



Community Coalitions & Community Benefit Agreements: Opportunities to Ensure Climate Change Mitigation Through Collaborative Planning

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Abstract

The overall purpose of the paper is to study the obstacles and opportunities faced by community coalitions (coalitions) and community benefit agreements (CBAs). Coalitions are multi-purpose alliances based on voluntary membership that work on a set scale locally or regionally to address issues of interest. A CBA is a fully negotiated and executed contract between parties to an agreement. Coalitions have been around for centuries and CBAs arose in the 1990s. Both are commonly used by community interest groups to facilitate collaboration or sharing of expertise and resources between groups, improve public participation in local decision-making processes, and enable local interest groups to address common, local threats. This research will assist Global Ocean Health, a Washington NGO, in the development of a coalition of coastal communities along the West Coast for the purpose of addressing ocean acidification to reduce risks to fisheries. The study was designed to consist of a literature review to inform the direction, a document review to review relevant law, and an analysis of three case studies to compare the obstacles and opportunities faced by coalitions and CBAs. The literature review informed the direction of the project by highlighting, (1) coalitions and CBAs are different mechanisms with differing levels of enforceability; and, (2) work product and coalitions and CBAs have arisen as a means of increasing cross-jurisdictional collaboration and public participation in planning processes, and are highly utilized by community interest groups looking to address environmentally related issues. The document review illustrated the regulatory environment formulated through federal and state environmental and land use law. The case studies were then chosen based on a diversity of membership from each other and varying levels of incorporation or enforceability. The case studies selected were the Northwest Toxic Communities Coalition (NWTCC), the Oregon Coastal Zone Management Association (OCZMA), and the Community Package Coalition (CPC). These case studies revealed that the sharing of expertise and resources as well as the increased levels of collaboration are opportunities for coalitions and CBAs. Additionally, the contribution of charismatic leaders, particularly those with planning, political, and policy experience, assist coalitions and CBAs. In contrast, many coalitions and CBAs face difficulty obtaining funding, may face legislative hurdles, and may experience a lack of support from local communities. Based on this research and other existing research, state governing bodies should implement policies allowing local communities to employ formal coalitions and CBAs as part of their land use decision powers to increase the enforceability of agreements. Overall, future research should more extensively research the opportunities and obstacles faced by coalitions and CBAs because they offer a way for local governments and community interest groups to increase local capacity to effectively deal with issues facing their locality.

Acronyms & Abbreviations

APA	American Planning Association
CBA	Community benefits agreement
CBP	Community benefits package
Coalition	Community coalition
CPC	Community Package Coalition
CZMA	Coastal Zone Management Act
DLCD	Department of Land Conservation and Development
DRCC	Duwamish River Cleanup Coalition
DEQ	Department of Environmental Quality
ESC	Environmental Support Center
GOH	Global Ocean Health
GMA	Growth Management Act
HB 1601	Oregon Beach Bill
LCDC	Land Conservation and Development Commission
NOAA	National Oceanic and Atmospheric Association
NGO	Non-governmental organization
NWTCC	Northwest Toxic Communities Coalition
ORMA	Ocean Resource Management Act
OCCDC	Oregon Coastal Conservation and Development Commission
OCMP	Oregon Coastal Management Program
OCZMA	Oregon Coastal Zone Management Administration
ODFW	Oregon Department of Fish & Wildlife
ODOT	Oregon Department of Transportation
PCC	Pacific Coast Collaborative
PNW	Pacific Northwest
SCPEA	Standard State Zoning Enabling Act
SRP	Superfund Research Program
SZEA	Standard City Planning Enabling Act
WSCC	Washington State Convention Center
WSMA	Washington Shoreline Management Act

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Community Coalitions & Community Benefit Agreements: Opportunities to Ensure Climate Change Mitigation Through Collaborative Planning

Introduction

As the world's population continues to increase, diversify, and evolve, so do the issues facing society. Although these complex and widespread problems intuitively require collaboration and cooperation, modern jurisdictional boundaries have created what is perceived by some, to be barriers, that divide society spatially into neighborhoods, cities, counties, states, countries, etc. While jurisdictional boundaries are an integral and undeniable characteristic of modern society, some believe they have resulted in individualistic and spatially focused governmental models that take away from the collaboration that is necessary to address trans-boundary issues.

As a partial solution, governments and professionals, such as those involved in planning, have come up with methods of regional planning in an attempt to address the multi-dimensional trans-boundary issues that face modern society. A dictionary definition of a region is, "an area, especially part of a country or the world having definable characteristics but not always fixed boundaries."¹ Regional planning is therefore defined as the planning process that impacts a set geographical area, which may vary depending on the intended scope of the project, plan, or process. In the real world, a region may refer to something as large as the West Coast of the United States or something smaller such as the Columbia River Estuary.² In practice, regional planning may be collaborative or not, and could look like the western states working together to plan for the impacts of a large earthquake along the coast. Or, it could look like the communities

¹ "Region." Oxford University Press, Oxford English Dictionary (2018).

² Piro, R. & R. Leiter (editor S. Rooney). *Emerging trends in regional planning*. PAS 586, American Planning Association, 4 (2017).

that rely on the services provided by the Columbia River working together to ensure that all of their needs are met through sustainable natural resource management. Essentially, regional planning can take place in nearly any context because it depends on people working to manage a “region” that may be defined as a group of neighborhoods, a collection of several counties, or other geographic consideration.³ People involved in regional planning may also define a region by ecological, political, economic, cultural, or other like issue.⁴

The flexibility of regional planning and the corresponding ability to mold planning efforts towards the needs of the specific region offers planners, and others involved with planning processes, a method to create long-range strategies to address multidimensional issues through comprehensive area-wide plans. For example, regional planning has evolved throughout the past several decades and has embraced the use of community coalitions (“coalitions”) or Community Benefit Agreements (“CBAs”) to address and shape development, land use, and other multi-scale projects.⁵

Although this paper will discuss community coalitions and CBAs collectively, it is important to highlight the differences. A coalition is a multi-purpose alliance of community interest groups that works on a set scale locally or regionally. Coalitions may be based on an enforceable contract, but are more commonly based on voluntary membership.⁶ For example, coalitions often consist of stakeholder groups including both governmental and non-governmental interests, local organizations, community groups, etc. collaborating for a purpose, whether it be sharing acquired knowledge and experience, or working to address an issue facing

³ Piro (2017).

⁴ Piro (2017).

⁵ Musil, T. A. *The sleeping giant: Community benefit agreements and urban development*. 44 Urban Law 827 (2012).; Piro (2017).

⁶ Glanz, K., Barbara K. R., and K.V. Viswanath. *Health Behavior and Health Education: Theory, Research, and Practice. Community Coalition Action Theory (CCAT)*. Perelman School of Medicine, University of Pennsylvania (1990).

the shared locality. Through forming a coalition, stakeholders and community interest groups may come to agreement on how to combine resources, experience, knowledge, etc. to accomplish a set task, such as cleaning up a river basin or advocating for community interests in a larger land use plan. Depending on the purpose of a coalition, the coalition may eventually result in a CBA. A CBA is a fully negotiated and executed contract between parties to an agreement.⁷ For example, a group of stakeholders may form a coalition to combine resources, knowledge, and experience to address issues related to the clean-up of a river basin in the area in which they all operate. If a developer then decides to purchase and develop a large area of land in the river basin into a large array of luxury shops and apartments on the water, the coalition may work together to put pressure on the developer to take into consideration community interests when finalizing development plans. In this example, community interests could include the developer allocating a certain amount of public park space in the development plan and allowing certain areas of public waterfront access. This resulting contract and agreement between parties is called a CBA. Therefore, while coalitions and CBAs differ in form, both allow stakeholders the opportunity to participate in planning efforts to address multi-dimensional issues facing communities.

Because coalitions and CBAs offer a means of involvement in planning processes for local communities and stakeholders, studying their effectiveness can assist their potential for implementing climate mitigation projects. Extensive analysis has been done regarding the usefulness of coalitions and CBAs, however, not much study has been conducted on the challenges and opportunities that these types of organizations face. In part, these studies have not been done extensively because of the recency of these types of agreements. CBAs specifically

⁷ Marcello, D. A. *Community Benefit Agreements: New Vehicle for Investing in America's Neighborhoods*. 39 *Urban Law* 657-58 (2007).

did not start arising until the late 1990s. However recent they may be, scholars agree that these types of agreements offer a unique method to address many of the complex issues facing society.

Contextual Background

This research was prompted by the existing work of Global Ocean Health (GOH), a Seattle based non-governmental organization (NGO) actively involved and working to address climate change in the Pacific Northwest (PNW). GOH is largely focused on addressing the impacts of ocean acidification.⁸ As part of their effort to address problems caused by ocean acidification, GOH has been involved in the development of carbon pricing initiatives in Oregon and Washington with the hopes of channeling tax funds towards projects that will reduce ocean acidification impacts and risks to fisheries in the Pacific Northwest. Existing research on the effectiveness of carbon pricing initiatives shows that the most effective initiatives are those that reinvest the funds into tangible projects aimed at reducing emissions and mitigating the impacts of climate change. Therefore, as a means of channeling funds from carbon pricing initiatives towards projects that address ocean acidification and benefit coastal communities and fisheries, GOH is working to develop a collaboration of coastal communities in the Pacific Northwest.

