MODERATING CITIZEN "VISIONING" IN TOWN COMPREHENSIVE PLANNING: DELIBERATIVE DIALOG PROCESSES

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I. INTRODUCTION

Town[1] general plan amendment exercises can be highly politically charged.[2] Citizens may organize to stymie progress toward a town's

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1. The word "town" is selected to stand for any of the following: cities, towns, villages, boroughs, burgs, wards, counties, parishes, and their political equivalents engaged in land use decisions at the local level. If the law journal editors allowed this definition, kindly adapt as needed. *See infra* Appendix A.

2. *See* Roger W. Caves, *Too Much "Red Tape"? Pros, Cons of Citizen Participation,* U-T SAN DIEGO (Feb. 18, 2012, 6:00 PM), http://www.utsandiego.com/news/2012/feb/18/the-pros-and-cons-of-citizen-participation/ (asserting that streamlining citizen participation processes "has led to chaos, more confusion than ever before, and to increased distrust by various parties and potential lawsuits").

adoption of its comprehensive plan's amendment. At least five reasons underlie this occurrence. First, for professional politicians, the town's comprehensive plan document is another piece of local government legislation awaiting the rough and tumble of political trades. Second, eloquently summarized by Professor Nicole Stelle Garnett, "control over land use regulation remains" the most cherished power of many town governments—one that local regulators do not eagerly relinquish to citizens.[3] Third, stakeholders in the land use world, particularly homeowners, routinely reject measures that they perceive to decrease land use regulation if they feel a pending threat to their property values or another value held as dearly as their investments in dwellings.[4] It is no accident that zoning regulation tends to be exclusionary, whatever its packaging.[5] Fourth, citizens tend to distrust their town staffs and elected officials in matters of land use policy.[6] Fifth, votes on general plans are decisions more fitting for the electorate than "land use decisions, such as site-specific rezonings," since more clear-cut policy choices of broad application appear in major general plan amendments.[7]

I previously have advocated tapping the wisdom of crowds in public policy generation[8] and using disinterested parties to facilitate assemblies engaged in policy formation.[9] I have argued for using mediated collective bargaining to address grievances of policymaking's opposing stakeholders.[10] This article describes such opportunities in Plan amendment processes in which representative stakeholders provide inputs on behalf of a diverse stakeholders' community. The moderation process described here involves Scottsdale, Arizona, a city currently

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3. *See* Nicole Stelle Garnett, *Redeeming Transect Zoning?*, 78 BROOK. L. REV. 571, 586 (2013).

4. *Id.* at 578.

5. *See* THOMAS SOWELL, APPLIED ECONOMICS: THINKING BEYOND STAGE ONE 98-109 (2009).

6. *See, e.g.*, RANDAL O'TOOLE, THE BEST-LAID PLANS: HOW GOVERNMENT PLANNING HARMS YOUR QUALITY OF LIFE, YOUR POCKETBOOK, AND YOUR FUTURE 85, 191 (2007). *Cf.* Holman W. Jenkins, Jr., *A Spectator's Stake in the Tesla Test-Drive Spat*, WALL ST. J., Feb. 16, 2013, at A13 ("We like to imagine coherent government planning. We like to think policy actions are predicated on careful and intelligent anticipation of consequences. But the nature of the beast is otherwise.").

7. *See* Daniel P. Selmi, *Reconsidering the Use of Direct Democracy in Making Land Use Decisions*, 19 UCLA J. ENVTL. L. & POL'Y 293, 344, 354 (2001).

8. *See generally* Michael N. Widener, *Bridging the Gulf: Using Mediated, Consensus-Based Regulation to Reconcile Competing Public Policy Agendas in Disaster Mitigation*, 74 ALB. L. REV. 587 (2010-11).

9. *See id.* at 606-18.

10. *See id.*; *see also* Michael N. Widener, *Collective Bargaining as a Dispute-Reduction Vehicle Accommodating Contrary Animal Welfare Agendas*, 2 KY. J. EQUINE, AGRIC. & NAT. RESOURCES L. 191 (2010).

engaged in developing its 2014 Plan to extend the city's planning vision
through 2045. Part II of this article provides a brief primer of a Plan's
role in implementing municipal police power. Parts III and IV describe
the history of the Scottsdale experience in amending its Plan with citizen
aid and rebellion. Part V delivers some observations about a citizen input
method for planning matters that is subject to popular critique. Part VI
summarizes the purpose of citizen inputs and how moderation
appropriately channels their contributions without distortion. Readers are
warned: This article does not prescribe the method for successful Plan
adoption.[11] Many approaches[12] may yield satisfactory results from
community participation in Plan creation or amendment. The single
process described here offers numerous advantages worth administrators'
consideration.

II. COMPREHENSIVE PLANS AND LOCAL GOVERNMENTS' POLICE POWER

The Plan (alternatively called the general plan, the comprehensive
plan, the master plan, or the municipal development plan)[13] is a town's
basic land use planning document, describing to all stakeholders a vision
and general direction for its future.[14] A policy blueprint for community
development, the Plan balances and meshes (where attainable)
stakeholders' competing social values.[15] Formally adopted and thereafter
revised by the town's legislative body, "it contains goals, objectives and
strategies for [future town] development and conservation of" assets.[16]

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11. THOMAS SOWELL, INTELLECTUALS AND SOCIETY 96 (2010) (advising against the
prescriptive "solutions" of self-styled elites who act as surrogate decision-makers for the
masses despite lacking mundane but consequential knowledge (possessed by those
masses) that would lead to optimal decision-making).

12. *See, e.g.*, Sherry R. Arnstein, *A Ladder of Citizen Participation*, 35 J. AM. INST.
PLANNERS 216-34 (1969); Patricia E. Salkin, *Collaborative Processes for Preparing and
Adopting a Local Comprehensive Plan, in* 2 MODERNIZING STATE PLANNING STATUTES:
GROWING SMART WORKING PAPERS (1998); Lee C. Slusser, *Planning Processes,
Planning Futures, and Public Participation Techniques*, AM. PLAN. ASS'N TEX. CHAPTER,
www.txplanning.org/files/185/download/ (last visited Sept. 25, 2013). *See also* PHILA.
CITIZENS PLAN. INST., NEIGHBORHOOD PLANNING WORKBOOK 64-68 (Spring 2011),
available at http://citizensplanninginstitute.org/wp-content/uploads/2011/01/Neighbor
hood-Planning-Workbook-spring-2011-COMPLETE.pdf (maintaining a compendium of
techniques to compile and provide citizen feedback).

13. ROGER W. CAVES & BARRY CULLINGWORTH, PLANNING IN THE USA: POLICIES,
ISSUES AND PROCESSES 136 (2009).

14. *Id.* at 126.

15. *Id.*

16. Patricia E. Salkin & Amy Lavine, *Community Benefits Agreements and
Comprehensive Planning: Balancing Community Empowerment and the Police Power*,
18 J.L. & POL'Y 157, 163 (2009).

