and respectful treatment of themselves and others. They felt that the mediator “consulted” with them about changes in the work plan, indicating that they did feel some control over the process. The parties also shared a common “practical purpose” to the mediation, which was to reach an agreement that could be taken to the mayor as an indication that peace was restored in the community.

Importantly, both groups expressed concern about the implementation of the agreement. The signed agreement explicitly states that the heads of the two organizations will communicate directly on issues of mutual interest. Nearly eight months later, to the best knowledge of the persons with whom we met from both organizations, no such communication had yet occurred. The executive directors had not met. And, the IVMC advertised for a new tenant.

Satisfaction of the parties with the resolution was also not impressive. There was still considerable bitterness and misunderstanding with the IVMC board feeling that they did not have their needs met. In general, the satisfaction was not with the agreement, but with the desire of both groups to overcome the perception by the mayor and the citizens that they were standing in the way of progress for the city. In terms of simply ending the disagreement, however, this process could be seen as cost-effective. The mediator entered the scene and brought closure relatively quickly.

Table 1 summarizes the responses of the two groups to specific questions regarding specific TCSP criteria and criteria that would indicate a successful collaborative process. “Maybe” answers indicate conflicting views between the two groups, and generally pertain to undeterminable future circumstances

Table 1. Goals and Criteria for Successful Collaborative Processes: Illinois Valley  
 Community Medical Needs Collaborative Process

Category	Goals and Criteria	Attained?
TCSP		
	Improves the efficiency of the transportation system	NO
	Maximizes the use of existing infrastructure and minimize further investment	NO
	Reduces negative impacts on the environment	Maybe
	Increases citizen access to jobs, services, centers of trade	Maybe
	Encourages private sector land development patterns to achieve above goals	Maybe

	Involves non-traditional partners	NO
	Integrates transportation, community preservation, and environmental activities.	NO
Process		
	Evidence of self-organizing dynamics	NO
	Evidence of principles of civil discourse	YES
	Evidence of a practical purpose that is shared by all participants	YES
	Inclusion of representatives of all relevant and significantly different interests	NO
	High quality information exchange	NO
	Participants challenged assumptions	NO
	Participants remained at the table, interested and learning	NO
	Full exploration of the issues and interests	NO
	Significant effort to find creative responses to differences	NO
Outcome		
	Implementable agreement	NO
	Complete agreements with no “hard” issues deferred or omitted	NO
	High participant satisfaction	NO
	Cost effective agreements relative to most likely alternative	YES
	Evidence of ongoing relationships among participants, as needed, especially for implementation.	NO

### Summary Analysis

This case did not achieve a substantial number of the TCSP goals and also shows a disappointing performance in terms of the criteria we set for collaborative processes. The major source of the shortcoming with respect to the TCSP goals appears to have originated early on in the framing of the original dispute by a consultant hired prior to the TCSP grant. Although the potential to integrate transportation, land use and community development elements was identified in the grant application for TCSP funding support, these issues dropped out of the focus of the mediation. The consultant hired to conduct the case assessment framed her view of the conflict in terms very similar to the earlier consultant’s and the omission of the broader issues was not corrected. In the words of the case assessment consultant, who also mediated the dispute, “My job is to settle this thing.” She consistently used a divorce metaphor to describe the situation, again reinforcing a narrow conception of the problem as a dispute between the two health care groups.

Another opportunity for reframing the conflict to include the transportation and other issues might have arisen had the group considered the inclusion of additional stakeholders, which is often standard practice in public sector mediation.<sup>11</sup> In our

<sup>11</sup> Susskind, Lawrence and Jeffrey Cruikshank, *Breaking the Impasse*, New York: Basic Books, 1987; Susskind, Lawrence and Jennifer Thomas-Larmer, “Conducting a Conflict Assessment,” in L. Susskind, S. McKernan and J. Thomas-Larmer, *The Consensus-Building Handbook*, Thousand Oaks, CA: Sage Publications, 1999; Oregon Department of Land Conservation and Development, *Collaborative*

retrospective interviews, not only did both parties recognize the role of the city and state agencies in the future implementation of projects of interest to the parties, but the IVMC identified city planners in particular as potential participants who may have added value to the discussion. Had such additional parties been included in the process, broader community concerns more likely would have been raised and considered. The additional parties would have also contributed additional expertise and resources that might have helped to expand the options for resolution.

Moreover, the inclusion of additional stakeholding participants changes the dynamics of a negotiation.<sup>12</sup> This was a situation with an obvious power differential. SCHC had several important means of leverage and considerable motivation to terminate the relationship. SCHC felt it was not getting support and cooperation from IVHC. It had the opportunity to make a move as a result of the lump sum Medicare payment, it possessed the service delivery human capital and the skills to apply for grants and the city seemed to be supportive of SCHC's initiative. The only leverage IVHC had was the threat that it would develop a competing clinic (which was unlikely given their lack of ability to get grant funding and attract new professional service providers) and the ability to create bad feelings in the community and raise the ire of the mayor. In the negotiation, IVMC's building and site were more of a liability than leverage. The building was inadequate, the temporary administrative building did not meet code, and their design for a new building required cutting down trees that the SCHC felt should be preserved. Both groups agreed that the Mayor needed a resolution. The entire project and its funding stream could have been at risk if a settlement (even one that accommodated an imbalance of power) was not reached. The city had a stake not only in the settlement of a bitter dispute between important, local organizations, but also in the TCSP-related planning issues concerning transportation and pedestrian access. Therefore, bringing additional stakeholders to the table might have not only created additional resources and expertise, and broader interests, specifically those related to the TCSP program, but it would have tempered the power differential between the two primary parties.

