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## Re: Any statement on the Court of Appeals decision

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Dan Isaacson

Sat, Jul 15, 2023 at 5:17 PM

I'm not comfortable re-litigating the arguments on the policy. My comments, which I make only for myself and not the city or the PC, were isolated to just the suggestion that other commissioners and I were disrespectful, as that was a stated reason for the appeal. I continue to offer that if Mr. Coopman and Mr. Conte feel that way, it is not because of anything the commission did or said. And the record clearly shows that then and now, as chair, I have continued to ask staff for ways to change the public engagement process on future policy proposals so that we are always looking to improve how we operate as a commission. And if Mr. Coopman would like meet to review better methods to accomplish this, my invitation of over a year remains open.

I personally appreciate when localities take state mandates and adopt them to fit their own specific needs, on the off chance that the needs of Bend and Salem are not the same as Eugene. And I personally feel glad that our city explores policy issues through the lens of how best to make state mandates fit with our diverse community.

And while I'm not a lawyer, I don't believe remanding the case back to the LUBA for further consideration is "losing the case." But you'd need to seek an expert on that.

-Daniel

Sent from my iPhone

On Jul 15, 2023, at 3:59 PM, John Quetzalcoatl Murray wrote:

Hi

My recollection is of many neighborhood folks recommending that the city follow minimum requirements, adopt the state's model code, and then add exemptions down the road, after seeing what was and wasn't working. The ruling suggests Eugene lost this court case because they departed from the model code, which would have been avoided by listening to those voices.

Would you agree it would have been an easier public engagement process in two parts: (1) "We are only doing what the state requires us to do." Explain what the state law requires, adopt the minimum model code. Then later, (2) : "What the state gave us isn't working fast enough here, so we'd like to add this piece." (Focused piece on other incentives.) Especially now that CFEC parking reform nullifies the HB2001 rules, it's clear that that staff time was wasted.

Peace  
John Q

On Sat, Jul 15, 2023 at 3:12 PM Dan Isaacson wrote:

Well this is where I think a meeting with Mr. Coopman could be beneficial because the focus was made suddenly on the volunteers on the planning commission and our collective statement, rather than what preceded the need to make that statement. Remember, having people come to folks houses and yell things simply because they disagree on public policy is not healthy for either our community or our democracy, and it doesn't endear folks to volunteer their time on the city's boards and commissions. We have seen a rise in incidents like that, most recently when Ms. Blevins surrounded the then-mayor of Creswell, ultimately resulting in the mayor resigning because of the behavior.

When I say misconceptions, I don't mean genuine policy disagreements for which a difference of opinion exists. That's not my job to debate with anyone the merits or critiques of a policy. And I didn't on any of the phone calls I had with folks who had written us. However, what many folks didn't realize and is not debatable is that HB2001 was a state mandate, meaning most of what we took up was not subject to change by either the planning commission or the city council. So when someone would demand we drop it entirely or take it in a whole different direction, that's a misconception that can be overcome and then

we can get to the things we do have a say over and their feelings on them. A properly informed electorate is better for everyone. It allows folks to give clear direction to their elected officials and it gives elected officials and volunteer bodies a clear path to receive feedback on the ideas they are working on.

I do take issue with folks that knowing spread misinformation in the hope of muddying the water so much that they can try to confuse the public into getting what they want when they know an honest debate on the issue would not be successful. Honest friends can disagree whether that happened here.

As to all of the correspondence, those were in the AIS packets that were posted on the city's HB2001 website. I can't recall the number but it was a dozen or so, each with dozens of emails and letters from folks. I am afraid I didn't save them once the issue had been turned over to the city council.

Hope this helps,

-Daniel

(On a side note, you should write about the new crosswalk being put in Hatton Ave. in response to a fatality on 1/1/21, we got the city to receive emergency funding to have it installed. Hopefully it cuts down on the drag race that is river road some days.)

Sent from my iPhone

On Jul 15, 2023, at 7:21 AM, John Quetzalcoatl Murray wrote:

Hi Dan  
Thanks very much -

Our reading is that Mr. Coopman is not saying that \*you\* were disrespectful, but rather, that when the public engagement process brought forth critiques of Eugene staff plans, those critics and their critiques were not judged on their merits but those critiques were immediately dismissed as "disrespectful" to the planning staff.

As voiced by overly zealous Planning Commissioners like Dan Isaacson, any challenges or critiques of staff plans are viewed as "disrespectful" and vociferously opposed without any analysis of their merit.