The Plan is the "big picture" of today's town and what its citizens aspire to make it "look like in the future"; thus, Plan policies "should guide development regulations and" town decisions implementing them.[17] In this frame, the Plan reduces the magnitude of "arbitrary, irrational, biased and [inconsistent] actions."[18] "Most states do not make the adopt[ing] of [a Plan] a statutory pre-requisite to" devising specific zoning regulations; however, a Plan precedes such regulation in many jurisdictions.[19]

In some states, the Plan is advisory without compelling consistency between it and specific zoning map changes.[20] In most local jurisdictions today, however, all land approvals minimally must not violate materially the Plan's explicit statement of values, and in a growing minority, the Plan controls specific rezoning.[21] Therefore, a land use change must comport with the Plan's stated goals and policies.[22] Under most states' statutes, the Plan consists of a collection of "elements," ingredients for sensible development of the community's physical realm. Typical plan elements in many states include:[23]

> 1. The *land use* element designates the type, intensity, and general distribution of uses of land for housing, business, industry, open space, education, "public buildings and grounds," waste disposal and treatment facilities, and other types "of public and private uses."[24] This element sometimes contains growth boundaries.[25]

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17. *Id.* at 164.

18. *Id.*

19. *Id.*

20. *Id.*

21. *See id.* at 164-65; *see, e.g.,* CAL. GOV'T CODE § 65860(a)(ii) (West 2012) (requiring that to ensure consistency, the specific zoning ordinance must be "compatible with the objectives, policies, general land uses, and programs specified in [such a general] plan"). *But see* Citizens for Mount Vernon v. Mount Vernon, 947 P.2d 1208, 1215 (Wash. 1997) (noting that in some circumstances in which a conflict between a comprehensive plan and a specific zoning code regulation arises, the specific zoning code provision prevails).

22. Salkin & Lavine, *supra* note 16, at 164.

23. *See, e.g.,* ARIZ. REV. STAT. ANN. § 9-461.05(C) (West 2011); CAL. GOV'T CODE § 65302 (West 2013); IND. CODE ANN. § 36-7-4-503 (West 2007); S.C. CODE ANN. § 6-29-510(D) (West 2007); WIS. STAT. ANN. § 66.1001(2)(g) (West 2012).

24. ARIZ. REV. STAT. ANN. § 9-461.05(C)(1)(a) (West 2011); CAL. GOV'T CODE § 65302(a) (West 2013).

25. *See, e.g.,* GARIBALDI, OR., MUN. CODE § 18.12.020(E) (2012) (defining an urban growth boundary as a fixed dividing line separating "rural" from "urbanizable" lands, as identified in a town's Plan).

2. The *circulation* element dovetails with the land use element to identify the "general location[s] and extent of existing and proposed major thoroughfares"[26] and other transportation routes and terminals, together with "local public utilities and facilities."[27]

3. The *housing* element is a comprehensive assessment of current and projected housing needs for all economic "segments of the community."[28] This element often embodies policies for adequate affordable housing, addressing action programs for that provision.

4. The *conservation* element addresses conservation, development, and "use of natural resources including water," forests, soils, rivers, and mineral deposits.[29]

5. The *open-space* element details plans and measures for the long-range preservation and conservation of open-space lands, including to preserve natural resources and to manage production of resources (including agricultural lands) along with outdoor recreation and public health and safety.

6. The *noise* element identifies and appraises noise problems within the community (including airports, factories and other high-decibel noise generating sources) and underpins some bases for town land use distribution.

By statute, states include numerous additional elements in their Plan schemes.[30] In order for a Plan to have legal sufficiency, it must contain those mandatory elements in adequate detail. The consequence of having a legally invalid Plan is that a subsequent specific rezoning may be declared invalid *from its adoption,* should that rezoning ordinance be brought into court.[31] Therefore, a community Plan must guide

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26. CAL. GOV'T CODE § 65302(b)(1).

27. *Id.* § 65302(a).

28. ARIZ. REV. STAT. ANN. § 9-461.05(6).

29. CAL. GOV'T CODE § 65302(d)(1).

30. *See, e.g.,* ARIZ. REV. STAT. ANN. § 9-461.05(D) (indicating that there may be additional elements, such as recreation, public service, or safety).

31. *See* deBottari v. City Council, 217 Cal. Rptr. 790, 795-96 (Cal. Ct. App. 1985); Sierra Club v. Bd. of Supervisors, 179 Cal. Rptr. 261 (Cal. Ct. App. 1981); DANIEL J. CURTIN, JR. & CECILY T. TALBERT, CURTIN'S CALIFORNIA LAND USE AND PLANNING LAW 17 (2004).

consistency in application of development standards. However great the town's pressure to comply with legal adequacy, there is greater political pressure to accommodate competing community stakeholder values within the Plan. Growth control and development density standards are typical "flash points" in a Plan's initial preparation and amendment.

In many states, Plans must be amended and approved at regular intervals by the town's legislative body, followed by a citizen vote. Updating intervals vary by state, but the range of frequency of renewal is approximately five to ten years.[32] To maximize the likelihood of citizen ratification of a Plan's amendment, citizen involvement is fundamental and, in many states, obligatory.[33] Public input methods include citizen surveys, public forums, hearings, residential mailings, press releases, and select citizens' committees.[34] Because this is one of the chief citizen "checks" on town administration, their level of involvement in Plan amendment is frequently robust. A town must determine how much citizen engagement is optimal in the Plan adoption process, minimizing polarization while facilitating cooperation with staff and officials. Administrators hold practical reservations about citizen engagement, believing it increases costs and delays, exposes emotional considerations and self-interest, and creates controversy instead of consensus.[35] Accordingly, citizen engagement in community policy explorations traverses a continuum between the extremes of a town administration's affording data and news without seeking citizen inputs ("public awareness") and the full participation of citizens in the drafting and "selling" of policy proposals to the community ("public partnership"), as indicated on the following chart.[36]

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32. *See* CAL. GOV'T CODE § 65400(b) (West 2010). However, the statutes require an annual report on the status of the general plan to the chief legislative body of the community. *Id.* § 65400(a)(2); CAVES & CULLINGWORTH, *supra* note 13, at 137 (stating that California state law requires only that the "housing element" of the municipal general plan be updated regularly (every five years)). *But see* CAL. GOV'T CODE § 65400(b).

33. *See, e.g.*, ARIZ. REV. STAT. ANN. § 9-461.06(C)(1) (West 2012) ("The governing body shall adopt written procedures to provide effective, early and continuous public participation in the . . . major amendment of general plans. . . ."); CAL. GOV'T CODE § 65351 (West 2006) ("[T]he planning agency shall provide opportunities for the involvement of citizens, . . . public agencies, . . . and civic, education and other community groups, through public hearings and any other means the [city or county] deems appropriate.").

34. CAVES & CULLINGWORTH, *supra* note 13, at 137.

35. *See generally* RICHARD C. HARWOOD, THE PUBLIC'S ROLE IN THE POLICY PROCESS: A VIEW FROM STATE AND LOCAL POLICYMAKERS (1989).