In her January 2002, TCSP progress report, the grant administrator continued to identify the potential for this case addressing the broad array of TCSP issues and goals. A stronger hand by the grant administrator represents another mechanism to effectively hold the project on course (that is, including the city and state interests). There is evidence to suggest that the grant administrator herself was overwhelmed by the force of cultural clashes in this and other similar transportation, land use and community development cases, however.

In her description of the types of cases receiving TCSP grant assistance to date, she wrote:

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*Approaches to Decision Making and Conflict Resolution for Natural Resource and Land Use Issues*, June 1996.

<sup>12</sup>Howard Raiffa, in his book *The Art and Science of Negotiation*, devotes several chapters under a section called, "Many Parties, Many Issues" in which he discusses the effects of multiple parties on negotiation dynamics.

...it is becoming clear that – although relieving tensions between transportation issues, infrastructure efficiency, land use/ environmental concerns, and effective citizen access to jobs, services and trade centers is certainly the stated focus of the TCSP pilot projects -- the consistent tensions underlying those eco-socio-economic issues are fundamentally rooted in basic human conflicts surrounding clashes in culture, differences in values, protection of disparate interests, and lack of trust.<sup>13</sup>

The recognition of the underlying basis for conflicts in communities should not and probably cannot be overlooked. Mediation of conflicts involving such underlying dynamics must address these issues. However, mediation to reach agreement on the investment of public funds toward broad community goals requires a deliberate effort and conscientious attention toward ensuring that such issues are not sacrificed when opportunities for their attainment arise. The decision not to include a broader array of stakeholders in the Illinois Valley process was a key element in the failure of this process to meet the TCSP goals.

The decision by the mediator that the value differences between the two main parties was sufficiently wide as to prevent the possibility of future cooperation was also critical in determining the lack of development of a stronger working relationship between these two parties. Although the signed agreement notes mutual support for the two organizations' separate future courses and actions, no mechanism was put in place to ensure that mutual support, however that might be realized, would occur. Consequently, although the participants in the process were well aware of the contents of the document, and the city council was presented with the agreement, there is no clear path of responsibility for monitoring and implementation. In short, the life of the document may well be no longer than the commitment of the individual signatories.

It is worth pointing out that timing may have created an exceptionally challenging situation for the creation of a process that would produce a resolution that addressed multiple community goals. In April 2001, the Oregon Office of Economic Development hired a consultant to assist the two health care organizations to work out a more cooperative arrangement. The report issued by this consultant outlines a process that includes an assessment of shared and complementary interests of the two groups and discussion of alternatives for each organization (conducted in private sessions). In a joint meeting, an architect and an engineer provided their evaluation of three alternative sites for facilities to meet the SCHC's future needs. The existing IVMC site was ranked the least desirable.

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<sup>13</sup> Berry, Carolyn, "Memo: Recap of January 17, 2002 Meeting at PSU," dated January 25, 2002.

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In the consultant's report, a "next step" that was recognized was the need for the two Boards to "define how they wanted to work together."<sup>14</sup> The consultant further wrote:

To this consultant, it appears that both Boards are leaning toward working in separate, yet complementary ways. Both Boards have yet to make a definitive decision about working with each other in the future. Before this can happen, much more discussion needs to take place.

Shortly after this report was issued and before mediator Keri Green was contracted to work on this case, SCHC moved ahead to purchase one of the alternate sites. Therefore, not only did this report cemented a conceptualization of the "problem" as one between two organizations, rather than service and citizenship in the community, but the SCHC's purchase dramatically changed the options of the two groups. However, even if SCHC was viewed as having many cards in its hand, the broader goals of the community, represented by the TCSP goals, need not have been overlooked, as they were.

In retrospect, a more suitable time for effective mediation might have been at this earlier intervention point, six months before the TCSP-funded mediator contract was signed.

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<sup>14</sup> Arty Trost, "Report to the Boards of Illinois Valley Medical Center and Siskiyou Community Health Center," April 9, 2001.

#### **IV. Upper Deschutes County Collaborative Planning Process (later known as the South Redmond Collaborative Planning Group)**

##### Project Summary

Deschutes County in central Oregon is one of the state's fastest growing regions. In 2000, a number of local, state and federal agencies were confronting land use and transportation planning decisions in the region. These planning decisions included such projects as development of a destination resort, expansion of county fairgrounds, historic preservation, military land uses, and miscellaneous commercial land uses, many of which would increase a heavily used transportation system. Given the interdependent nature of such decisions, in fall 2000, ten agencies banded together under the leadership of the Central Oregon Regional Community Solutions Team and applied for a TCSP grant.<sup>15</sup> The TCSP grant was used to lay the foundation for a more extensive collaborative planning process; the grant itself supported only the convening phase that produced a set of ground rules for future discussions, namely the South Redmond Area Collaborative Planning Group Charter.