⁸ As carbon dioxide is released into the atmosphere, the ocean absorbs it. The ocean has absorbed an estimated 550 billion tons of carbon dioxide emissions in the past 250 years, and currently absorbs roughly 22 million tons of carbon dioxide a day, which equates to about one third of all human-created carbon emissions. Once the ocean absorbs the carbon dioxide, carbonic acid is formed, which increases the acidity of the ocean. This dramatic change in the ocean's acidity harms the ocean as a whole and the sea life that inhabits it. Ocean acidification impacts reef-building corals, which provide food and shelter to other sea life, has been linked to reproductive disorders in different species of fish, harms tiny pteropods, which are eaten by larger species of fish and whales, and gravely impacts shellfish such as oysters and clams. Ocean acidification results in "osteoporosis-like effects" on shellfish, which inhibits their ability to build and maintain solid, protective shells. Lee, Jane J. *Ocean Acidification Chipping Away at Snail Shells*. National Geographic Society. (2014). Available online at https://news.nationalgeographic.com/news/2014/05/140502-ocean-snail-shell-dissolving-acidification-climate-change-science/?_ga=2.51604332.476315237.1525190367-1791522671.1525190365

Aside from serving as a channel for potential funds from carbon pricing initiatives, GOH's goal is to develop a coalition of coastal communities to push the West Coast towards a method of collaborative coastal planning that can deliver the deep, sustained emissions cuts to reduce risks to fisheries. The joint efforts of stakeholders could help implement projects like large scale kelp farms to help reduce ocean acidification risks to fisheries. Coalitions, CBAs, or collaborative efforts between several communities offer a means to organize stakeholder groups to implement ocean acidification mitigation projects on a large scale.

GOH's work in the PNW is important not only because of the threat ocean acidification poses for fisheries, but because of impacts on the communities that rely on the coast because of its economic and cultural importance.⁹ Fisheries are important not only in the PNW, but across the world. For example, over one billion people across the world rely on seafood as their primary source of protein.¹⁰ The shellfish industry is particularly threatened by ocean acidification, because increased acidity in the water harms the shells that shellfish rely on for protection.

In response to the threats to the shellfish industry, the National Oceanic and Atmospheric Administration (NOAA) conducted a study looking at the vulnerability of the \$1 billion shellfish industry in the United States.¹¹ Of the four vulnerable areas, the study identified eastern Maine and southern Massachusetts, New England and Mid-Atlantic estuaries including Narragansett

⁹ Climate Impacts Group. *How Will Climate Change Affect the Coast and Ocean in Washington?* College of the Environment, University of Washington 9-4 (2013).

¹⁰ *Ocean Acidification: How does ocean acidification affect our society?* National Oceanic and Atmospheric Administration, Fisheries (2017). Available online at https://www.fisheries.noaa.gov/insight/ocean-acidification#what_is_ocean_acidification?_how_does_it_happen?

¹¹ *Research Identifies Hot Spots for Addressing Ocean Acidification Risks to US Shellfisheries.* The Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration, U.S. Department of Commerce (2015). Available online at <https://research.noaa.gov/article/ArtMID/587/ArticleID/849/Research-identifies-hot-spots-for-addressing-ocean-acidification-risks-to-US-shellfisheries>

Bay, Long Island Sound, and Chesapeake Bay, the Gulf of Mexico, and the PNW.¹² In regards to the Pacific Northwest, the study summarized:

“Pacific Northwest coastal communities in Oregon and Washington are hot spots because of a combination of risk factors, including cold waters that absorb carbon dioxide more easily, thus increasing acidity, upwelling currents that bring carbon-dioxide rich waters closer to the surface, and rivers that empty fresh water into the coastal waters. Fresh water runoff dilutes seawater, making it less saturated with calcium carbonate, the element shellfish need to build shells.”¹³

Therefore, the West Coast is of the utmost sensitivity,¹⁴ both ecologically and economically. In Washington and Oregon,¹⁵ NOAA estimates that fisheries landings¹⁶ are valued around \$300 million.¹⁷ Economic contributions from the industry are even larger than the initial value of the landings. Valuations have set the total economic value of the industry in Washington alone as \$3.9 billion from commercial fisheries.¹⁸

¹² *Research Identifies Hot Spots for Addressing Ocean Acidification Risks to US Shellfisheries*. The Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration, U.S. Department of Commerce (2015). Available online at <https://research.noaa.gov/article/ArtMID/587/ArticleID/849/Research-identifies-hot-spots-for-addressing-ocean-acidification-risks-to-US-shellfisheries>

¹³ *Research Identifies Hot Spots for Addressing Ocean Acidification Risks to US Shellfisheries* (2015).

¹⁴ Allen, M. *New Model Reveals How Ocean Acidification Challenges Tiny Sea Snails Off U.S. West Coast*. The Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration, U.S. Department of Commerce (2017). Available online at <https://research.noaa.gov/article/ArtMID/587/ArticleID/116/New-model-reveals-how-ocean-acidification-challenges-tiny-sea-snails-off-US-West-Coast>

¹⁵ Further highlighting the particular sensitivity of the Pacific Northwest’s shellfish industry to ocean acidification is a recent NOAA study that found that between 24 and 53 percent of the shells of sea butterflies off the Washington, Oregon, and California coasts show signs of severe damage. Sea butterflies are a species of marine snail that are essential in the coastal food chain along the West Coast for commercially valuable species such as salmon and herring. When their shells become damaged, the snails have difficulty reproducing, protecting themselves against infection, and swimming. The same study predicts that by 2050, about 70 percent of West Coast sea butterflies will have damaged shells. Allen (2015).

¹⁶ Fish landings are defined as the catches of marine fish landed in foreign or domestic ports. *Fish Landings*. Organisation for Economic Co-operation and Development (2018). Available online at <https://data.oecd.org/fish/fish-landings.htm>

¹⁷ Northwest landings from Oregon and Washington fisheries, National Oceanic and Atmospheric Administration. (2011). Retrieved June 2017 from www.nmfs.noaa.gov/stories/2011/09/docs/bycatch/northwest.pdf

¹⁸ Radtke, H. D. *Washington State commercial fishing industry total economic contribution*. Phillips Publishing (2011). Available online from www.philipspublishing.com/smbc/attachments/SMBC%20Washington%20Total%20Commercial%20Fisheries%204.pdf

The solutions to issues as complex as ocean acidification and resulting threats to fisheries will require collaboration between communities on a local, statewide, national, and in many ways, worldwide scale. In addition to the desire of organizations such as GOH to develop more coalitions and CBAs, many scholars and professionals in the planning and environmental law fields think coalitions and CBAs offer a means of addressing complex issues. Coalitions or CBAs offer an avenue of involvement for stakeholders in planning processes to ensure community interests and local expertise are taken into consideration. Across the country, local governments and stakeholders are increasingly developing and utilizing coalitions and other collaborative planning methods to address local and regional issues through a collaborative governance structure.¹⁹

Therefore, the goal of this research is to analyze challenges and opportunities faced by coalitions and CBAs. This research will then serve to encourage and assist in the development of future coalitions and CBAs. This is especially useful in the especially in the PNW to address issues related to ocean acidification. Further, this research may help provide insight into future efforts of collaborative coastal planning. To further this purpose, this paper will be a component of research done by GOH for the purpose of developing a coalition of coastal communities to help local governments channel funds towards projects that will reduce ocean acidification risks to fisheries in the PNW. This paper's methodology, which utilizes an in-depth document review and three case studies to specifically evaluate the challenges and opportunities of coalitions will contribute to the overall goals of GOH by assisting their development of another coalition.

¹⁹ Craig, R. K. *Ocean acidification and current law: Dealing with ocean acidification: The problem, the clean water act, and state and regional approaches*. Washington Journal of Environmental Law & Policy, 6, 387-470 (2016).

Literature Review

Initial research was centered around the idea of community “coalitions.” However, upon initial review, the presence of “CBAs” continually arose. After seeing both the terminology of “coalitions” and “CBAs” continually arise in my research, I broadened the study scope to both types of agreements. Much of the initial research examined whether coalitions or CBAs are effective at all, and if so, what factors influence or affect their effectiveness.²⁰ This research emphasized the importance of developing effective land use decision processes, and understanding what factors in coalitions or CBAs may or may not influence effectiveness is important to contributing to smart land use decisions.²¹ Specifically, it is important to understand how civic involvement influences the development outcomes, especially in relation to coalitions and CBAs.²²

Additionally, existing research identified the applicability of coalitions and CBAs to comprehensive planning schemes for local issues, such as ocean acidification. The importance of research regarding local approaches to tackling complex issues was identified as especially important because of how recent some of the recent local approaches are.²³

Further, scholars argue that current methods of planning for coastal and marine issues are overly complicated, yet inadequate to manage marine issues, especially with local controls.²⁴ For example, some argue that the federal government needs to revise existing laws to allow local participation in planning and development decisions needs to be substantive and serious in value

²⁰ De Barbieri, E. W. *Do community benefits agreements benefit communities?* *Cardozo Law Review*, 37, 1773-1825 (2016).

²¹ De Barbieri (2016).

²² De Barbieri (2016).

²³ Craig (2016).