36. STEVEN H. GRABOW, MARK HILLIKER & JOSEPH MOSKAL, COMPREHENSIVE PLANNING   AND   CITIZEN   PARTICIPATION   27   (2006),   *available   at*
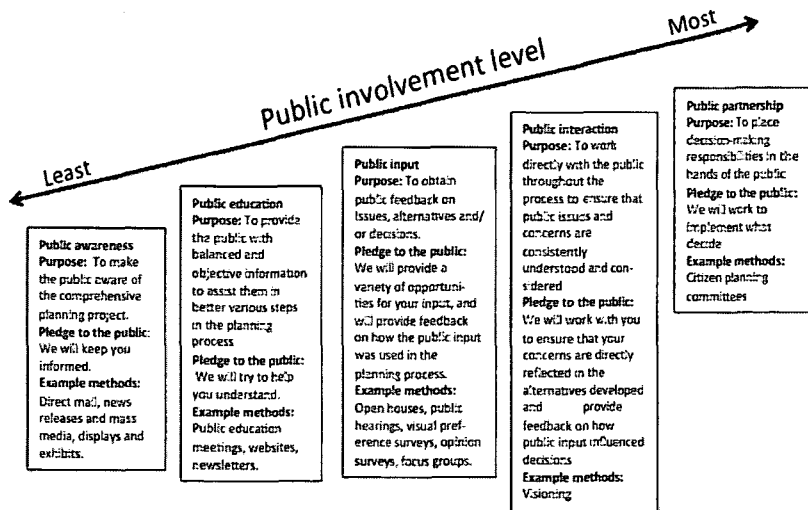
There are risks of greater citizen engagement at its "partnership" extreme, at which certain Plan decision-making responsibilities reside in the public. First, citizen activists' targeted personal agendas are incorporated in the Plan. Second, the Plan may ultimately be defeated notwithstanding the substantial administrative forethought invested in its elements and context and the time expended in communicating the Plan to citizens.[37] However, evidence supports the conclusion that the greater the engagement of citizens in a Plan, the more effective the final product.[38] For the 2014 Plan, Scottsdale chose the "public interaction"

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http://learningstore.uwex.edu/Assets/pdfs/G3810.pdf (diagraming a continuum chart of public involvement).

37. *See, e.g.*, ARUNDEL, ME., PLAN, ARUNDEL COMPREHENSIVE PLAN UPDATE A-1, A-2 (2007), *available at* http://www.arundelmaine.org/vertical/sites/%7B59869D99-BF8C-4BB4-B531-4D5018030261C%7D/uploads/Arundel_Comp_Plan_Vol1.pdf (describing how Arundel, ME began work via a citizens' committee of fifteen persons in the summer of 2001, which conducted community forums to develop a vision statement, then mailed out an opinion statement to all residents and property owners in Arundel, then held roundtable discussions with focus groups followed by a public hearing in October 2003). Ultimately, the town conducted a November 2003 election at which voters rejected the town's Plan. *Id.* at A-2. The citizens' committee regrouped, discussed public comments following three additional public meetings, and held additional forums in September 2004, following which efforts the Plan again was defeated by voters. *Id.* The town eventually adopted a new comprehensive plan dated June 15, 2005, and adopted a 2007 amendment to its Comprehensive Plan. *See id.* at A-1, A-2. *See also* ARUNDEL COMPREHENSIVE PLAN UPDATE COMM., ARUNDEL COMPREHENSIVE PLAN 2005 UPDATE (2007), *available at* http://digitalcommons.library.umaine.edu/towndocs/58/.

38. *See, e.g.*, Raymond J. Burby, *Making Plans That Matter: Citizen Involvement and Government Action*, 69 J. AM. PLAN. ASS'N 33, 34, 44 (2003) (discussing that since

level of citizen engagement, involving a segment of the public in the visioning process.

III. SCOTTSDALE'S 2011 GENERAL PLAN PROCESS

Scottsdale has roughly 218,000 persons dwelling within approximately 184 square miles of area in the Sonoran Desert of central Arizona.[39] Remarkably, Scottsdale boasts significant topographic variety, with elevations ranging from 1,277 to 4,789 feet above sea level, featuring a mountain preserve within the McDowell Mountains.[40] In addition to its Plan, Scottsdale divided its political boundaries into twenty-four "Character Areas" for which specific planning occurs, although to date only seven such character plans are adopted.[41] Scottsdale's current Plan is entitled the "City of Scottsdale, Arizona 2001 General Plan," ratified by the citizens in the March 12, 2002 election.[42] Scottsdale preserves its southwestern heritage and character with significant tracts of natural area open space within its boundaries, attracting retirees and visitors alike.[43]

In Arizona, statutes require a Plan, with minor amendments, to be effective for no more than ten years from the date first ratified.[44] Each time the Plan is subject to a major amendment,[45] it must—for towns

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citizen involvement generates local knowledge, understanding, and agreement with planners on problems and solutions, stakeholders acquire a sense of ownership and control of planning proposals, easing the formation of citizen coalitions advocating for a plan's realization); NAT'L RECREATION & PARK ASS'N, FROM INTEREST TO COMMITMENT: THE CITIZEN CONNECTION 7 (2011), *available at* http://www.nrpa.org/uploadedFiles/ nrpa.org/Publications_and_Research/Research/Papers/Interest-to-Commitment-White-Paper.pdf (demonstrating that authentic and meaningful public discourse "improve[s] quality of decisions, minimize[s] costs and delays, help[s] build consensus on complex issues, increase[s] ease of implementing decisions, help[s] avoid confrontations, and improve[s] credibility and legitimacy of decisions made").

39. *About Scottsdale*, SCOTTSDALEAZ.GOV, www.scottsdaleaz.gov/about (last visited Mar. 22, 2013).

40. *Id.*

41. *Id.*

42. CITY OF SCOTTSDALE, ARIZ., CITY OF SCOTTSDALE GENERAL PLAN (2001), *available at* http://www.scottsdaleaz.gov/Assets/Public+Website/generalplan/General+ Plan.pdf.

43. *See* CITY OF SCOTTSDALE, ARIZ., REPORT OF THE VISIONING SCOTTSDALE TOWN HALL (2013) [hereinafter REPORT OF THE VISIONING SCOTTSDALE TOWN HALL], *available at* http://www.scottsdaleaz.gov/Assets/documents/BoardAgendas/General+Plan+2014+ Task+Force/Resources/Visioning+Scottsdale+Report.pdf.

44. *See* ARIZ. REV. STAT. ANN. § 9-461.06(K) (West 2012).