The initial objective of this initiative was to explore the possibilities for coordinating the timing and planning processes associated with the activities of the various agencies with regulatory, land use or management responsibilities in the stretch of land running adjacent to Hwy. 97 from Redmond south to Bend. The application itself identified additional resources that would be dedicated to a collaborative process by Deschutes County, the Oregon National Guard and the Bureau of Land Management. Examples of specific issues of concern (and the key parties associated) included:

- Preparation of an Integrated Natural Resources Management Plan (INRMP) for 31,400 of BLM land in the region by the Oregon National Guard and renewal of their conditional use permit,
- A request by the City of Redmond for a land exchange with BLM for development of a municipal golf course,
- A request to the County for development of a destination resort at the south end of the region,
- Demands for public access to BLM land for recreational purposes,
- Required update of BLM's "Upper Deschutes Resource Management Plan,"

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<sup>15</sup> These ten applicant agencies included representation from Deschutes County, the City of Redmond, the City of Bend, the federal Bureau of Land Management (BLM), the Oregon Military Department, the Oregon Department of Transportation (ODOT), the state Department of Land Conservation and Development (DLCD), the Oregon Historical Society Commission? (OHSC), the Oregon Economic and Community Development Department (OECDD), and the state Department of Environmental Quality (DEQ).

- Numerous transportation system modifications, and
- Future needs for airport and fairground expansions.

The TCSP grant was approved and a consultant was hired to conduct a case assessment. The applicant agency representatives agreed that the case assessor was not moving their process forward. Consequently, the case manager stepped in, conducted an additional case assessment, identified issues and concerns of stakeholders, convened a plenary session with participants, and received strong affirmation from the participants of their commitment to proceed in a collaborative process but with the assistance of a more directive mediator. By fall 2002, a panel of members from five stakeholder groups interviewed and selected a consultant to serve as mediator.

The process moved forward into “Phase II,” the collaborative process itself. By April 2003, the South Redmond Area Collaborative Planning Group Charter was signed. The charter essentially lays out ground rules for a collaborative planning process around the several interrelated land use, transportation, environmental and community development issues identified by the negotiating group. The group asked the mediator, Carie Fox, to continue her assistance and participating agencies scrambled to identify additional funds beyond the TCSP grant monies. In early 2003, the group successfully petitioned to acquire the status of a state “regional problem-solving project,” which enabled them to move forward and complete this phase of their collaborative planning process. In May 2003, the members were prepared to take their recommendations to their respective publics and decision makers. The “informal final agreement,” as recorded in meeting minutes include:<sup>16</sup>

- BLM will send a request for cooperator status to the Federal Highway Administration, City of Redmond, Deschutes County and the Oregon National Guard.
- The FHWA, City of Redmond, Deschutes County and Oregon National Guard will become formal Cooperating Agencies.
- BLM will send the Draft Environmental Impact Statement (DEIS) to state offices by the end of May 2003.
- In late May 2003, the City and County will convene public meetings with stakeholders.
- OTAK (consultant firm) will complete its report by the end of June.

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<sup>16</sup> Carie Fox, Draft minutes, South Redmond Collaborative Planning Group, May 6, 2003.



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- City of Redmond will draft a proposal for an Urban Reserve Boundary change (including comprehensive plan changes, zoning text amendments, and public facilities policy) to joint planning commission in July, 2003.
- City of Redmond and Deschutes County will adopt Urban Reserve Boundary changes in August 2003.
- BLM will publish the DEIS at the end of September 2003.
- BLM, the City and the County will conduct public meetings in October and November 2003.
- Regional Problem Solving proposal is put before the County Board and City Council in December 2003.
- The Highway 97 “corridor,” which is a wide band on the east side of Highway 97 which participants agree includes all reasonable future options for transportation changes, is drawn as a “line on the map” for local government planning purposes. This reduces uncertainty for the City and allows it to make corresponding zoning decisions.

### The Process

Upon her selection, mediator Carie Fox moved quickly to establish working relationships with the collaborative planning process participants. With the case assessment as her initial briefing papers, she met with each stakeholder agency to confirm the information put forth in the assessment report as well as establish a base for her working relationship with each of the parties. After a few plenary meetings, she obtained agreement on a set of ground rules for future work that is memorialized in the Charter.

Concurrently the group set forth collaboratively developing a shared technical basis for their future planning and management decisions. They shared information about their respective decision making processes, anticipated costs associated with developing appropriate technical information, and procedures to ensure required public involvement and review. By the time the Charter was drafted and approved, the group had also initiated work on much needed transportation forecasting by ODOT. Importantly, while the first consultant proceeded hesitantly, the mediator accepted the encouragement of the group to lead them aggressively forward. The proof of her ability to read the group correctly was their collective willingness to seek out additional funds and an institutional mechanism, not only to continue their collaborative planning process, but to sign Fox up for a contract extension. As of fall 2003, the participating agencies have presented the product of the collaborative planning process to their respective decision making bodies.