²⁴ Johnson, C. B. *Advances in marine spatial planning: Zoning earth's last frontier.* *Journal of Environmental Law & Litigation*, 29, 191-246 (2014).

to final federal decisions, as opposed to procedural and surface level.²⁵ Likewise, research on how to coordinate different localities with state or national policy is important.²⁶

Finally, scholars argue that coalitions and CBAs could fit into schemes of regional collaborative efforts to manage ocean and coastal development and resources in terms of ecosystem based management relevant to the specific locality.²⁷ Coalitions and CBAs could fit specifically towards management of oceans and coasts because local control has the potential to allow planning efforts to follow ecosystem boundaries and governance should be coordinated accordingly.²⁸

The literature review was used to inform the overall study and two further areas of analysis to further inform the direction of this paper:

1. How coalitions and CBAs fit into the broader land use planning context; and,
2. How coalitions and CBAS are posited to meet the current needs related to coastal planning.

Where do community coalitions and Community Benefit Agreements fit in the broader land use framework?

Regional planning is an attempt, on some level, to address the need for cross-boundary cooperation.²⁹ Regional planning differs from comprehensive planning, which is intended to set goals, objectives, and policies which are intended to influence and guide the local legislative body, including a board of commissioners or planning committees, in decision-making processes

²⁵ Weaver, S. B. *Local management of natural resources: Should local governments be able to keep oil out?* Harvard Environmental Law Review, 26, 231-267 (2002).

²⁶ Weaver (2002).

²⁷ Christie, D. R. *Lead, follow, or be left behind: The case for comprehensive ocean policy and planning for Florida.* Stetson Law Review, 44, 335-388 (2015).

²⁸ Christie (2015).

²⁹ It is important to note that regional planning is not always comprehensive. However, regional planning is often done on a comprehensive cross-jurisdictional level, which is what is mainly discussed in this paper.

related to the physical development of the community.³⁰ As previously mentioned, comprehensive planning is often mandated by state governments.³¹ Local governments will then enact a comprehensive plan in accordance with state law that will govern the social, physical, and economic characteristics of the area.³²

A region, and a regional plan, differs from this because a “region” may contain many local governments, each of which may have their own comprehensive plan. These various areas that jointly compose the region, may be linked by “homogeneity” of many possible types such as, “topographic and geographic conformations, extent of urban development, [...] uniformity of social or economic interests and values, [...] or [...] physical, social and economic problems of a regional character.”³³ Therefore, local governments may decide to work together towards the promulgation of a regional plan when issues that are “regional in character” arise.³⁴ As the acknowledgement of the existence of issues that exceed the scope of any one municipality or community has become more commonplace, regional planning has evolved and become more commonplace as well. The American Planning Association (APA) summarizes,

“Regional planning in the United States is in a period of rapid change. As regional planning evolves, it is becoming increasingly creative, collaborative, and integrated across multiple functions, while engaging both public and private actors. At the same time, it is addressing the broader aspects of social, environmental, and economic sustainability. The challenges, and opportunities, of planning on a regional scale show that there is no one-size-fits-all approach. Rather, there are many different forms and variations on how regions – large and small, urban and rural – find ways to work together on common issues that transcend borders.”³⁵

³⁰ Callies (2012).

³¹ Comprehensive Planning and The Regional Plan (2017).

³² Comprehensive Planning and The Regional Plan (2017).

³³ Comprehensive Planning and The Regional Plan (2017), *citing* Wis. Stats. 66.0309(2)(b).

³⁴ Comprehensive Planning and The Regional Plan (2017).

³⁵ Piro (2017).

Therefore, the APA has emphasized the importance and usefulness of collaborative and integrated planning methods to address various issues. Although regional planning is a way to address the various issues related to land use, the management of the various issues that face society as they relate to land use and planning are still complex and current land use decision-making systems still has shortcomings.

The system of American land use planning has resulted in segregating uses which has produced negative financial, health, environmental, and sociological effects.³⁶ The current system of land use planning has resulted in these negative effects in part because of the inherent imbalance of power involved in the decision-making processes.³⁷ Decision-making processes regarding land use are highly political because they involve the balancing interests of government officials, land developers, and community members.³⁸ Although these highly different groups are all involved in the decision-making process, ultimate decision-making power rests in the government, which may leave out the interests of particularly vulnerable community members.³⁹

As part of the political process, government officials are subject to influence of people who have a vested interest in decision-making processes.⁴⁰ Often, the people who have the power to influence government officials are not the community members that land-use decisions impact.⁴¹ Instead, community members are left in the midst of a “vicious circle” that often leaves them struggling to ensure land-use decisions to not adversely affect community interests.⁴² This

³⁶ Gurgol, S. M. *Won't You Be My Neighbor? Ensuring Productive Land Use Through Enforceable Community Benefits Agreements*, 46 *University of Toledo Law Review* 473, 475 (2015).

³⁷ Gurgol at 476.

³⁸ Gurgol at 476-77.

³⁹ Gurgol at 476.

⁴⁰ Gurgol at 477.

⁴¹ Gurgol at 477.

⁴² Gurgol at 477.

has also been called the “system public participation” problem in land use planning.⁴³ When the community is underrepresented in the decision-making process, the negative effects of modern land use decision-making models, such as zoning, become more apparent.⁴⁴ Because of the frequent underrepresentation of communities, the negative impacts of modern land use planning have increased as time has progressed and populations have grown.⁴⁵

Scholars, those involved in planning and environmental law professions, and citizens alike have long recognized the damages caused by irresponsible land use.⁴⁶ This recognition has sparked conversations that have attempted to address the existing impacts of past decisions.⁴⁷ As part of the process to promulgate tools to address these inequalities, coalitions and CBAs have arisen as potential mechanisms to empower citizens to effectively further their interests and combat undesirable results associated with land use planning.⁴⁸

Coalitions and CBAs are both practical vehicles for responsible and equitable land use that have the power to enable communities to participate in the current land use framework to promote the general health, safety, and welfare of their citizens.⁴⁹ At first, it appeared as if the terms were used interchangeably. However, upon further review coalitions and CBAs are different mechanisms and must be discussed in accordance with their individual differences and not as interchangeable descriptive terms.

A coalition is a multi-purpose alliance that works on a set scale locally or regionally to actively engage diverse organizations and stakeholders in addressing community issue or

⁴³ Salkin, P.E. & A. Lavine. *Community Benefits Agreements and Comprehensive Planning: Balancing Community Empowerment and the Police Power*, 18 *Journal of Law & Policy* 157, 159 (2009).

⁴⁴ Gurgol at 477.

⁴⁵ Gurgol at 475.

⁴⁶ Gurgol at 475.

⁴⁷ Gurgol at 475.

⁴⁸ Gurgol at 475.

⁴⁹ Gurgol at 475.

problems.⁵⁰ Membership of coalitions vary in size, organizational partners, diversity of professional and grassroots organizations, and individual members; however diverse, they generally are formed by a collection of community interest groups that have a shared goal or vision.⁵¹ Coalitions are often focused on providing long-term working relationships between members to improve the capacity of regions address various issues.⁵² A community coalition may be a legally enforceable formal contract, or based on voluntary membership.⁵³ Even if a coalition's membership is on a voluntary basis, most have paid time staff who oversee the working relationships within the coalition.⁵⁴

In contrast with a coalition, a CBA is a legally enforceable contract which is fully negotiated and executed between the parties to the agreement.⁵⁵ Usually, a CBA is negotiated by coalitions that often include labor, environmental, and religious organizations that are seeking to advocate for social justice issues.⁵⁶ The common context for a CBA is between a developer or other entity and a coalition of neighborhood associations, environmental groups, or other stakeholders representing the interests of a group of people.⁵⁷ In the context of land use development, a CBA will be between the developed and those impacted by the proposed developments, where the community negotiates for benefits from the developer and in return, the developer obtains the community's support for the project.⁵⁸ Because the agreements are

⁵⁰ Glanz, K., B.K. Rimer, and K.V. Viswanath. *Health Behavior and Health Education: Theory, Research, and Practice. Community Coalition Action Theory (CCAT)*. Perelman School of Medicine, University of Pennsylvania (1990).

⁵¹ Glanz (1990).

⁵² Glanz (1990).

⁵³ Glanz (1990).

⁵⁴ Glanz (1990).

⁵⁵ Marcello, D. A. *Community Benefit Agreements: New Vehicle for Investing in America's Neighborhoods*. 39 *Urban Law* 657-58 (2007).

⁵⁶ Salkin, P. & A. Lavine. *Understanding Community Benefits Agreements Cbas Have Both Opportunities and Traps for Developers, Municipalities, and Community Organizations*, *Practical Real Estate Law* 19, 20 (2008).

⁵⁷ Marcello (2007).

⁵⁸ Marcello (2007).

negotiated between coalitions and interested developers, the benefits can be tailored to meet specific community needs.⁵⁹

Some describe CBAs as the “next step” or “legally enforceable” version of a coalition, because it represents a legally enforceable contract which is fully negotiated and executed between the parties to the agreement.⁶⁰ For example, the U.S. Department of Energy Office of Economic Impact and Diversity explains:

“A CBA is an agreement signed by community benefit groups and a developer, identifying the community benefits a developer agrees to deliver, in return for community support of the project. Community benefit groups are coalitions comprised of neighborhood associations, faith-based organizations, unions, environmental groups and other stakeholders. They represent the interests of residents who will be impacted by proposed developments. CBAs can ensure that measurable, local benefits will be given to a community. They are enforceable, legally-binding contracts for all parties that stipulate community benefits and are the direct result of substantial community input.”⁶¹

Therefore, CBAs are the negotiated contract or legally enforceable result that comes from the negotiations of coalitions and developers, that promote tangible benefits for a community such as higher-density and affordable housing, infrastructure, employment opportunities, greenspace, parking opportunities, etc.⁶²

To improve the effectiveness of both coalitions and CBAs, it is important to develop effective land use decision processes that take into consideration the interests of all stakeholders, and understanding what factors in CBAs may or may not influence effectiveness is important to

⁵⁹ Salkin (2008).