45. A major amendment is defined as one substantially altering the town's adopted land use mixture or "balance" from what is described in the current Plan. *See* ARIZ. REV.

having more than ten thousand people—be submitted to the town's citizens for ratification.[46] This must occur no sooner than 120 days after the town's legislature adopts a Plan or an amendment by at least a two-thirds vote.[47] If a majority of those citizens voting ratify the new Plan, it becomes the current Plan for up to another ten years.[48] If the majority of voters fail to ratify, the existing Plan remains effective until a new Plan is ratified.[49] The Arizona town may resubmit the new Plan for consideration at a later election, or it may rework the "unsuccessful" Plan under processes prescribed by statute.[50] The basic processes for citizen input for a major amendment to the Plan require at least two public hearings before the town's planning commission and at least one public hearing before the town's governing body.[51]

After the Scottsdale City Council approved its 2011 General Plan[52] on October 25, 2011, it was submitted for citizen ratification.[53] In the March 13, 2012 Special Election, City of Scottsdale Proposition 430—seeking ratification of the 2011 Plan—was defeated by a "no" vote of 51.98% of those voting.[54] It is impossible to know the sentiments of all voters opposing the 2011 Plan. At the City Council Meeting on October 25, 2011, however, several citizens testified that the 2011 Plan's systemic problems included reducing the consequence of "Character Areas, minimal citizen input, lack of [neighborhoods protection], misuse of the term 'aging in place,' and concern about the vision statement" portion of the recommended Plan.[55] The "minimal citizen input" complaint resonated throughout the city, suggesting that voters resisted the "prescription" for how land planning should evolve advocated by a

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STAT. ANN. § 9-461.06(D)(7). A minor amendment, therefore, is subject to the legislative process of the town's council without voter approval. *Id.*

46. *Id.*

47. *See id.* § 9-461.06(M).

48. *Id.*

49. *See id.*

50. *Id.*

51. *See* ARIZ. REV. STAT. ANN. § 9-461.06(E), (G).

52. CITY OF SCOTTSDALE, ARIZ., SCOTTSDALE GENERAL PLAN (2011), *available at* http://www.scottsdaleaz.gov/Assets/Public+Website/Planning/General+Plan/GeneralPlan 2011DRAFT_coverTOC.pdf.

53. *See* SCOTTSDALE, ARIZ., RESOLUTION NO. 8837 (2011) (adopting the 2011 Plan as Scottsdale's General Plan subject to future ratification of the voters).

54. *Id.*

55. *See* SCOTTSDALE CITY COUNCIL, GENERAL PLAN AMENDMENT MEETING: SUMMARIZED   MINUTES   (Oct.   25,   2011),   *available   at* http://www.scottsdaleaz.gov/Asset42251.aspx. A letter from Michael S. Kelly affords greater detail of a citizen's perceived deficiencies in the proposed Plan, including that the staff's "assessment" report (which was the foundation for the 2011 Plan update) was not discussed "in any meaningful way with or by Scottsdale citizens." *Id.*

city elite combining professional staff, City citizen board members, and advocates aligned with the City's Chamber of Commerce.[56] The Scottsdale election is a costly reminder of the myriad of problems accompanying efforts to impose elite prescriptions in public policy settings.[57] For one illustration, consider the disparity between how planners believe "people should live" and how they indeed live.[58] Another concern is that planners are not transparent in describing much of their long-range planning analyses.[59]

In June 2010, Arizona's legislature passed House Bill 2145, extending the timeframe for towns to readopt an existing or adopt a new Plan until July 1, 2015.[60] Post-2010 Plans in Arizona towns must include three additional elements: energy, "neighborhood preservation and revitalization," and subsurface resources.[61] With the hiatus created by the extension of town Plan adoption to 2015, Scottsdale could determine how to make the defeated Plan amendment palatable, avoiding the need to start afresh. The detailed December 4, 2012 City Council Report describes the intended strategy undertaken by the city.[62] Scottsdale's Council ordered its administrative staff to engage a consultant to assist in revising or developing the 2011 Plan's vision statement through a series of events for Delegates that the consultant (a neutral party) selected.[63] The Delegates were to constitute a representative demographic and geographic sample of the community tasked to create the Plan's vision statement and a statement of community values during a Forum facilitated by the consultant's staff.[64] After a request for proposals and

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56. *See, e.g.*, Beth Duckett, *Critics of General Plan Says It Weakens City's Policies*, ARIZ. REP. (Dec. 22, 2011), http://www.azcentral.com/community/scottsdale/articles/2011/12/19/20111219arguments-oppose-scottsdale-general-plan-update.html; Rick Kidder, *Scottsdale Area Chamber of Commerce Forms Political Committee in Support of Proposition 430 – The City's General Plan*, SCOTTSDALE AREA CHAMBER BLOG (Jan. 26, 2012, 10:37 AM), http://scottsdalechamber.blogspot.com/2012/01/scottsdale-area-chamber-of-commerce.html.

57. *See* SOWELL, *supra* note 11, at 96 (contrasting "elite prescription" with systemic evolution in which vastly greater knowledge is generated when the experience of vastly larger numbers of persons are tapped in problem-solving).

58. *See* O'TOOLE, *supra* note 6, at 85.

59. *See id.* at 91.

60. H.R. 2145, 49th Leg., 2d Reg. Sess. (Az. 2010).

61. *See* ARIZ. REV STAT. ANN. § 461.05(E)(10)-(11) (West 2012) (setting forth the new elements through S.B. 1598 50th Leg., Reg. Sess. (2011)).

62. *See* CITY OF SCOTTSDALE, ARIZ., CITY COUNCIL REPORT: GENERAL PLAN UPDATE VISIONING CONTRACT (ITEM 10) (Dec. 4, 2012) [hereinafter CCR], *available at* http://www.scottsdaleaz .gov/Assets/Public+Website/council/2012/120412/Item10.PDF.

63. *Id.* at 2.

64. *Id.*

interviews, Scottsdale selected the Arizona Town Hall from among four candidates to be the consultant.[65]

IV. SCOTTSDALE'S 2014 PLAN PROCESS

A. *Determining an Agenda*

With input from City Council and the Arizona Town Hall, Scottsdale's Community Development Department determined that the General Plan Town Hall process would include an initial Delegate application process.[66] Arizona Town Hall selected one hundred Scottsdale adult community members to participate in the "Visioning Scottsdale Town Hall" event.[67] Before that event, Delegates were provided with background materials, including information from a "Future Leaders Town Hall" occurring in late January 2013.[68] This evening meeting of one hundred young community members ages sixteen to twenty-two produced recommendations presented to Delegates at the February 2013 Forum, which were included in the Final Report of the Forum.[69] The Visioning Scottsdale Town Hall included three half-day deliberations of one hundred Delegates, who were divided into three separate caucuses of one-third of the Assembly each, to discuss identical written questions prepared by Arizona Town Hall volunteers based upon city staff input.[70] Trained volunteers from the Arizona Town Hall organization led the caucuses.[71] None of the volunteers was a Scottsdale resident, employee, or business owner. Further, none but the author had significant experience in real estate development.[72] Each Caucus

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65. *Id.* at 3.

66. SCOTTSDALE GEN. PLAN 2014, APPLICATION FOR PARTICIPATION IN VISIONING SCOTTSDALE TOWN HALL (2013), *available at* http://www.scottsdaleaz.gov/Assets/Public+Website/generalplan/Visioning+Scottsdale+Application.pdf.

67. CCR, *supra* note 62, at 3; REPORT OF THE VISIONING SCOTTSDALE TOWN HALL, *supra* note 43, at 1.

68. *Id.*

69. *Arizona Town Hall at Skysong,* SCOTTSDALEAZ.GOV (Jan. 24, 2013), *available at* http://scottsdale.granicus.com/MediaPlayer.php?view_id=46&clip_id=4971.