### Stakeholder Interviews

In August 2002, we interviewed the mediator and all participants, representing the seven Charter signatory agencies, the City of Redmond, Deschutes County, BLM, the Oregon National Guard (two persons), DLCD, and ODOT. We also met with the BLM and Deschutes County representatives during August 2003, as a final check-in to assess the longer-term durability of our earlier findings. Throughout the period from August 2002 to December 2003, we received and reviewed meeting minutes and other relevant documents. Finally, we also listened in on a conference call meeting in February 2003.

The interviews revealed a high degree of participant satisfaction with the TCSP-funded phase of the collaborative planning process. Although the fact that the participants sought out additional funding sources in order to continue the process is evidence of their confidence that the process would meet their individual interests, the interviews provided additional confirmation and important details about specific elements of the process.

#### TCSP Goals:

Table 2 lists the goals of the TCSP program. Our interviews revealed that the participants believed that the goals of attentiveness and integration of the TCSP program were likely to be served well by the comprehensive process that was initiated by the TCSP grant.

*Transportation efficiency:* Because the effectiveness of any transportation network is determined by land uses surrounding it, coordination with the future intent of major land owners will likely improve long-term projections. Furthermore, decisions regarding access to the proposed destination resort will also affect regional circulation. Interviewees expressed strong confidence that they would develop efficient transportation options for the region. In fact, the Regional Problem Solving proposal that was developed by fall 2003, identifies a corridor along Highway 97, which is intended to identify the likely location of future transportation improvements to address congestion and safety issues identified in the process. This step allows the City of Redmond to move forward with zoning and other land use regulatory actions, reduces uncertainty for private landowners, and provides a coordinating tool for related infrastructure investments.

*Maximizing the use of existing infrastructure:* Similar to transportation, the coordination of future land use plans will optimize the use of existing and future infrastructure. The full discussion of alternatives in the context of the state land use law and urban growth boundary considerations will also encourage maximal use.

*Reducing negative impacts to the environment.* Much of the land impacted by the decisions of this group is held by the BLM, who is entrusted as steward of natural resources on 850,000 acres, 376,000 acres of which are held by the BLM. The Oregon

National Guard is a major tenant of the BLM in this region. The BLM believes the Guard is one of the “best tenants we have,”<sup>17</sup> largely because the military must abide by strict environmental management rules and it has funds for restoration. This view was confirmed by the Guard interviewees, who also pointed out the need for the military to “cover its tracks” as wise combat training to avoid enemy detection in actual battle scenarios. The BLM also cited its concern with the antelope herd in the area and its desire to ensure that future decisions do not harm the wildlife.

*Increasing citizen access to jobs, services, and centers of trade.* The destination resort proposed for private property located in the midst of BLM lands is expected to provide 300 jobs over the next 20 years. The land values of comparable destination resorts in the county reportedly surpass that of all of the city of Redmond’s commercial and industrial land in one case (Eagle Crest), and the total city in another (Sunriver).<sup>18</sup> Additionally, the transportation improvements will address ODOT’s safety concerns about Highway 97.

*Encouraging private sector land development patterns to achieve above goals:* Agreement on the transportation elements of future planning will be consistent with the state land use law. No party in the group expressed support for allowing the cities of Bend and Redmond to encroach across the existing rural lands separating them. Again, a greater level of understanding between the city and county planning agencies is likely to facilitate coordinated decision making. Discussions over the destination resort allowed planners to plan for fire and emergency access from the City of Redmond, whose responsibility it is to provide such services to the resort.

*Involving non-traditional partners:* The members of this collaborative planning process are *traditional* partners, government agencies with mandates for land use, transportation and natural resource management. Non-traditional partners who might have been involved (and who were mentioned by interviewees) include statewide environmental organizations, Native Americans, and grazing tenants. Others not mentioned may include representatives of citizens of Redmond, recreationalists, land owners of parcels abutting Highway 97, and the destination resort developer. Provision for public involvement was expected to be handled through formal procedures that were being conducted concurrently through other processes, such as the BLM resource management plan revision, and the existing system of representative democracy, for example, the county planning commission.

*Integration of transportation, community preservation, and environmental activities.* The interviews revealed that participants were well aware and reasonably well-versed in the details of these issues, especially those related to transportation, environmental protection, and historic preservation, such as pioneer trails and native artifacts. The notion of community preservation was less explicit in the discussions, but interviewees did express concern about managing growth.

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<sup>17</sup> From interview with Ron Wortman, BLM, August 7, 2002.

<sup>18</sup> Stated by George Read, director of community development for the Deschutes County, August 8, 2002.

Indicators of successful collaborative processes: Process

*Self-organizing dynamics:* The interviewees unanimously commented on the invaluable role that the mediator played. As noted below, the mediator served as project manager, group disciplinarian, cheerleader and technical consultant. One interviewee stated that without the facilitator, the process could have dissolved into nothing. Another stated that without the mediator, even the meetings would not have been scheduled. That person felt that eventually the group would be able to function independently, but not as of fall 2002.<sup>19</sup> The mediator also managed to diffuse not inconsequential historical and interpersonal tensions and distrust between agencies.