⁶⁰ Some argue that CBAs are not legally enforceable contracts because of the issue of what “consideration” is provided in the contract agreements. Although this issue has been raised by legal scholars, this issue is in the subject of contract law and therefore outside the scope of this paper.

⁶¹ *Guide to Advancing Opportunities for Community Benefits through Energy Project Development*. U.S. Department of Energy: Office of Economic Impact and Diversity (2017). Available online at <https://www.energy.gov/sites/prod/files/2017/09/f36/CBA%20Resource%20Guide.pdf>

⁶² Gurgol at 485.

contributing to land use decisions that benefit all communities.⁶³ Transparency and accountability provisions are important and impact the effectiveness of CBAs.⁶⁴ Additionally, the availability and consistency of funding have been identified by scholars as an indicator of effectiveness.⁶⁵

Although supporters of CBAs see them as a necessary and long overdue tool to enhance and advance civic engagement in planning processes, critics argue that these types of agreements are a method of circumventing government planning processes to “put insular neighborhood concerns ahead of broader [...] interests.”⁶⁶ While some see this as a potential hazard, many believe the negotiation process that avoids potential governmental refusal as a benefit.⁶⁷ Although this debate exists⁶⁸, scholars have researched the ability of CBAs to positively impact the existing planning framework regarding coastal planning.

How can Community coalitions and Community Benefit Agreements be utilized to address ocean acidification and coastal planning?

Not only do coalitions and CBAs fit into the broader land use framework as a way to potentially increase civic involvement and regional control of local issues, but states and coastal regions are developing coalitions with the specific purpose of addressing climate change’s local and regional impacts. Community coalitions and CBAs can assist coastal communities in addressing issues of oceanic planning because they offer a way to help manage the several issues

⁶³ De Barbieri (2016).

⁶⁴ De Barbieri (2016).

⁶⁵ De Barbieri (2016).

⁶⁶ Salkin (2009).

⁶⁷ Salkin, P. & A. Lavine. *Understanding Community Benefits Agreements Cbas Have Both Opportunities and Traps for Developers, Municipalities, and Community Organizations*, Practical Real Estate Law 19, 20 (2008).

⁶⁸ Because this paper is not focused specifically on the opinions related to CBAs in general, but is instead focused on the applicability and ability of these types of agreements to benefit coastal planning, this debate will not be discussed.

that are present in offshore coastal areas.⁶⁹ Oceanic planning is important because it can help communities identify existing resources and identify areas where new projects could be implemented, specifically projects that will help address issues of ocean acidification. Further, management of oceans and coasts must be collaborative, and governance should take into account ecosystem boundaries.⁷⁰ To facilitate this collaborative offshore planning and development of projects to address coastal issues such as ocean acidification, community coalitions and CBAs offer a way to help local governments, states, and regions address these issues.

Currently, varying levels of government do not necessarily coordinate efforts to address ocean acidification. Although there are existing regulatory and jurisdictional systems that manage and govern ocean resources, oceanic issues are incredibly complex and there is a need to improve comprehensive marine spatial planning methods.⁷¹ Marine spatial planning requires an analysis of existing uses and resources of the ocean and coastal waters to create a governance plan and to responsibly and sustainably develop the offshore resources.⁷² Improved marine spatial planning methods through things such as coalitions and CBAs offers a way to strengthen local controls to manage marine issues so that it is similar to the way land use issues are managed.⁷³

Renewed attention to the manner of addressing ocean acidification is the most effective way to address its impacts;⁷⁴ in the same manner, comprehensively planning for ocean acidification impacts will require more comprehensive legal and policy innovations specifically

⁶⁹ Johnson (2014).

⁷⁰ Christie (2015).

⁷¹ Johnson (2014).

⁷² Johnson (2014).

⁷³ Johnson (2014).

⁷⁴ Craig (2016).

in coastal states and regions.⁷⁵ Scholars have looked at methods of comprehensive planning for climate issues, and have identified local tools such as zoning, general and comprehensive plans, and local plans addressing coastal issues can be the most effective in tackling offshore development issues and protecting coastlines.⁷⁶ Therefore, it would be in the interest of coastal communities to develop a model of or methods of cooperative federalism to approach climate related issues.⁷⁷ Additionally, local participation in offshore development decisions needs to be substantive and serious in value to final federal decisions, as opposed to procedural and surface level without real impact.⁷⁸

With regards to the applicability of coalitions and CBAs to addressing coastal issues, many believe that Florida can take control and lead the way towards developing climate and ocean-related policy to manage its waters. While most policies and agreements lack a sustainable and robust “strategic vision,”⁷⁹ Florida has long been dealing with the impacts of climate change on its coast, and has recognized the importance of regional collaborative efforts to manage ocean and coastal development and resources in terms of ecosystem-based management relevant to the specific locality.⁸⁰

Research Question

The central research question of this paper is,

What are the opportunities and obstacles that community coalitions face (funding, community support, sustaining the agreement over time, etc.)?

⁷⁵ Craig (2016).

⁷⁶ Weaver (2002).

⁷⁷ Weaver (2002).

⁷⁸ Weaver (2002).

⁷⁹ Weaver (2002).

⁸⁰ Weaver (2002).

This paper will also focus on the effectiveness of community coalitions and CBAs regarding their ability to implement climate mitigation projects. Therefore, the secondary research interests in this paper is,

How are community coalitions and CBAs increasing the power of local governments to deal with climate change?

Methods

My scope of work is analyzing the obstacles and opportunities involved in community coalitions and CBAs. Therefore, my scale is looking to existing community coalitions and CBAs through CBAs. My main focus is to identify case studies involving coalitions or CBAs and then identify the extent of the challenges and opportunities they face. Although my end goal is to assess coalitions and CBAs for the purpose of implementing climate mitigation projects to reduce climate change impacts to coastal communities, the main portion of my research is related to the obstacles and opportunities these types of agreements face; therefore, the existing applicability of these types of agreements to address climate change issues is not necessary. Finally, the scope of this paper will focus on the implementation of coalitions and CBAs in Washington and Oregon.

The project was informed by a review of the literature related to the differences between coalitions and CBAs and their applicability in addressing local issues, especially those related to ocean and coastal development and climate change. This review informed the direction of the paper, which then utilized substantive research methods focusing on the utilization of both secondary and primary sources. These methods of review include:

1. Document review: a review of relevant federal and state environmental and land use law to understand the regulatory framework in which coalitions and CBAs operate.

2. Case studies: a review of three coalitions and CBAs. Once case studies were identified, the challenges and opportunities were investigated. Case study research was also supplemented with interviews to gather firsthand statements related to obstacles and opportunities involved in coalitions and CBAs.

The document review process was utilized to evaluate laws and policies, which served to illustrate the regulatory framework in which coalitions and CBAs operate in Oregon and Washington. After the document review, my method centered on several different comparative case studies.

In the case study analysis, the focus of the research was on the obstacles and opportunities that faced the case studies. Because the document review revealed several findings related to the differences between coalitions and CBAs, case studies were selected to represent three distinct examples coalitions or CBAs. The case study section of researched focused on studies of the Northwest Toxic Communities Coalition (NWTCC), the Oregon Coastal Zone Management Association (OCZMA), and the Community Package Coalition (CPC). Together, these case studies demonstrate three distinct coalitions with varying goals. The NWTCC was studied because it involves a coalition of several grassroots organizations spanning multiple states in the Northwest. The OCZMA was studied because of its longstanding impact and role it has played in Oregon regarding coastal management. Finally, the CPC was studied because although it is technically a coalition of community stakeholders, the work of the coalition has resulted in a CBA.

I conducted interviews to supplement case study research and obtain information: How well do CBAs or coalitions work in practice? What do the decision-making processes look like in practice? Do CBAs and coalitions expand the role or power of stakeholders and communities? What are the obstacles coalitions and CBAs face? Asking these types of questions of

stakeholders involved in the selected case studies allowed me to gain a comprehensive understanding of obstacles and opportunities to coalitions and CBAs, as well as a more well-rounded understanding of how CBAs and coalitions work in practice.

Analysis

Document Review

This document review consists of an analysis of the regulatory framework consisting of federal and state laws as well as current models of land use in Washington and Oregon. The regulatory framework that governs the nations' coastal areas is as complex as the problems related to coastal management. To understand how coalitions and CBAs can potentially fit within the regulatory framework, this section reviews federal policy and law in the United States as well as in Washington State and Oregon. This review will illustrate the regulatory context in which all coalitions and CBAs have to operate.

Policy & regulatory background

In the United States, environmental and land use regulatory authority is divided between the federal government, states, and small local municipalities in a system of environmental federalism. The federal power is granted by the constitution and state power is granted by state's sovereignty. State sovereignty allows each state to operate within limits established by federal minimum standards, to enact and administer their own laws structured to meet their own particular needs. Local governments and municipalities also have power to promulgate land use rules such as zoning ordinances.