70. REPORT OF THE VISIONING SCOTTSDALE TOWN HALL, *supra* note 43, at 1. *See The Visioning Scottsdale Town Hall Process,* SCOTTSDALEAZ.GOV, http://www.scottsdaleaz.gov/Assets/Public+Website/generalplan/Visioning+Scottsdale+Town+Hall+Process.pdf (last visited Oct. 12, 2013) [hereinafter *The Visioning Scottsdale Town Hall Process*] (including a graphic depiction and narrative).

71. CCR, *supra* note 62, at 3.

72. Optimal credibility is achieved when those with no stake in the outcome and no direct experience or knowledge of the economic or social sector under consideration are listening and moderating the Forum instead of being surrogate decision-makers. *See* SOWELL, *supra* note 11, at 17-18, 20.

endeavored to reach consensus on a vision statement by the end of its last session on the second day of the Forum.[73] Arizona Town Hall then compiled a draft consensus report, melding together the consensus statements reached within the separate Caucus sessions.[74] This draft report would then be reviewed and edited in a final Plenary Session including the entire Assembly on the third day of the Forum.[75] Upon completion of that Final Report, Arizona Town Hall would open that report to the community for review and comment on the Internet and in public meetings.[76]

B. Engaging a Public Forum Facilitator

Arizona Town Hall is a private, nonprofit civic body created in 1962 to grow, through research and periodic discussion, an ever-increasing following of citizens comfortable with the process of searching analysis and soundly-informed recommendations addressing various facets of Arizona's economic, cultural, and social life.[77] There are currently over 1,500 Town Hall members (paying a modest membership fee) throughout the state.[78] Its sixty-two member board of directors determines the annual agenda for two topics of widespread interest.[79] Next, one of the state's three public universities "develops a comprehensive research document on" those issues raised by the general topic.[80] University contribution plays a crucial role in developing each Town Hall's deliberative discussion agenda.

Semi-annual statewide Town Hall conferences follow a well-defined process in promoting deliberative dialogues. The background research document is sent to approximately 150-170 Delegates substantially in advance of a three-day Forum, so Delegates and spectators can become

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73. *The Visioning Scottsdale Town Hall Process, supra* note 70.

74. CCR, *supra* note 62, at 3.

75. *Id.* at 3-4.

76. *Id.* at 4.

77. *The Town Hall Process*, ARIZ. TOWN HALL, http://www.aztownhall.org/Town_Halls (last visited Oct. 2, 2013) (describing the Town Hall process in general).

78. *Id.*

79. *Id.*

80. Naturally, academia's authors and editors include persons with specialized knowledge; such experts ideally will communicate such knowledge without political agenda colorizing. Their inputs are a crucial starting point for framing a problem or related series of problems. By circulating a background report or participant workbook prior to commencing a Forum, persons with mundane but consequential and pertinent knowledge will apply their perspectives and experience to the data presented in the pre-conference report/workbook and intuit fact from posturing in the report/workbook contents. *Cf.* SOWELL, *supra* note 11, at 13-20.

better informed on their own time. Town Hall Delegates meet in thirty-person Caucuses for four sessions over a two-day period.[81] The Caucuses blend persons from social service, academic, non-profit, and business sectors. All Caucuses use the same discussion questions, while each day a "recorder" summarizes the key points upon which Caucus Delegates reach a consensus of viewpoints.[82] On the Town Hall conference's third day, at the close of these informal, no-holds-barred Caucus discussion sessions, the Assembly meets in a plenary session to adopt (based on the recorded statements of consensus earlier reached) a final report of findings and recommendations based upon the Delegates' consensus on those discussion topics where agreement exists.[83]

The Arizona Town Hall periodically serves as a consultant to businesses, government, and other organizations preferring its process of promoting robust, respectful, and deliberative dialogue that leads to producing a consensus-based written report of recommendations.[84] Scottsdale's administration was familiar with Arizona Town Hall, having hired it previously to determine key issues and opportunities for a "Downtown Scottsdale" forum in 2006 that launched the city's Downtown Plan Update.[85] The city knew the "Visioning Scottsdale" 2013 forum would be led by highly-skilled professionals previously serving as Town Hall facilitators or recorders, trained "in public participation consensus-building, group facilitation, public speaking, [oral] presentation[], and working with []broad cross-section[s] of [community] stakeholders."[86] Following selection of the Delegates from the more than 300 applications received, Arizona Town Hall assigned

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81. *See* Tim Eigo, *Arizona Town Hall Celebrates 50 Years*, ARIZ. ATT'Y, Nov. 2012, at 48, 50, *available at* http://www.azattorneymag-digital.com/azattorneymag/201211? pg=50&search_term=townhall&doc_id=-1&search_term=town hall#pg50.

82. *See id.* at 50.

83. *Id.* at 50-52.

84. *See generally id.* To reduce the appearance of bias, readers should be aware that other organizations facilitate citizen-dialog deliberative processes in public policy contexts. For example, America*Speaks*, headquartered in Washington, D.C., conducted a daylong visioning "town meeting" called "Lancaster 2020" in November 2008 with 300 participants. *See Lancaster 2020: Shaping Our Future*, AMERICA*SPEAKS* (Nov. 2008), americaspeaks.org/projects/topics/planning-growth/Lancaster-2020-shaping-our-future/. Everyday Democracy advances deliberative democracy involving large numbers of citizens in face-to-face dialog, culminating in a large-group meeting known as an "action forum." *See* Marc Smith, *A Vision for the Future—Brookline Begins Process of Planning to Direct Growth*, EVERYDAY DEMOCRACY (Apr. 11, 2008), http://www.everyday-democracy.org/en/Article.736.aspx (describing the story about the Brookline Visioning Forum). In addition, New Mexico has a public citizens' policy forum like Arizona Town Hall. *See* NEW MEXICO FIRST, http://nmfirst.org (last visited Sept. 25, 2013).

85. *See* CCR, *supra* note 62, at 4-5.

86. *Id.*

Delegates to three Caucuses in roughly equal numbers of "North Scottsdale," "Central Scottsdale," and "South Scottsdale" dwellers and workers, as the City staff conceived.[87] Prior to the forum held in the city on February 6, 7, and 11, 2013, City staff assembled an extensive "Visioning Workbook" with facts relating to its demographic, land use, and transportation background, statements drawn from its 2001 Plan's vision statement and statements of community values.[88] A "Moderator" and "Synthesizer" (although their formal titles are "Panel Chair" and "Recorder" in Arizona Town Hall-speak), so-named because those titles accurately summarize their functions in Forum environments, facilitated the work of each Caucus.[89]

C. The Caucus/Assembly Moderator as Prototype Mediator and Process Coordinator

The Moderator's first goal is to keep Delegates from misdirecting the Caucus process or miring it in minutiae, in either case stifling contribution to the consensus statements and compromising the quality of a Caucus's work product.[90] Other Moderator goals include building trust among Caucus participants and teasing out articulate statements of values and vision by requesting clarification or encouraging group inputs without expressing a personal viewpoint.[91] The Moderator's key function

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87. This is arbitrary geography. *Scottsdale, Ariz.*, WIKIPEDIA, http://en.wikipedia.org/ wiki/Scottsdale,_Arizona (last visited Sept. 25, 2013) (carving its boundaries into four areas). City staff effectively combined the Wikipedia author's South Scottsdale with Old Town-Downtown to devise three zones. It appears that the city's underlying purpose was to achieve Delegate balance by not skewing representation to one lifestyle or "life stage," but instead including semi-retired and retired citizens together with youth and adults with careers at full throttle. *See* CCR, *supra* note 62.