*Principles of civil discourse and a practical purpose shared by all participants:* These criteria were spelled out clearly in the South Redmond Area Collaborative Planning Group Charter under the purpose of the group, “to coordinate planning of the designated area” (identified by a map), and under the section entitled “member participation.” The interviews reinforced the commonly acknowledged importance of planning together for the region in order to make the best use of the taxpayers’ dollars and to respond to the rapid growth that was occurring. By highlighting the schedule of decision points for each organization’s independent planning process, the mediator underscored the importance of members communicating with their constituencies. One interviewee also pointed out the shared understanding that no representative (at the collaborative planning meetings) could do anything without buy-off from their bosses.<sup>20</sup>

*Inclusion of representatives of all relevant and significantly different interests:* As noted above, the inclusiveness of representation is a potential weakness of this process. However, the extent to which unrepresented groups would have participated is uncertain. The BLM was concurrently convening a group of representatives from public interest organizations and community groups in its larger Resource Management Plan update process. The intent of the collaborative planning group was that this process would adequately capture the concerns of these additional groups, and that the BLM representative would appropriately convey these concerns back to them. Interestingly, the BLM had initially intended to represent all its land tenants. However, the Oregon National Guard did not believe that the BLM could represent their interests accurately, and requested direct participation.

An issue raised by a couple of interviewees was the question of to what extent representatives of elected bodies could effectively serve. The representatives themselves, such as the city and county planners, felt that they could speak for and to their officials. Whereas this might be used as a negotiation tactic in some cases, the interviewees expressed confidence in the straightforwardness and competency of their colleagues.

The importance of including the Federal Highway Administration (FHWA) was recognized later in the discussions. FHWA was identified as an agency that would be

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<sup>19</sup> Stated by Major Bill McCaffrey, Oregon National Guard, August 8, 2002, and Laren Wooley, DLCD, August 8, 2002.

<sup>20</sup> George Read, Deschutes County, August 8, 2002.

awarded cooperator status for the purposes of the BLM national environmental impact statement review process.

One concern that was not raised by participants but one that is certainly one to explore further is the effect that agreements among relevant government agencies may have on the ability of non-governmental groups to challenge the decision. That is, one may ask whether a consensus among public agencies and bodies has the effect of discouraging or diminishing the chances of successfully contesting the government agencies' unified proposal.

*High-quality information exchange:* The quantity and quality of the information exchanged were high. In the TCSP-funded portion of this process, considerable discussions occurred around ODOT projections of road use. Those interviewed demonstrated a high degree of familiarity with this technical data, suggesting that the quality of information exchanged and mutually understood was high. Also, a considerable number of ongoing studies, technical findings, and applications for land use changes cited in the final agreement indicate the quality and quantity of information resources.

*Participants challenging assumptions:* The level of controversy and discussion on the traffic study indicate that participants were not simply accepting ODOT's expertise in the transportation arena but were in fact questioning the agency's analytical and data assumptions.

*Full exploration of the issues and interests and significant effort to find creative responses to differences.* The interviews did not uncover additional issues or interests of the participating groups that were not addressed in the process. Without delving into great detail here, the group's lengthy study of transportation alternatives and their willingness not to eliminate options prematurely suggests that they did devote considerable effort to searching for creative solutions.

Indicators of successful collaborative processes: Outcome

*Implementable agreement with no "hard" issues deferred or omitted:* The product of Phase II of the TCSP grant, the South Redmond Area Collaborative Planning Group Charter, was implemented.

*High participant satisfaction:* The interviews consistently affirmed a high level of satisfaction among participants in the process, with one exception. The representative from the City of Redmond expressed some skepticism and frustration with the process in August 2002. In retrospect, his preferred alternative on transportation was later supported by the technical analyses; however, other participants expressed the belief that the process of investigation and analysis are essential steps for the decision making process and one that he alone was willing to skip.

*Cost-effective agreements relative to the most likely alternative:* A general sense among the participants was that this collaborative process had generated considerable cost savings. The BLM felt that they reaped cost-savings. Because of ODOT's participation on issues over which BLM had jurisdiction, the BLM avoided conducting independent analyses and were assured that alternatives considered would meet ODOT standards. Other agencies similarly would benefit from BLM's lead in preparation of an environmental impact statement for the planned changes.

The parties themselves estimate out-of-pocket savings of more than \$360,000 in planning costs. The sources of these savings include the avoidance of a duplicative EIS process and an ODOT review.

A non-monetary savings recognized by several interviewees was the avoidance of the political cost of the City of Redmond or the Oregon National Guard attempting to circumvent local decisionmaking by utilizing connections to decision makers in Washington, D.C. The Guard could have called upon the federal military to press the need for central Oregon lands for training purposes in the name of national security. The City of Redmond had previously used its congressional representatives and linkages to the national Republican Party to achieve its local goals.

*Evidence on ongoing relationships:* The participants in the TCSP grant continued to work together throughout 2002 and much of 2003, culminating their efforts in the fall in an agreement regarding mutual support and cooperation in the formal procedures into which this collaborative planning process will be incorporated. Interviews also identified the fact that the individuals involved in the collaborative planning process now had established relationships that would enable them to telephone one another about future issues of mutual concern.<sup>21</sup> She also believed that others now had a better appreciation of the value of natural resources.