The lack of centralization of regulation on environmental issues has left a gap in how various issues should be managed across state borders. Issues such as pollution require cross-

boundary cooperation, and the lack of centralized management leaves states without the advantage of reciprocity; referring to the fact that one state's sacrifice for the sake of managing environmental issues would be more effective if neighboring states also complied.

Within this regulatory framework established by federal and state government, is the discretion and ability of local governments to adopt local ordinances and regional plans to address issues facing the locality. Therefore, it is critical to understand the applicable regulatory framework, because it establishes the boundaries of which all other activity must abide.

Federal law

There are several federal laws⁸¹ that broadly govern land use and other environmentally related issues, most of which were promulgated in the 1960s.⁸² As the understanding of environmental and ecological issues expanded, the government enacted a wave of environmental statutes and regulations.⁸³ The expansive array of statutes and regulations were established to curtail, control, or correct hazardous uses of land, materials, and other activities that could have an adverse effect on the environment.⁸⁴ When looked at in relation to land use planning, federal environmental law land use controls impact permissible uses of property, which impacts how all people, from individual landowners to largescale developers, can use their land.⁸⁵

While each federal environmental law influences the regulatory framework that individuals and local governments must operate in with regards to land use planning, the law

⁸¹ See Appendix Figure 1.

⁸² Zoning and Land Use Law: Overview, Practical Law Practice Note Overview w-001-0108 (2018).

⁸³ Zoning and Land Use Law (2018).

⁸⁴ Zoning and Land Use Law (2018).

⁸⁵ Zoning and Land Use Law (2018).

with the most applicability to the promulgation of a coalition of coastal communities and ocean acidification is the Coastal Zone Management Act (CZMA).⁸⁶

In 1972, Congress passed the CZMA to address the health of the nation’s coastal areas.⁸⁷ The lawmakers explicitly stated the purpose of the CZMA: “There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.”⁸⁸ The CZMA established the National Coastal Zone Management Program to help create coastal management programs that set out policies to balance the competing interests of land and water issues.⁸⁹ The CZMA authorizes individual states the authority to set and administer specific coastal policies in their locality to address development issues in a targeted manner.⁹⁰ Emphasizing the importance of effective and collaborative planning for coastal areas, the statute states:

“The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.”⁹¹

Therefore, the CZMA intends to help protect coastal areas and increase collaboration between stakeholders and all levels of government to effectively manage coastal areas. To assist the

⁸⁶ Zoning and Land Use Law (2018).

⁸⁷ “Congress described the nation’s coastal zone as one rich in valuable natural and commercial resources, but recognized that demands upon coastal lands and waters had resulted in the loss of those resources. Noted as extremely vulnerable were ecologically fragile areas and the marine life found therein. Congress asserted that the nation’s important cultural, historic, and aesthetic values also were being irretrievably lost.” *Appendix A: Excerpt from the Oregon Territorial Sea Plan: Ocean Management Framework*. Oregon Department of Fish & Wildlife (1994) available online at <http://www.dfw.state.or.us/mrp/nearshore/docs/strategy/AppendixA.pdf>.

⁸⁸ Appendix A: Excerpt from the Oregon Territorial Sea Plan (1994).

⁸⁹ Zoning and Land Use Law (2018).; 16 U.S.C. § 1451.

⁹⁰ Zoning and Land Use Law (2018).; 16 U.S.C. § 1451.

⁹¹ 16 U.S.C.A. § 1451.

states, the CZMA permits NOAA to award grants to states to assist in the preparation of management programs for the state's coastal zone.⁹²

While federal environmental law establishes standards that must be met and taken into account with regards to land use and other activities impacting the environment, federal law related to land use planning establishes the procedures states and local governments must follow with regards to effectuating land use decision-making processes.

In the 1920s, the Department of Commerce created the Standard State Zoning Enabling Act (SZA) and the Standard City Planning Enabling Act (SCPEA), which provide the basis for traditional land-use planning methods and zoning controls.⁹³ These two acts provide the general institutional structure for states and their planning and zoning methods.⁹⁴

The first of the two standard planning acts is SZA, which was first developed by an advisory committee on zoning in 1921.⁹⁵ The revised edition was published in 1926, and included nine main sections including, “a grant of power, a provision that the legislative body could divide the local government's territory into districts, a statement of purpose for the zoning regulations, and procedures for establishing and amending the zoning regulations.”⁹⁶

Then, SCPEA was first released in 1927, with full revisions published in 1928.⁹⁷ The SCPEA included six main subjects:

- “(1) The organization and power of the planning commission, which was directed to prepare and adopt a “master plan;”
- (2) The content of the master plan for the physical development of the territory;

⁹² *The Coastal Zone Management Act: Developing a Framework for Identifying Performance Indicators*. The H. John Heinz III Center for Science, Economics and the Environment, 69 (2003). Available online at <https://coast.noaa.gov/czm/media/heinzczmaframework.pdf>

⁹³ Zoning and Land Use Law (2018).

⁹⁴ Standard State Zoning Enabling Act and Standard City Enabling Act. American Planning Association (2018). Available online at <https://www.planning.org/growingsmart/enablingacts.htm>

⁹⁵ Standard State Zoning Enabling Act and Standard City Enabling Act (2018).

⁹⁶ Standard State Zoning Enabling Act and Standard City Enabling Act (2018).

⁹⁷ Standard State Zoning Enabling Act and Standard City Enabling Act (2018).

- (3) Provision for adoption of a master street plan by the governing body;
- (4) Provision for approval of all public improvements by the planning commission;
- (5) Control of private subdivision of land;
- (6) Provision for the establishment of a regional planning commission and a regional plan.”⁹⁸

The subjects and guidelines put forth and described by the SCPEA, in addition to those in the SZEA, were influential on state governments.⁹⁹ By 1930, 35 states had adopted their own legislation based on the SZEA, and another 10 states had used the SCPEA to prepare 14 total acts to regulate planning.¹⁰⁰

Comprehensively, federal environmental and land use law provides the basis for what all states must follow with regards to their own laws.

State law

Within the framework established by the federal government, the states promulgate their own laws to govern issues particular to their locality. Because states are free to enact further regulations that may be more stringent than existing federal law, an understanding of state law is essential to gaining a complete understanding of the legal environment. My review focused on the states of Oregon and Washington because of the existing work of GOH in regards to the development of a collaboration of coastal communities in the Pacific Northwest, specifically Oregon and Washington.

⁹⁸ Standard State Zoning Enabling Act and Standard City Enabling Act (2018).

⁹⁹ Knack, R., M. Stuart, & I. Stollman. *The Real Story Behind the Standard Planning and Zoning Acts of the 1920s*. Land Use Law, 8 (1996).

¹⁰⁰ Knack (1996).

OREGON

Oregon is known for its environmental legislation. While most of Oregon's notable environmental laws are related to forestry practices and conservation, Oregon's government has also acknowledged the importance of the state's coastal areas. In 1967, the legislature passed the landmark "Oregon Beach Bill" (HB 1601).¹⁰¹ The crux of HB 1601 was to declare public ownership of land along the Oregon Coast.¹⁰² Additionally, Senate Bill 687 created the Oregon Coastal Conservation and Development Commission (OCCDC) in 1971, which is tasked with responding to issues related to Oregon's coastal natural resources.¹⁰³

The OCCDC was tasked with the creation of a comprehensive plan for the preservation and development of the natural resources of the coastal zone in Oregon.¹⁰⁴ The work done by the OCCDC became the foundation for Oregon's Coastal Planning Goals.¹⁰⁵

Also tasked with working to protect Oregon's coastal resources is the Oregon Coastal Management Program (OCMP), which works in partnership with coastal local governments, state and federal agencies, and other stakeholders to ensure that Oregon and its citizens have the leading role in deciding how the resources of the coast will be managed, conserved, and developed consistent with the state's planning goals.¹⁰⁶ Because the OCMP acts on both

¹⁰¹ Oregon Beach Bill Records. State of Oregon, Secretary of State (2018). Available online at <http://sos.oregon.gov/archives/Pages/records/landmark-beach.aspx>

¹⁰² Oregon Beach Bill Records (2018).

¹⁰³ Richmond, Henry R. III. *The Oregon Coast and the Oregon Coastal Conservation and Development Commission: The Fox Guarding the Chickens?* Coastal Zone Information Center, 33 (1973). Available online at <https://www.gpo.gov/fdsys/pkg/CZIC-tc224-o7-r53-1973/html/CZIC-tc224-o7-r53-1973.htm>

¹⁰⁴ Richmond (1973).