Would you be willing to address that reading of the statement instead?

Your current response actually seems to support Mr. Coopman's claim, in this statement: "I called over a hundred people myself during that process, almost all were folks in opposition...to discuss their concerns as well as flush out any misconceptions they may have heard." By approaching public opposition as in need of flushing out misconceptions, the CIC would likely be less effective in its public engagement than a more neutral party that simply collected and summarized the feedback.

Also, can you help us obtain copies of all of the HB2001 correspondence that you as a Planning Commissioner received - as we discussed previously, the CIC does not have a mechanism for storing and sharing those. We do - [this Pinpoint public drive](#), populated with a year's worth of agenda packets and minutes, which we are backfilling with additional material as we obtain it.

Thanks for all you do  
Peace,  
John Q

On Thu, Jul 13, 2023 at 5:50 PM Dan Isaacson wrote:

With respect, and for this I speak for myself not on behalf of anyone or the planning commission, That appears to be a broad opinion rather than a specific example. I would offer up that I called over a hundred people myself during that process, almost all were

folks in opposition. Not a single call was disrespectful, to the contrary, I began each call with the statement that I hadn't yet made my mind up and wanted to (with their agreement) to discuss their concerns as well as flush out any misconceptions they may have heard. Almost every conversation I had was cordial and informative. What Mr. Coopman seems to be subscribing to is the notion that we have to be disagreeable if we disagree. I don't feel that way.

In fact, we state at the beginning of most planning commission meetings the following:

“ We're at-large members, which means we have to consider the needs of the community as a whole, as well as the needs of all groups and neighborhoods. We're also human beings, which means each one of us has personal views that make us who we are. But as Planning Commissioners, we're committed to balancing all of our needs as a community, and to making the best recommendations we possibly can based on our policies and our laws, for us and for future generations. That can be pretty tough to do, and we know not everyone will agree with every recommendation we make.

So, as we proceed this evening, we want you to know up front that we are listening, and that we care deeply about you, and about our community. We recognize how important these changes are and encourage everyone speaking tonight to do so in a respectful and productive way.”

Additionally, in every meeting where it was applicable, and I welcome you to review the video record, I have stressed to city staff the need to not only have more outreach but specifically ask how we are changing the way we conduct outreach in direct response to the feeling many folks expressed during the HB2001 debate.

So, if Mr. Coopman can cite an example where I or other Planning Commission members acted disrespectfully, other than the joint meeting with the city council where we all felt it important to call attention to how volunteers were treated and “how” we collectively disagree about policy, I would seriously welcome it. I also welcome a meeting with Mr. Coopman to try to find a way we can both lead on local

issues and disagree on them in a productive way. That invitation remains open.

I hope this helps clarify.

Take care,

-Daniel

Sent from my iPhone

On Jul 13, 2023, at 5:01 PM, John Quetzalcoatl Murray <wrote:

Yes, he quotes the word "disrespectful." Here's the full sentence in which you are named:

As voiced by overly zealous Planning Commissioners like Dan Isaacson, any challenges or critiques of staff plans are viewed as "disrespectful" and vociferously opposed without any analysis of their merit.

On Thu, Jul 13, 2023 at 4:46 PM Dan Isaacson wrote:

Has he indicated an example of a behavior he disagrees with, other than my statement to council regarding our collective experience during the adoption process?

Sent from my iPhone

On Jul 13, 2023, at 4:07 PM, John Quetzalcoatl Murray wrote:

Hi Dan  
Thanks for the quick response. We would also like to offer an opportunity for you to respond to comments by Ted Coopman.

Ted Coopman cites you as an example of an "overly zealous Planning Commissioner" whose behavior led to this litigation and the July 12 decision. His statement suggests that on HB2001, the Eugene Planning Commission acted as an advocate for staff proposals, viewing as adversaries any members of the public who asked questions or raised objections. Other examples from that time period: [An internal whistleblower said neighborhoods were deliberately excluded](#) and Councilor

Keating [stopped from being recorded HB2001 changes requested by neighborhood residents](#). He said he did not agree with them.

Peace  
John Q

On Thu, Jul 13, 2023 at 3:09 PM Dan Isaacson  
> wrote:

Hi John,

Thank you for the email. I believe the appropriate body to ask for a comment would be the public information officer with the City of Eugene. I am a volunteer member of the planning commission which doesn't have any standing in complex legal proceedings before the United States Court of Appeals. And as a standard practice, I personally never comment ongoing litigation.

Sincerely,

Daniel Isaacson

Sent from my iPhone