The role of the mediator:

The mediator's role was essential in this collaborative planning process. The participants were uniformly glowingly appreciative of several functions and capacities of hers. First, virtually all interviewees commented on the critical project manager role that Fox assumed, several asserting that without this service the process would have flailed simply due to the competing demands on all participants' workloads. Fox coordinated schedules to set meeting dates and times, created Gantt charts identifying critical decision points and deadlines, as well as followed up on individual assignments so that necessary work products were available for discussion. All interviewees asserted that her initiative in these areas was a critical part of moving the process forward and keeping participants focused and involved.

Beyond the role of project manager, participants cited Fox's unique position as an outsider without vested interests at stake. This "neutrality" awarded her the ability to act as the process disciplinarian without creating additional tension between stakeholding

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<sup>21</sup> Mollie Chaudet, BLM, August 14, 2003.

participants. She was also able to take individuals aside to ask them what issues were obstructing their ability to cooperate and what they needed in order to feel comfortable in the negotiations. During the course of the discussions, she asked for clarification of issues and statements if their meaning was not clear to her, thereby ensuring a greater likelihood that communication errors that might impede agreement were avoided.

Substantively, participants appreciated her independent knowledge of transportation and land use planning, the institutional context of the decisions at stake, and her willingness and ability to conduct research to verify claims made during the group discussions. Her expertise in relevant fields awarded her respect and enabled her to volunteer ideas and options for resolution that were consonant with others' understanding of the issues.

Finally, mediator Fox's commitment and confidence in the process added a constructive, positive tone, even getting people "fired up" about the prospects for collaborative planning. Her ability to capture ideas put forward during discussion and pushing the participants to think creatively were also recognized by participants as valuable assets to the process. When tempers began to flame in the process, Fox used humor to diffuse tense moments. When one of the participants threatened to withdraw, she took that party aside and helped to identify long term interests that would be served by continued participation. She also issued an apology herself in a particular instance where she acknowledged her own misstep.

Table 2. : Goals and Criteria for Successful Collaborative Processes: Upper Deschutes County Collaborative Planning Process

	<b>Criteria</b>	<b>Attained?</b>
<b>TCSP</b>	Transportation efficiency	Yes
	Maximum use of infrastructure	Yes
	Reduce negative environmental impact	Yes
	Integration	Yes
	Private development land use patterns	Yes
	Non-traditional partners	No
	Increasing citizen access to jobs, services, centers of trade	Yes
<b>Process</b>		
	Self-organizing dynamics	No
	Principles of civil discourse	Yes
	Shared practical purpose	Yes
	Inclusive representation	No
	High quality information exchange	Yes
	Participants challenged assumptions	Yes
	Full exploration of issues and interests	Yes
	Creative responses to differences	Yes
<b>Outcome</b>		
	Implementable agreements	Likely
	Complete agreements – no "hard" decisions deferred	Yes

	High participant satisfaction	Yes
	Cost-effective agreements	Yes
	Ongoing relationships	Yes

### Summary Analysis

The Upper\_Deschutes County Collaborative Planning Process was a complicated process that entailed consideration of multiple regulatory and planning procedures at the local, state and federal level. Impressively, the planning group and process attained most of the objectives set forth by the TCSP program and by scholars of collaborative planning processes. The TCSP grant was used only to initiate what eventually became a two-year collaborative planning process that produced decisions that would become part of the City of Redmond, Deschutes County, ODOT and BLM plans. For the purposes of this evaluation, we considered the signing of the South Redmond Area Collaborative Planning Group Charter to constitute the final step of the TCSP project. However, we recognized the difficulty of artificially curtailing the project at that point, when participants themselves viewed the experience as one fluid process. Therefore, although we tried to separate issues concerning the Charter when possible, our analysis invariably spills over into the subsequent phases.

One of the first points that became obvious was the need for the case assessment to take into account the preferences of the target group and their readiness to move forward. Case assessments are typically conducted as a screen to sift out situations that are inappropriate for mediation. However, in this case, the participants were anxious to move forward into a collaborative process. This region had been experiencing high population and economic growth for several years and this trend was expected to continue. Therefore, the need for planning was clear. The participating agencies mutually recognized the interdependent nature of their future decisions and the potential benefits of coordinating them.

The development of the Charter was a reflection of the willingness and readiness of the participating agencies to commit to the collaborative planning process. Phase II produced more than simply the agreement to work together and ground rules, however. The group proceeded quickly into discussion of technical issues related to the transportation elements. The mediator's ability to handle the creation of the Charter and continuing substantive progress on parallel tracks, so to speak, was important for sustaining a sense of forward movement among participants.

The actual benefits of the overall collaboration were several. Quite simply, by jointly projecting future conditions and bounding the uncertainty that is inherent in forecasting, the group collectively reduced the risk of error in their respective undertakings. This will likely result in considerable improvements in their decision making and the willingness of private landowners to invest in prescribed development options.



From the agencies' perspectives, cost savings were reaped with respect to the avoidance of duplicative technical analyses needed for the overall project (e.g. beyond the signing of the Charter). With ODOT taking the lead but responsive to other agencies' questions and claims in the transportation forecasting, not only were dollars saved but also the requisite expertise was present from the onset. Similarly, BLM took the lead on the environmental impact studies, which others viewed as their unique area of expertise especially with respect to wildlife studies. A direct beneficiary of the BLM's lead is the City of Redmond; the City will be able to utilize BLM's environmental studies in the urban reserve study necessary for its application for an urban growth boundary change. The cost was absorbed fully by the BLM. Although monetary cost savings are difficult to estimate, they go beyond the cost of conducting analyses and preparing reports. The real savings include those that avoid disputed findings by the joint construction of understandings about current conditions and expected future states.