88. *See* CITY OF SCOTTSDALE, ARIZ., 2014 GENERAL PLAN VISIONING WORKBOOK 10-11 (2013) [hereinafter 2014 GENERAL PLAN VISIONING WORKBOOK], *available at* http://www.scottsdaleaz.gov/Assets/documents/BoardAgendas/General+Plan+2014+Task +Force/Resources/Scottsdal+Visioning+Workbook.pdf. The author found in his Caucus that there was some misunderstanding of the scope and purpose of the Vision Statement in a Plan. *Id.* at 6-8. This confusion fostered misunderstanding of the Assembly's role in the Plan revision process. The Forum profitably would have spent more time outlining the Assembly's role. An illustrative comment was one Delegate's observation, following the Plenary Session wrap-up, that the Forum might have been more satisfying if the Caucuses had begun with "a clean slate," meaning without any context for the Forum's work product other than a City mandate to develop a "vision statement." When the author asked how the work of the Forum would have been accomplished in the allotted time without templates or any functioning baseline, the Delegate conceded improbability.

89. *See generally* Eigo, *supra* note 81.

90. *Id.*

91. *Id.*

is to keep the Caucus on task and, insofar as possible, on time, so that work will be produced and the discussion topics will be fully addressed within severe time constraints.[92] Tasks confronting the Moderator in moving her Caucus forward are the following:

A. Having and communicating a firm Caucus agenda for each session and insisting that the Caucus observe time limits to generate consensus statements for the Caucus and the Assembly to process.

B. Discouraging "sidebar" conversations lasting more than a few seconds at a time in a (usually tightly-packed) room with thirty Delegates; here, the Moderator must explain that anything else is disrespectful and detracts from Delegate appreciation of the current speaker's observations.

C. Encouraging tactful, non-verbal communication among the panelists to enable the Synthesizer to determine when agreement is reached on various propositions.[93]

D. Enabling the Synthesizer to "read back" statements at appropriate intervals, ensuring that Caucus members buy-in to their work up to that point, thus encouraging Delegates to press forward on other agenda topics.

Another expertise in facilitation is the Moderator's recognition of certain Delegate "prototypes" within the Caucus. Nearly all Delegates (consciously or not) possess an agenda prior to the Forum. Many Delegates promote those agendas by various means during the Caucus sessions and the Plenary Session. Specimens of agenda controllers that

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92. *Id.*

93. Not surprisingly, the impact of statements delivered by one member to the full Caucus is determined somewhat by the words used, more still by voice tonality, and most by nonverbal communication (body language). *See* Jeff Thompson, *Is Nonverbal Communication a Numbers Game?*, PSYCHOL. TODAY BEYOND WORDS BLOG (Sept. 30, 2011), http://www.psychologytoday.com/blog/beyond-words/201109/is-nonverbal-comm unication-numbers-game. For this reason, there are limits to what deliberative communication can be shared via online forums or forums involving "presence robots," since voice tonality is distorted in audio feeds during a video conference such as on Skype™ or via presence robots, and the speaker's body language and facial expressions may not be deciphered correctly by the other participants, altering the perception of the speaker's message.

experienced Moderators identify in a Plan visioning Forum will include the following:

A. Product hijacker: A Delegate possessing the purest vision, he seeks to shortcut the process to prescribe one statement of Plan values and intentions (also known as the Community Values Statements and Vision Statement) upon the Assembly from the Forum's commencement. These persons may form teams of Delegates preparing a joint statement, distributing this manifesto and "rolling it out" to each of the Caucuses in which "team" members participate for incorporation into the Plan.

B. Prophet: A Delegate knowing what the ideal Plan elements are, including at the specific plan (i.e., the entire zoning map) level, globally grasping how the town ought to look. Hers are prescription-seeking followers, and therefore, she will (if allowed) invest the Plan or its amendment with items properly addressed during the zoning implementation phase.

C. Ahab[94]: A person determinedly grasping a single concept (e.g., conservation of natural area open space no matter the offsets, achieving "transit justice," or closing down entertainment-district night life by 11:00 p.m.), seeking to imbue the Plan with repeated references to that one concept, specifically in the Community Values Statements, and intending to shift broad town policy toward achieving that concept. Two varieties of Ahab are:

(i) Growth Hawk: This prototype's single concept enables growth (usually translating into increased building height, floor-area ratio, or lot coverage) through the Plan within one geographic area (for example, a downtown mixed-use center or transit node, or perhaps expansion of one economic sector such as high-tech entrepreneurship, alternative energy, healthcare, or tourism).

(ii) Static Clinger: This prototype's single concept is that all economic or demographic growth initiatives

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94. *See* HERMAN MELVILLE, MOBY-DICK, ch. 44 (1851) (describing Captain Ahab's "monomaniac thought of his soul"). Captain Ahab was driven mad by his obsession that the elusive White Whale, symbolizing evil, must be killed. *Id.*

threaten her vision of the town; for instance, mass transportation and affordable housing for service workers working in the tourism and retail sectors are to be avoided as threatening property values or the calm of isolated subdivisions housing citizens who (seemingly) derive no benefit from any such threat to predictability.

D. The Synthesizer as Honest Broker and Lyricist

The critical role of the Synthesizer is to process the best parts of the statements that Delegates offer, capturing their essences in the Caucus sessions and later in the Plenary Session report (in which the Synthesizer participates). Individual contributions, and often Caucus statements themselves, do not emerge "whole"; these may require further articulation or separation into discrete subjects (addressing individual Plan elements) for easy comprehension. Lack of Delegates' complete understanding in the Caucus of the Plan's discrete role in the town's planning realm requires the Synthesizer's deft touch and careful attention to phrasing. The quality of individual statements, even from a distinguished group of participants, falls within these categories, with two-thirds of the comments falling in the latter three of the five described below:

1. Drivel – jargon-laden[95] or disconnected observations, or statements sufficiently out of step with a Forum's visioning exercise as to be not salable to the Caucus or Assembly members.

2. Decent – statement makes a point but not one that ultimately is agreeable to the full group, whether Caucus or Assembly.

3. Good – a solid, sensible statement, when massaged and combined with other statements, that likely is visionary and includable in the Final Report in some form.

4. Important – on its face deftly expressed and agreeable, a statement includable in some form within the Assembly's final vision statement or community values statement.

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95. *Cf.* Richard A. Posner, *"How I Write,"* 4 SCRIBES J. LEGAL WRITING 45, 49 (1993).