¹⁰⁵ *A Citizen's Guide to the Oregon Coastal Management Program*. Oregon Department of Land Conservation and Development, 4 (2014). Available online at <http://www.oregon.gov/LCD/OCMP/docs/Publications/CitizensGuide20140710.pdf>

¹⁰⁶ *A Citizen's Guide to the Oregon Coastal Management Program* (2014).

environmental and land use law concerns, the OCMP knits together Oregon’s laws for managing coastal areas into a single, coordinated package.¹⁰⁷

The OCMP was approved by NOAA in 1977, which made Oregon one of the first states to receive federal approval and assistance under the CZMA for the development of a coastal management program.¹⁰⁸ The OCMP is administered by thirty-two cities, seven counties, and a host of state agencies, with Oregon’s Department of Land Conservation and Development serving as the lead agency.¹⁰⁹ The funding for the OCMP is primarily federal funds appropriated by the Congress to NOAA, which come from the CZMA.¹¹⁰

The primary authority for the OCMP is SB 100, the state’s Land Use Planning Act.¹¹¹ Passed in 1973, Oregon’s Land Use Planning Act created the Land Conservation and Development Commission (LCDC) to adopt and interpret the “Statewide Planning Goals” and other land use planning laws.¹¹² The LCDC’s staff is called the Department of Land Conservation and Development (DLCD).¹¹³ Together, the LCDC and the DLCD work to effectuate the Statewide Planning Goals, assure local plan compliance with the goals, coordinate state and local planning, and manage the coastal zone program.¹¹⁴ All of the Statewide Planning Goals apply to the coast, with an emphasis on the coastal-related Goals for estuaries, coastal shorelands, beaches and dunes, and the state’s territorial sea.¹¹⁵

¹⁰⁷ A Citizen’s Guide to the Oregon Coastal Management Program (2014).

¹⁰⁸ A Citizen’s Guide to the Oregon Coastal Management Program (2014).

¹⁰⁹ A Citizen’s Guide to the Oregon Coastal Management Program (2014).

¹¹⁰ *Oregon Coastal Program Overview*, Oregon Coastal Management Program. Accessed online May 2018 at http://www.oregon.gov/LCD/OCMP/Pages/OCMP_Intro.aspx#Program_Funding

¹¹¹ A Citizen’s Guide to the Oregon Coastal Management Program (2014).; Callies, D. L., R. H. Freilich, & T. E. Roberts, Cases and Materials on Land Use (6th ed. West 2012).

¹¹² A Citizen’s Guide to the Oregon Coastal Management Program, 5 (2014).

¹¹³ Callies (2012).

¹¹⁴ Bolen, E., K. Brown, D. Kiernan, K. Konschnik. *Smart Growth: A Review of Programs State by State*. 8 Hastings Environmental Law Journal 145, 206 (2002).

¹¹⁵ A Citizen’s Guide to the Oregon Coastal Management Program (2014).

Although the LCDC has the centralized authority in regards to land use planning, all local governments in Oregon have had the ability to promulgate comprehensive plans since 1918.¹¹⁶ Further, each local governments must promulgate comprehensive plans pursuant to a state mandate.¹¹⁷ When local governments promulgate their comprehensive plans, the plan must comply with the Statewide Planning Goals,¹¹⁸ which address land use, development, housing, transportation, and the conservation of natural resources.¹¹⁹ All plans must abide by the statewide goals because they are a mandatory force of law.¹²⁰ Therefore, all Oregon Land Use laws derive their authority from these goals.¹²¹

Further, the LCDC must authorize every comprehensive plan for a municipality to be in conformance with the statewide goals.¹²² After a plan is acknowledged in compliance with the statewide goals, it must still be periodically reviewed by the DLCD.¹²³ In addition to providing guidance and oversight, the DLCD also provides funding and technical assistance to local governments to help ensure that they remain in compliance with their planning obligations.¹²⁴ If a local government or their plan falls out of compliance with statewide goals, or fails to adopt, amend, or respect the requirements outlined in the locality's plan, the DLCD has the power to withhold state provided funding, such as the distribution of state tax revenues.¹²⁵ Additionally, the DLCD has the power to suspend local authority to authorize development or building permits and plans.¹²⁶

¹¹⁶ ORS § 197.195.

¹¹⁷ Bolen (2002).

¹¹⁸ Callies (2012).

¹¹⁹ A Citizen's Guide to the Oregon Coastal Management Program (2014).

¹²⁰ Callies (2012).

¹²¹ Callies (2012).

¹²² Callies (2012).

¹²³ Bolen (2002).

¹²⁴ Bolen (2002).

¹²⁵ Bolen (2002).

¹²⁶ Bolen (2002).

Aside from the requirements put forth by LCDC, in Oregon a comprehensive plan is more broadly described as a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs.¹²⁷ Further, a comprehensive plan must also take into consideration and accommodate as much as possible the needs of all levels of governments, semipublic and private agencies, and the citizens of Oregon.¹²⁸

WASHINGTON

Washington is also known for promulgating environmentally focused laws to protect the state's natural resources. In 1971, the Washington Shoreline Management Act (WSMA) was passed.¹²⁹ The Washington Legislature passed the WSMA because "the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation."¹³⁰ Because of the need to protect the state's shorelines, the legislature emphasized the need for a "planned, rational and concerted effort [...] to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."¹³¹ The WSMA also emphasizes the interests of the state as a whole as more important than the interests of any specific group of people.¹³² The

¹²⁷ Definition of Land Use Plan in Oregon Statute. ORS § 197.015(5).

¹²⁸ Callies (2012).

¹²⁹ *Managing Washington's Coast: Washington State's Coastal Zone Management Program*. Washington State Department of Ecology, Ecology Publication 00-06-129 (2001). Available online at <https://fortress.wa.gov/ecy/publications/documents/0006029.pdf>

¹³⁰ *Managing Washington's Coast: Washington State's Coastal Zone Management Program* (2001).

¹³¹ *Managing Washington's Coast: Washington State's Coastal Zone Management Program* (2001).

¹³² *Managing Washington's Coast: Washington State's Coastal Zone Management Program* (2001).

WSMA also requires the counties and cities that have lands subject to the WSMA to develop comprehensive plans for effective shoreline management pursuant to the Department of Energy's guidelines.¹³³

Then, in 1989, the Washington Legislature has also passed the Ocean Resource Management Act (ORMA), which establishes guidelines for management authority over the states coastal waters, seabed, and shorelines.¹³⁴ The ORMA emphasizes the importance of making decisions related to marine and ocean resources in a manner that will not adversely impact the state's renewable resources.¹³⁵

As Washington's environmental laws influence the way the state and different localities govern coastal areas, decision-making processes are also influenced and governed by the state's land use law. Unlike in Oregon, not all local governments are required to promulgate comprehensive plans in Washington.¹³⁶ Instead, Washington only requires comprehensive plans from counties and cities meeting a threshold population size, those experiencing rapid population growth, or cities or counties required to under another law, such as the WSMA.¹³⁷ Although not all counties are required to promulgate comprehensive plans, if a county is required to develop a plan or chooses to, then it must make all of its development plans consistent with state requirements.¹³⁸

In Washington, the State Office of Community Development spearheads state planning efforts.¹³⁹ It also administers grants and technical assistance to local governments for growth

¹³³ Managing Washington's Coast: Washington State's Coastal Zone Management Program (2001).

¹³⁴ RCW 43.143.010.

¹³⁵ RCW 43.143.010.

¹³⁶ Bolen (2002).

¹³⁷ Bolen (2002).

¹³⁸ Bolen (2002).

¹³⁹ Bolen (2002).

management planning.¹⁴⁰ Also influential to planning efforts in Washington is the Growth Management Act (GMA), which was passed in 1990.¹⁴¹ This act established the comprehensive planning scheme Washington and enacted very specific planning requirements and standards related to several interest areas, including environmental issues.¹⁴² Notably, the state goals emphasize the need to avoid environmental degradation all together, as distinguished from allowing environmental degradation to take place and then focusing on recovery or repair efforts.¹⁴³

While both federal and state law emphasize the need to protect oceanic resources and coastal areas, both lack the coordinated efforts to work cross state boundaries to truly address the issues that face coastal areas. However, state and federal law lay the foundation for coordinated planning efforts to take place.

Case Studies

Case studies were selected upon review of the initial literature review guidance. Because coalitions and CBAs are different types of agreements with various missions, make ups, etc., the case studies were chosen to represent diversity, while still investigating and comparing the obstacles and opportunities the cases faced. The Northwest Toxic Communities Coalition (NWTCC) was chosen because it is a coalition comprised of NGOs across four different states. The Oregon Coastal Zone Management Association (OCZMA) was selected because it is a coalition of local governments and other actors distinct from the types of NGOs that are part of the NWTCC. Finally, the Community Package Coalition (CPC) was selected because it is a

¹⁴⁰ Bolen (2002).

¹⁴¹ Bolen (2002).

¹⁴² Bolen (2002).

¹⁴³ Bolen (2002).

coalition of NGOs that negotiated with a developer to result in a “Community Benefits Package” which is a CBA. Therefore, the CPC demonstrates how a coalition can result in a CBA. The selection of case studies based on their differences was intended to demonstrate both how diverse these types of agreements can be, and also to look at obstacles and opportunities faced by distinct agreements.