On an individual level, participants developed constructive working relationships with their counterparts in other agencies. This relationship will facilitate work on future, unrelated projects, although the extent to which this benefit extends beyond the individuals to the agencies at large is unclear. Although we discovered no corresponding systemic changes in institutional procedures, one interview commented that if this process proves ultimately successful, it will serve as a model to the agencies for future work. Alternatively, if not successfully implemented, agencies will be reticent to invest time and effort into a similar process.

It is also apparent that participants in intensive collaborative planning processes of this sort can gain an appreciation of the interests and institutional constraints of other agencies. As in many land use decisions, local decisions affect and are affected by the actions and priorities of state and federal agencies. The integration of decision processes can be very clumsy as a result of different decision schedules, criteria, parameters of analysis, and so on. In the absence of a comprehensive understanding of the many steps and many actors involved, the process appears to proceed haphazardly and inefficiently. Information requests can appear to be set out as roadblocks rather than to meet sincere needs. The benefits of understanding the procedures of other agencies as well as having others understand one's own procedures is a value to participants in a collaborative process as well as for future, conventional processes. What may seem a relatively trivial task of presenting each agency's independent decision making schedule can provide a device for discussion of other elements (criteria, etc.).

Some participants attended meetings sponsored by other participating agencies on issues related to this project. For example, the Deschutes County representative attended meetings of the BLM's citizen advisory committee for the update of its Upper Deschutes Resource Management Plan. Both the BLM and the Deschutes County representatives believed this was helpful in conveying to the Deschutes County representative the perspectives that the BLM was attempting to address. Again, this practice facilitates the sharing of interests and concerns among the participants in the collaborative planning process and the extent to which this was performed seemed to enhance the overall process.

The participants in the Upper Deschutes County Collaborative Planning Process were uniformly flattering and appreciative of the mediator, Carie Fox. She was viewed as well-informed of the institutional and political context of the process, a fast-learner with respect to the relevant technical information, sufficiently skeptical of claims by participants to conduct independent verification, a strict taskmaster reminding individuals of their assignments and ensuring their timely completion, and unintimidated by posturing and interpersonal tensions. Although one might conclude that Fox played the role of project manager rather than mediator *per se*, this portrayal would shortchange her ability to work with a group among which individuals did have a history of non-cooperative behavior.

The singular major shortcoming of this process was the lack of non-traditional partners and inclusiveness. Although the participants themselves identified a need to get all “their ducks in line” before involving the wider public, the downside of this approach is that challenges to a proposal that incorporates the needs of all relevant agencies may be impossible politically. The participants also cited the parallel BLM resource management plan process with its citizen advisory committee as a mechanism for checking public responses to their decisions. Whether this is a valid assumption requires study that goes beyond the scope of this report. However, despite the lack of non-traditional partners and the inclusion of environmental organizations, Native American groups, recreationalists, or other BLM tenants, the extent to which participants were able to capture the interests of these groups in the product of the collaborative planning process will be proven only after plan implementation.

### **Summary and Conclusions: Lessons Learned**

The application of dispute resolution approaches to collaborative planning is not a new practice. A case-by-case evaluation of such efforts is not common, however. This project yielded only two cases for review. However, these cases illustrate two very different approaches, provide evidence in support of existing consensus building literature, and suggest practical lessons for future applications.

The benefits of collaborative planning on complex issues involving many agencies at multiple levels of government are considerable. Many of the benefits identified in this evaluation study are not novel, but have been discussed widely in the literature. These cases add evidence to the claims. Among the benefits are cost savings, the building of constructive working relationships, and substantively sound decisions. The potential for reducing redundancies in technical studies is one direct source of savings. More difficult to estimate is the savings reaped from avoiding future disputes over divergent analyses. Most impressive, however, is the building of constructive working relationships among the participants of successful collaborative planning processes. This investment in future decision making is difficult to achieve through alternative means. Substantively, open discussions over modeling assumptions, methodological uncertainties, and the sharing of data are likely to improve the collective understanding of the technical elements.

These two cases also suggest and reinforce prescriptions for effective applications of dispute resolution practice. The following points have been learned from the TCSP Pilot Project:

- Program objectives must be constructed broadly to incorporate public needs. The TCSP program goals reflect collective needs.
- Case assessment is a critical step not only for identifying projects suitable for collaborative processes, but also for problem framing. In the Illinois Valley case, the mediator did not attend to the TCSP goals. Consequently, she narrowly defined the problem to be one of inter-organizational and interpersonal conflict.
- The grant manager must ensure that program objectives are kept salient. In the Illinois Valley case, the grant manager agreed with the mediator's framing of the problem. As a result, although the application for the grant mentioned the broader objectives of integrating land use and transportation decisions, these concerns dropped off the table without any objections upon the mediator's initial set of interviews with prospective participants. The grant manager could have stepped in at this point, but did not.
- The identification of stakeholders is a critical step in ensuring a comprehensive consideration of multiple objectives. Participants should reflect the desired array of issues pertaining to program objectives, in this case, interest or responsibilities in transportation, land use, environment and community development. In both

cases examined, the Regional Community Solutions Team was involved in the application. Given the broad mandate for integrative decision making given to these teams, continued participation of this group might be one way to ensure a comprehensive consideration of multiple issues. Continued participation occurred in the Upper Deschutes County case but not in the Illinois Valley case.