5. Monumental – subject to instant assent of the full group (e.g., everyone is nodding her head), a statement that, like a monument, stands alone in the town's vision statement or community values list.

The Synthesizer understands that Caucus report statements must be salable to be included in the Final Report that, perhaps, is incorporated into the Plan amendment. The Synthesizer cannot guarantee that any statement will appear in the Final Report, as there are several counterparts engaged in its preparation; however, most Synthesizers seek inclusion of statements that the full Caucus broadly and strongly holds. (After spending a long time with Caucus members, the Synthesizer feels some ownership of her Caucus's points.) A lyrical Synthesizer therefore captures the essence of the Caucus's consensus statements, packaging them in salable form so as to withstand vetting by the balance of the Assembly for ultimate inclusion in the Forum's Final Report.

E. The Report Chair as Peerless Scribe

Although the Synthesizers provide aid during the Forum, in the last analysis the Final Report chairperson in a Town Hall-style event must produce a product consisting of consensus statements stripped of political cant and urban-planner jargon. While the Final Report will never completely reflect the subtlest inner-workings of the Assembly's collective judgment, a talented Report Chair will capture the fundamental group consciousness of the Plenary Session's vocal participants— because the Assembly scrutinizes that Final Report's statements, word-for-word and in real time, during the Plenary Session.

V. POLICY DELPHI METHOD – VARIETIES AND CRITICS

The Policy Delphi method[96] describes two alternatives referred to (arbitrarily, here) as traditional and consensus-oriented.[97] Under the

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96. Kerstin E. Cuhls, *Delphi Method, in* FORESIGHT METHODOLOGIES 93 (2003), *available at* www.unido.org/fileadmin/import/16959_DelphiMethod.pdf (describing the history of the Delphi method and a schematic of procedures incorporated in the method).

97. The consensus-oriented Delphi method sometimes is referred to as "Lockean inquiry." *See* Ian I. Mitroff & Murray Turoff, *Philosophical and Methodological Foundations of Delphi, in* THE DELPHI METHOD: TECHNIQUES AND APPLICATIONS 17, 20 (Harold A. Linstone & Murray Turoff eds., 2002) [hereinafter L&T], *available at* http://is.njit.edu/pubs/delphibook/delphibook.pdf. Mitroff and Turoff explain that the Lockean inquiry sweeps in streams of experiential data so rich "that they literally overwhelm the current analytical capabilities of most Leibnizian (analytical) systems,"

traditional Policy Delphi method, consensus is not the goal.[98] This alternative assumes that the decision-maker does not seek to have a group generate his decision but instead seeks an informed group, often composed of "experts," to present all options and supporting evidence for his exploration.[99] The traditional Policy Delphi alternative acts as a structured communication tool for the analysis of policy issues through generating "the strongest possible opposing views on the potential resolutions of a major policy issue" when there is insufficient data and incomplete theory on cause and effect.[100] Respondents representing opposing views and information react to and assess contrary viewpoints; in fact, both "the structure of the communication process [and] the choice of the respondent group may be such as to make consensus on a particular resolution [highly] unlikely."[101]

In the consensus-oriented Delphi method alternative, a technique typical of Arizona Town Hall processes, the Policy Delphi obtains, exchanges, and develops informed, if non-expert, insights on a particular topic.[102] Under this Delphi alternative, the chosen policy issue is one as to which there is no real expertise on the issue,[103] but informed advocates act and react with the aid of referees.[104] Intuitive forecasting inputs are applied to complex problems because policy alternatives are not well-defined and empirical data is not available to generate a scientifically-based prediction of outcomes.[105] This consensus-oriented Delphi policy alternative engenders systematic agreement on issues by incorporating education and consensus-building into a multi-round process of opinion formation.[106] Participants are urged to reconsider their opinions and form new insights in light of views expressed by other participating

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but this can be flawed since it unreflectively relies on "agreement as the sole or major principle for producing information and even truth out of raw data." *Id.* at 22.

98. Murray Turoff, *The Policy Delphi, in* L&T, *supra* note 97, at 80, 80. To be certain, "Project Delphi" was the name given to an Air Force-sponsored Rand Corporation study starting in the early 1950s with the objective to "obtain the most reliable consensus of opinion of a group of experts . . . by a series of intensive questionnaires interspersed with controlled opinion feedback." Harold A. Linstone & Murray Turoff, *Introduction, in* L&T, *supra* note 97, at 10 (internal quotations omitted).

99. Turoff, *supra* note 98, at 80.

100. *Id.*

101. *Id.*

102. *See* Mitroff & Turoff, *supra* note 97, at 20-23.

103. *Id.* American immigration policy seems to be a worthy example, despite a plethora of strongly-stated views.

104. *See* Turoff, *supra* note 98, at 80.

105. *See* Linstone & Turoff, *supra* note 98, at 20-23.

106. *See* John Ludlow, *Delphi Inquiries and Knowledge Utilization, in* L&T, *supra* note 97, at 97, 99-100.

stakeholders.[107] Several rounds of fact- or opinion-gathering and evaluation commonly occur, until consensus is articulated among the participants or "saturation of opinion" (polarization) is reached.[108] The goal is seeking participant agreements on specific policy options.[109]

The Arizona Town Hall process seeks consensus as the Forum's ultimate goal.[110] Both in Caucus and Plenary Sessions that formulate the Final Report, Delegates are admonished that the Forum's sessions are not gatherings of debating societies, and consensus statements are the desired Plenary Session product.[111] Due to facilitator warnings and encouragement of the Assembly to listen, evaluate, and build consensus, this alternative is broadly criticized as a form of group-think control, dictating outcomes and adding a veneer of stakeholder approval to a pre-determined result.[112] The primary portions of the method subject to attack are that Delegate selection is "stacked" to support the sponsor's intended outcome and that discussion questions are "skewed" so their framing dictates the direction of the Forum.[113] Naturally, the chief complaints are that the Assembly's outcomes mimic views of the

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107. *Id.*

108. *See* Mary Kay Rayens & Ellen J. Hahn, *Building Consensus Using the Policy Delphi Method,* 1 POL'Y, POL. & NURSING PRAC. 308, 309 (2000). In the "Visioning Scottsdale" exercise, time permitted essentially three opinion-generating rounds: the Future Leaders Forum work product (reviewed by the adult Caucuses), adult Caucus consensus statement production, and the vetting of the Draft Report by the Assembly at the Plenary Session. CCR, *supra* note 62, at 3-4.

109. Rayens & Hahn, *supra* note 108, at 308-15.

110. *Id.*

111. *But see* Murray Turoff, *General Applications: Policy Delphi, in* L&T, *supra* note 97, at 80, 92 (stating that traditional policy Delphi sometimes incorporates a structured, debating-type format).