Northwest Toxic Communities Coalition

The Northwest Toxic Communities Coalition (NWTCC) is a collaboration of organizations in the Pacific Northwest.¹⁴⁴ Approximately 40 organizations make up the coalition and represent communities in rural areas and tribal nations as well as communities in cities across the Pacific Northwest.¹⁴⁵ The goal of the coalition is to address the cleaning of toxic sites and to, “connect with and empower communities impacted by toxic waste and to share resources, information, and support for toxic cleanup efforts throughout the Northwest states.”¹⁴⁶ The member organizations to the NWTCC have faced issues because of isolation and lack of funding as well as a lack of community support and public participation. The NWTCC as a whole

¹⁴⁴ The NWTCC’s members include from the following states, ALASKA: ACA-removed, Kenai Watershed Forum, Yukon River Inter-Tribal Watershed Council; IDAHO: Safe Air for Everyone, Save Our Summers NW, Silver Valley Community Resource Center; OREGON: Beyond Toxics, Columbia Riverkeeper, Hayden Island Livability Project, Groundwork Portland, Josiah Hill III Clinic, Linnton Neighborhood Association, Neighbors for Clean Air, Northwest Environmental Advocates, Organizing People Activating Leaders (OPAL), Portland Harbor Community Advisory Group, Willamette Riverkeeper; WASHINGTON: Citizens for a Clean Columbia; Citizens for a Healthy Bay; Community Coalition for Environmental Justice; Duwamish River Cleanup Coalition/TAG; Environmental Coalition of South Seattle; Friends of Toppenish Creek; Heart of America Northwest; Incinerator Free Mason County; Lake Roosevelt Forum; Microsoft-Yes; Toxic-Air Pollution-No (MYTAPN); No Biomass Burn, Olympic Environmental Council (OEC), People for an Environmentally Responsible, Kenmore (PERK), People For Puget Sound, PT Airwatchers, Puget Soundkeeper Alliance, Puget Sound Sage, RE Sources/North Sound Baykeeper, Safe Food and Fertilizer, The Sovereignty, Health, Air, Water, and Land (SHAWL) Society, Spokane Riverkeeper, Spokane River Forum, The Precautionary Group, Waste Action Project, Toxics Free Future. *Members*. Northwest Toxic Communities Coalition (2018). Available online at <http://nwtoxiccommunities.org/members/washington>

¹⁴⁵ *About us*. Northwest Toxic Communities Coalition (2018). Available online at <http://nwtoxiccommunities.org/about-us>

¹⁴⁶ *Members: Washington*. Northwest Toxic Communities Coalition (2018). Available online at <http://nwtoxiccommunities.org/members/washington>

provides support and expertise to allow smaller grassroots organizations resources to continue efforts in protecting communities from toxic waste.

The NWTCC derives its support from a few main sources, which have offered substantial financial support to the coalition. The first source is the Duwamish River Cleanup Coalition (DRCC), which is another coalition in the PNW that has provided support in the form of fostering the grassroots development of the NWTCC.¹⁴⁷ Additionally, the NWTCC has received support in the form of grants from the Environmental Support Center (ESC) to help the NWTCC encourage community development and efforts towards building inclusive communities. Further, the Seattle based Horizons Foundation¹⁴⁸ also provided grants to the NWTCC to support its work, educational outreach, and other activities. Finally, a main supporter of the NWTCC is the University of Washington's Superfund Research Program (SRP).¹⁴⁹ Not only has the SRP provided financial support to the NWTCC and its members, but the community-academic partnership between the NWTCC and the SRP has provided the NWTCC's member organizations access to relevant current research to assist them in their work.¹⁵⁰

In addition to the availability of funding from donors, the main opportunities the NWTCC has had is the working relationship that has been formed among member organizations and the consistent support they have received from outside organizations. The NWTCC

¹⁴⁷ *Program Archive: Explore the Green-Duwamish Watershed's Past, Present and Future*. Duwamish River Cleanup Coalition, Technical Advisory Group (2018). Available online at <http://duwamishcleanup.org/programs/program-archive/>

¹⁴⁸ The Horizons Foundation addresses the social and environmental problems in the PNW through providing grants towards organizations that are focused on educational projects and citizen education programs for the purpose of improving the physical environment in the PNW. *At a Glance: Horizons Foundation*. Foundation Center (2018). Available online at <https://fconline.foundationcenter.org/grantmaker-profile/index?key=HORI007>

¹⁴⁹ *NWTCC: 10 Years of Collaboration*. University of Washington, Department of Environmental & Occupational Health Sciences, Superfund Research Program (2015). Available online at <http://deohs.washington.edu/srp/nwtcc-10-years-collaboration>; *Collaborations: Northwest Toxic Communities Coalition*. University of Washington, Department of Environmental & Occupational Health Sciences, Superfund Research Program (2013). Available online at <http://deohs.washington.edu/srp/collaborations-northwest-toxic-communities-coalition-0>

¹⁵⁰ Northwest Toxic Communities Coalition (2018).

approaches its coalition from a “strength in numbers” perspective that offers smaller organizations a “chance to sit at the table.” The NWTCC supports its member organizations by fostering an atmosphere of knowledge sharing and support through the hosting of annual Summits since 2005. Through providing member organizations with expertise and support, the NWTCC is able to support the efforts of its members in communities across the Pacific Northwest. Part of the NWTCC’s ability to provide expertise and support comes from their community-academic partnership with the SRP. The SRP has helped provide support for the NWTCC’s Summits for ten years through providing venues, scientific speakers, agency staff speakers, and supporting member travel. Aside from the financial support provided by the SRP, the unique community-academic partnership also provides NWTCC with a unique ability to access academics and academic audiences to support the coalition as a whole and its member organizations.¹⁵¹

Although the relationship between coalition members and the level of support NWTCC receives from outside organizations provides the coalition incredible opportunities for outreach, the NWTCC also faces several obstacles to their operation and their work as a whole. First, many of the communities served by the NWTCC are isolated and in rural areas of the Pacific Northwest. Some of the isolated communities are also tribal nations.¹⁵² Rural communities and tribal communities have different needs than those of people in larger cities. Although rural communities and tribes often deal with the harms of toxic waste directly, they often do not have the political power to have their voices heard. This is exacerbated by the continual lack of environmental justice and minority voices in the modern environmental movement.¹⁵³ This

¹⁵¹ Northwest Toxic Communities Coalition (2018).

¹⁵² Northwest Toxic Communities Coalition (2018).

¹⁵³ Warren, Brad. (2018) Phone interview.

pattern has resulted in strained relationships between communities and member organizations to the NWTCC. Further, many of these communities have little to no financial resources to address projects related to NWTCC's mission. Additionally, in some communities, NWTCC member organizations experience strained community relationships. Many of the strained community relationships are because in many communities, the polluters are either the main employer or one of the main employers.¹⁵⁴ Therefore, while the NWTCC has achieved positive working relationships between member organizations and each other, as well as with outside supporters, the coalition still faces an uphill battle in regards to their interactions with community members.

Oregon Coastal Zone Management Association

The Oregon Coastal Zone Management Association (OCZMA) was founded in 1975 as a non-profit under ORS 190. OCZMA is a bi-partisan organization with voluntary membership of local governments along the Oregon Coast including counties, cities, ports, soil and water conservation districts, tribes and affiliated members. Broadly, the OCZMA works to ensure that coastal issues are managed through a system of responsible and informed planning that promotes collaboration, mediation, and conflict resolution among stakeholders. The OCZMA also works to promote awareness and disseminate information to educate the public about coastal issues. Further, the OCZMA works to address land use, natural resources, fisheries, and economic development issues not only for the benefit of the Oregon Coast, but to inform coastal management as a whole. The work of the OCZMA is important because of the immediate threats of ocean acidification already facing Oregon's coast.

¹⁵⁴ Northwest Toxic Communities Coalition (2018).

One of the main opportunities that OCZMA has had is that it offers a way for coastal stakeholders to engage in the land use planning process. The OCZMA is composed of coastal counties, cities, ports, soil and water conservation districts, and an associate member of a federally recognized tribal government. This robust and diverse coalition is one of the only local government organizations in the U.S. that represents a diverse body of local governments on coastal issues.¹⁵⁵ The OCZMA's diverse membership and resulting expertise has allowed the coalition to work with Oregon coast's Congressional delegation, the Oregon State Legislature's Coastal Caucus, and many other state-level departments and organizations including the DLDC, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Department of Transportation (ODOT), the Association of Oregon Counties, the Oregon Department of Environmental Quality (DEQ), and the Coastal Nonpoint Pollution Control Program. The working relationship formed through the coalition has allowed stakeholders and local governments the ability to effectuate real change along Oregon's coasts. Another benefit to the OCZMA is that unlike many other coalitions, it was formed as a non-profit under ORS 190 and is therefore formalized and institutionalized. Its status as a formal non-profit also allows it to obtain funds through its IRS designation. As a non-profit, the OCZMA is able to apply for certain grants and funding avenues only available to formalized non-profits.¹⁵⁶ Finally, a key benefit that OCZMA has had in its many years is the benefit of leadership. Onno Husing, the current Director of Planning and Development in Lincoln County, Oregon said leadership was a key piece of keeping OCZMA together because of the general difficulty of keeping coalitions together. When referring to the difficulties faced by coalitions, Onno said that a coalition can have the "idea, the opportunity,

¹⁵⁵ Husing, Onno. (2018). Phone interview.; *History of the Oregon Coastal Zone Management Association*, Oregon Coastal Zone Management Association (2018). Available online at <http://www.oczma.org/about/>

¹⁵⁶ A Citizen's Guide to the Oregon Coastal Management Program (2014).

threat, passionate people, key relationships, etc., but you have to have a way to make people care enough to overcome the gravitational pulls.”¹⁵⁷ Onno himself worked to keep OCZMA together, which undoubtedly served as a benefit for the coalition.