- Alternatively, the collaborative planning group should be carefully selected to include an appropriate array of stakeholders. This would be consistent with the literature of “best practices” of public sector mediation, which prescribes a systematic review of issues and stakeholders. In contrast to the Illinois Valley case, the Upper Deschutes County mediation group included a cross-section of agencies committed to transportation, land use, environment and community development goals. This process, too, however, might have benefited from the participation of non-traditional partners. Greater inclusiveness, however, is a challenging barrier to overcome especially among professionals in institutional contexts.<sup>22</sup>
- The experience and familiarity among the members of the group with respect to public decision making processes will vary. In instances where the participants are less acquainted with the public institutions, the program/grant administrator, the local sponsor, or the mediator must take responsibility for reminding the participants of this context.
- While it is always the prerogative of participants to pursue their individual objectives through alternative means, a steady, forward-moving consensus-building effort concurrently increases the political risks of acting independently. The City of Redmond had previously pursued its objectives by employing political connections in Washington, D.C. As the collaboration among the BLM, the Oregon National Guard, and the state and county agencies continued to show promise, the benefit of such action diminished. Certainly, the City would have risked the loss of trust with local agencies if they had pursued such an option.
- The choice of the mediator is critical. This may be stating the obvious, but these two cases demonstrate that a process may fail if an inappropriate consultant is entrusted with responsibility for a process. The program/grant manager, the sponsoring agency, or the participants themselves may all play an important role in determining the “fit” of the mediator to the team. All should be consulted in the selection process.
- The mediator should have substantive knowledge of the issues under consideration. The mediator in the Upper Deschutes County case has considerable experience and training in governmental affairs, specifically having

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<sup>22</sup> In their review of a TCSP-funded project by Metro, the Pleasant Valley Concept Plan, Adler and Ozawa found that even while highly cognizant of the grant’s provision for non-traditional partners, the planners involved needed prodding to think beyond their routine list of institutional players. See Sy Adler and Connie Ozawa, *Pleasant Valley Concept Plan: Project Evaluation*, Metro, July 2002.

consulted extensively with ODOT. She was able to add substantive value to discussions. This knowledge, as well as her innate ability to learn about the technical elements, garnered respect among the participants as well as helped to move the process forward. Her substantive knowledge also enabled her to focus on the substantive issues rather than process or relationship components of the collaborative process. Although all three are important, the inability to address any one will have implications for the outcome.

- Creating and maintaining a calendar of all relevant procedural steps and tasks to complete is critical. The mediator in the Upper Deschutes County case routinely maintained a schedule of tasks and future decision points for each of the agencies involved. This served not only to focus attention and keep the process on track, but also underscored to the participants the context of their work. Collaborative planning processes are informal arrangements that supplement existing conventional procedures. As such, participants must be continually aware of the limits and opportunities of their efforts.
- Attainment of “self-organizing principles” in action may be a very difficult ideal to achieve. The participants in the Upper Deschutes County Collaborative Planning project expressed a high degree of satisfaction with their process but remained highly skeptical of their ability to achieve such gains without the assistance of the mediator. When inter-organizational or interpersonal conflicts exist among participants, as in the Illinois Valley case, it may be a feat to accomplish any set of organizing principles for collaborative work.

In both cases, the mediators moved beyond what was described in their scope of work and their traditional roles. For Keri Green, the decision not to conduct another case assessment was reasonable, however, it may have resulted in a missed opportunity to reframe the discourse. Bringing more balance to a situation where a power differential exists may be optimal from a traditional mediation perspective, but doing so requires a deliberate act that requires considerable support from the process sponsors.

In the South Redmond Collaborative effort, the willingness of Fox to take on the role of project manager in contrast to the more traditional position taken by her predecessor was critical to a positive outcome. Fox employed a number of important project management skills. She did not hesitate to develop and promote possible solutions, keep participants on task and move things along. While the potential existed for her to step over the line, she managed her task deftly and maintained her reputation as a tough but honest broker.

In conclusion, the Illinois Valley and Upper Deschutes County Collaborative Planning projects illustrate both the possibilities and the limits of the application of dispute resolution tools to public decision making. Although the potential for integrating multiple planning goals and objectives is clearly present, the process must be intently managed with an eye toward these specific ends. Although the mediator holds primary responsibility for directing discussion, the dispute resolution field is populated by

professionals with a diverse range of experience and training. Private sector mediators may lack understanding of public institutions, procedures and goals. Consequently, the program/grant administrator, the process sponsor, or the participants themselves (by virtue of the array of interests they represent) may need to provide the necessary check to ensure that the intended integration of public values is promoted in public decision making. A well-defined set of objectives and close referral back to them led by a vigilant participant in the process will increase the likelihood of attaining those goals.