112. *See, e.g.,* Mitroff & Turoff, *supra* note 97, at 22. A danger with agreement as a goal is that it may stifle conflict and debate when they are needed most; consensus-oriented Delphi is ideally "suited for working on well-structured problem situations for which there exists a *strong consensual* position on 'the nature of the problem situation.'" *Id. See also* Vance Jochim, *Consensus Decision Making & Visioning Methods Used by Government – How They Manipulate Public Perceptions,* LAKE COUNTY FISCAL RANGERS BLOG (July 30, 2012), http://tinyurl.com/HaltDelphiTechniques; Jonathan Thompson, *Fearful of Agenda 21, an Alleged U.N. Plot, Activists Derail Land-Use Planning,* HIGH COUNTRY NEWS (Feb. 6, 2012), http://www.hcn.org/issues/44.2/fearful-of-Agenda-21-an-alleged-united-nations-plot-activists-derail-land-use-planning; *Fredinburg Interviews Heather Gass – Defeating the Delphi Technique,* PPJ GAZETTE (Mar. 17, 2012), http://ppjg.me/2012/03/17/fredinburg-interviews-heather-gass-defeating-the-delphi-technique/.

113. Jochim, *supra* note 112.

governing body or other Forum sponsor and that peer pressure silences expressions of views opposing the prevailing crowd wisdom.[114]

A variety of logical and simple steps overcome the "fixed-outcome" critique. First, the facilitator-consultant can require freedom of Delegate choice, thus controlling Delegate selection impartiality. Second, experts can vet questions addressed to the Delegates to minimize bias or subtle influence toward desired outcomes. One solution above reproach is to remove the town's administration from engagement with Delegate selection and question-phrasing functions. In the instance of Visioning Scottsdale, the Arizona Town Hall President selected all Delegates from among the 300-plus applicants. The Town Hall facilitator group reviewed the forms of questions that the City of Scottsdale Community Development Department staff members vetted earlier. Prior to the first day of the Forum, the facilitator group agreed that some questions were either too vague or suggested a limited universe of responses. The group decided to amend all Forum questions presented to the Delegates in some manner without seeking the City's permission or forgiveness.

VI. CONCLUSION

Citizen rejection of the 2011 Plan led Scottsdale officials to reconsider that city's need to garner community participation early in the comprehensive planning process.[115] Incorporating community inputs late in the Plan amendment process fosters strong public alienation and Plan opposition.[116] Once organized opposition takes root, distrust in the planning process invites further alienation, damaging prior relationships that engaged citizen ownership of the process and its results.[117] Arizona, California, and several other states mandate citizen participation as a component of the local land planning process; however, legislating community inputs does not guarantee citizen satisfaction with the Plan adoption process.

When local governments foster citizen participation in community planning exercises, the attending risks include that one highly prominent individual or stakeholder faction will unduly influence the Plan's

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114. *See, e.g.*, O'TOOLE, *supra* note 6, at 190-92; chic462, *Exposing the Delphi Technique in Public Meetings*, YOUTUBE (Sept. 14, 2011), http://www.youtube.com/watch?v=-zpA1althjo; SimplyIncredulous, *The Delphi Technique*, YOUTUBE (Nov. 20, 2009), http://www.youtube.com/watch?v=7rjo17-esOw (suggesting how to "defeat" the group manipulation of the facilitator); Alan Watt, *The Delphi Technique*, YOUTUBE (Mar. 24, 2008), http://www.youtube.com/watch?v=GrvXIc31PZQ.

115. *See* CCR, *supra* note 62.

116. *See* Caves, *supra* note 2.

117. *Id.*

substance.[118] This threat mandates respectful deliberative dialog, increasing the odds that all participants feel somewhat empowered and thus productive. Since planning decisions are only as good as the distilled sum of participant inputs, and since crowd wisdom is a virtue in policy decision-making, towns must allow Delegates' work to emerge from individual reflection and dialog, not from preconceived, narrow agendas or visions.

The proof of success of Scottsdale's citizen participation process will be known after the 2014 Plan ratification election, which is tentatively scheduled (at this paper's publication) during late 2014.[119] Sagely, the city has devoted most of 2013 to community engagement and citywide public meetings to address its town hall vision statement from its Forum. This will enable inputs well in advance of Scottsdale's Planning Commission and City Council public hearings on adopting the 2014 Plan before the November municipal election. Voter ratification of the Plan will depend somewhat on whether Scottsdale's citizens perceive that they genuinely impacted the Plan's substance as true "process partners," not mere beneficiaries of "received wisdom" from land use experts and elected officials. A basic ingredient in our cultural heritage is direct citizen engagement in local problem-resolution.[120] That heritage will not soon be yielded up in dynamic American communities.

APPENDIX A: GLOSSARY OF TERMS

Assembly: all Delegates, collectively, at the Forum.

Caucus: a subgroup of Delegates. Caucuses meet at the Forum's first stage, grouped in approximately equal numbers.

Community Values Statements: consensus statements of what the town values in its character and quality of life, reflected in a Plan. Community values expressed in Scottsdale's 2001 Plan are available at http://www.scottsdaleaz.gov/Assets/Public+Website/generalplan/Future+ Leaders+FAQ.pdf.

Delegates: participants selected from among applicants to volunteer to create or amend a Plan in a Forum.

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118. *See* D. Sam Scheele, *Realty Construction as a Product of Delphi Interaction, in* L&T, *supra* note 97, at 35, 65. For this reason, recognizing and moderating the inputs of those prototypes, described *supra* Part IV.C, is merited and valuable.

119. 2014 GENERAL PLAN VISIONING WORKBOOK, *supra* note 88, at 3.

120. *See* CHARLES MURRAY, COMING APART: THE STATE OF WHITE AMERICA, 1960-2010, at 242 (2012) ("[One] unparalleled aspect of American community life has been vibrant civic engagement in solving local problems.").

Draft Report: the product of the initial round of meetings of the Caucuses, when the Report Chair, together with the Synthesizers, merges the consensus statements.

Final Report: the written product of the Report Chair of the Forum following a Plenary Session.

Forum: the event/gathering of the Assembly. In Scottsdale, it was called "Visioning Scottsdale."[121]

Moderator: see the discussion beginning on page 42 *supra.*

Plan: a general, "master," or comprehensive land use plan either at its initial creation or as thereafter modified. (A date combined with the word Plan indicates a version (current or otherwise) of the Plan.) The Plan generally is an internally-adopted statement of the legislative body's expression (in maps, text, illustrations, and tables) of its goals, policies, and guidelines for present and future physical, social, and economic development occurring within its boundaries, incorporating a coordinated physical design for private and public development of land and associated assets, such as water.

Plenary Session: the lone meeting of the full Assembly; a second round of inputs from the assembled Delegates, moderated by a neutral chairperson.

Report Chair: the person preparing the Final Report based on the Assembly's work at a Plenary Session.

Synthesizer: see the discussion beginning on page 45 *supra.* The Synthesizer takes on certain roles of the Moderator during the Caucus review of the Draft Report in the Arizona Town Hall platform.

Vision Statement: a statement of the enduring values of the town pertaining to the present and future treatment of its physical realm. The statement defines expectations of the town's citizens, thereby facilitating development of more specific land use goals, policies, and action implementation.

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121. *See, e.g.,* REPORT OF THE VISIONING SCOTTSDALE TOWN HALL, *supra* note 43.