Although OCZMA has been able to complete beneficial work for Oregon’s coasts, the coalition has still faced several obstacles since its formation. Namely, sustaining funding has proved difficult. Although members worked for years to create effective funding structure, the OCZMA still ran for years on funds merely from an amount of voluntary dues paid by members. Even when the OCZMA had 97 percent of members paying dues they still could only fund one third of their work. Further complicating the issue of funding, members in the OCZMA were working to keep funding sustained, but they still experienced difficulties from communities who were not working to keep the structure together on the local level. Onno Husing said of the OCZMA: “How can we be so loved, effective, and integrated into the highest circles of Oregon State government, and still struggle financially?”¹⁵⁸ OCZMA would benefit from funds from the state budget, however obtaining state funding is a time intensive yearly process that is burdensome for members. Additionally, OCZMA could have benefitted from obtaining endowments from donors. Overall, OCZMA has proved successful in coming together as a coalition, but it still faces difficulty in regards to sustaining itself over time both economically and socially.

Community Package Coalition

The Community Package Coalition (CPC) is comprised of nonprofits, community organizations, and advocacy groups that serve several neighborhoods in the Seattle, Washington

¹⁵⁷ Husing, Onno. (2018). Phone interview.

¹⁵⁸ Husing, Onno. (2018). Phone interview.

area.¹⁵⁹ The coalition collectively represents the interests of thousands of people in Seattle. The goal of the coalition is to negotiate with developers for community benefits including public open spaces, safe spaces for people walking and biking, and affordable homes for working families. The coalition organized after an “addition” was proposed to the Washington State Convention Center (WSCC) that represents a massive multi-block development in Seattle. The coalition formed among stakeholders and successfully negotiated a contract with the developer for an additional \$61 million of investments into public benefits. The coalition achieved this Community Benefits Package (CBP) through organizing themselves, organizing a petition, and attending public meetings; all work done on behalf of this coalition was uncompensated, as the coalition did not receive any additional funds to complete their activities. The CBP that resulted from negotiations between the CPC and the developer is a CBA, which is a contract that is now ensuring the fruition of the agreed upon projects.

Overall, the CPC identified several opportunities in regards to their work. First, the WSCC project was using public money and was being completed on public land. This is what initially gave the CPC more of an opportunity to get involved. Secondly, although the CPC is the first coalition of its kind in Seattle, the substantive interest area of the project gave them political power due to community support. Thirdly, the CPC is composed of organizations that are well-resourced and had the ability and comfortability to access power and processes.¹⁶⁰ Finally, a

¹⁵⁹ The CPC’s members include: Capitol Hill Housing; Cascade Bicycle Club; Central Seattle Greenways; First Hill Improvement Association; Housing Development Consortium; Freeway Park Association; LID 5; Seattle Neighborhood Greenways. *Community Package Coalition Secures Historic \$82M Investment for Seattle*. Community Package Coalition (2017). Available online at https://static1.squarespace.com/static/58b9aee115d5db4eae402449/t/59e50d480abd043573fb3f6b/1508183369147/V2_FINAL_Community+Package+Agreement+Press+Release_17-1016.pdf; *Statement by Community Package Coalition about May 7 Council Vote*. Community Package Coalition (2017). Available online at <https://static1.squarespace.com/static/58b9aee115d5db4eae402449/t/5af0e81f575d1f2a5e4233e8/1525737508424/PC+Statement+5.7.18.pdf>

¹⁶⁰ Community Package Coalition Secures Historic \$82M Investment for Seattle (2017); Statement by Community Package Coalition about May 7 Council Vote (2017).

large benefit to the CPC, much like for the OCZMA, is the benefit of leadership. Leadership in the CPC came in two stages. First, the WSCC developer tried to work with stakeholders separately; however, Seattle Neighborhoods Greenway, which is now a member to the CPC, approached the other stakeholders and made the initial push to work together as a cohesive unit to obtain the CBP. The organization made the push for a “stronger together” approach, which is what prompted the formation of the CPC. After the CPC was formed through the initial push of Seattle Neighborhoods Greenway, Alex Hudson from First Hill Improvement Association, has worked extensively as a pillar of the CPC. At the peak of the work period, she was spending 50 to 75 percent of her time working for the CPC to develop the CBP, even though she received no additional compensation for doing so.¹⁶¹

The CPC also faced several obstacles. First, legislation in Seattle does not favor equity. Instead, legislation favors the design element of projects like the WSCC expansion. Second, the eight member organizations to the CPC have gone uncompensated for their efforts. All of the work has been done on a volunteer basis. At certain points in the negotiation process, member organizations were spending 50 to 75 percent of their time working for the CPC to obtain the CBP. Thirdly, the CPC states that the lack of equity in the process means that communities and stakeholders without the time, skill, means, comfort, and familiarity with planning or political processes or the media will not likely be able to replicate the efforts of the CPC because it was incredibly overburdensome and required intense, sustained, pressure on the developers and the City. As a whole, the process that the CPC undertook to obtain the CBP was long, complicated, expensive, and extremely difficult for those without a legal, policy, or planning background.

¹⁶¹ Hudson, Alex. (2018). Phone interview.

Going forward, the CPC is attempting to influence fundamental changes in legislation so that racial and social justice priorities are taken into consideration for all parties. The goal of the efforts to reforming legislation is to enable community members without planning or policy expertise engage in the process, because the CPC has identified the need to improve support for communities that do not have the time, skill, means, or comfort and familiarity with public processes so that they can also replicate this effort to achieve public benefits. The CPC states that if Seattle chooses to adopt an “Equitable Development Agreement Policy,” developers will have to identify and deeply engage with community stakeholders within an equity framework. A more equitable legal and planning framework would enable efforts like the CBP to be replicated, improved, and expanded in the future.¹⁶²

Limitations

This study was intentionally conducted through a literature review, document review, and a case study analysis. Although this was intentional, the limitation then flows in that the data is not extensive numerically in regards to obstacles and opportunities faced by coalitions and CBAs. Therefore, the findings and comparisons across cases are based on the findings of three case studies, but do not represent a broader, qualitative analysis. If new research is conducted in this area, a more in-depth qualitative data analysis should be conducted to make further conclusions regarding the obstacles and opportunities coalitions and CBAs face.

Additionally, conclusions were drawn from research in several databases, government websites, etc. as well as interviews. Members of all three case studies were contacted, however,

¹⁶² Hudson, Alex. (2018). Phone interview.

no response was received from the NWTCC. Therefore, conclusions drawn from the NWTCC analysis do not contain firsthand statements, unlike the case study of the OCZMA or the CPC.

Therefore, although there are limitations to the degree of representation and the conclusory nature of the comparative findings, they still serve to highlight themes to the obstacles and opportunities faced by coalitions and CBAs, which may offer a lens into potential further areas of research.

Findings

Several themes arose through this research both from the document review and the case study research. As a whole, the document review and case study analysis helped to highlight some common obstacles and opportunities faced by the NWTCC, the OCZMA, and the CPC related to financing mechanisms, the varying availability of communication channels between parties within coalitions and CBAs, the relevance of expertise in navigating political processes, the need for and benefit of strong leadership, and the role community support can play in the longevity or overall support for a coalition or CBA.

Financing mechanisms

In the case studies examined, the level of financial support varied. With regards to the NWTCC, secondary sources revealed grants, donations, and the presence of an academic partnership with the University of Washington that have provided financial support. However, no firsthand data was received in regards to how much of NWTCC's activities are supported through their available funding. Additionally, the OCZMA has always had trouble obtaining adequate funding even when it was receiving over 90 percent of its voluntary dues from its members. Although the OCZMA has obtained some funding through their 501(c)(3) status,

obtaining state funding is an arduous, yearly process and the OCZMA has also experienced a shortage of larger donations from donors. Therefore, OCZMA has experienced variable funding since its founding which is an ongoing struggle for the coalition. Finally, the CPC has received no funding for its activities. All work on behalf of the CPC has been done pro-bono, with the CPC's work being supported through the budgets of its member organizations.

Overall, the case studies appear collectively to struggle with financing mechanisms. This finding is consistent with the emphasis placed by scholars on the continued research into the availability and consistency of funding. Therefore, there is a need to understand different sources of funding, and to provide assistance to coalitions and stakeholders with regards to applying for funding. Assistance in identification of funding sources is especially important for rural communities, underrepresented groups, and other communities with less resources, including financial, experience, etc. Further research should focus on identifying and analyzing the funding sources from a larger selection of case studies. Continued research into this area may help future coalitions or CBAs obtain funding, which is an important indicator of effectiveness as identified by scholars.

Establishment of communication channels

Scholars have highlighted the need to increase availability of and support for open communication channels between communities as well as between coalitions, CBAs, and others involved in planning and land use decision-making processes. Part of why coalitions and CBAs have started to become more commonplace is because of the demand for cross-jurisdictional collaboration to address pertinent issues such as ocean acidification, the importance of increasing public participation in planning processes, and because of the desire of communities to be involved in planning processes and to address the impacts of climate change in their locality.

Although this need is highlighted in literature and by stakeholders in the PNW, functional support networks are sometimes lacking. The case study findings certainly corroborated the importance of communication channels as a means of sharing resources and information.

In all three case studies, the increased level of collaboration and the sharing of expertise and resources that was facilitated through the use of the coalition or CBA was highlighted as an opportunity. Specifically, the NWTCC's unique academic partnership with the University of Washington allows the coalition access to the most updated research related to their work.

Alex Hudson of the CPC emphasized the importance of sharing expertise and resources between coalitions, CBAs, and between stakeholders looking to form alliances. However important, she said that the process they endured in forming the CBP was incredibly overburdensome. She noted emphasized that had their coalition not been one of well-resourced interest groups with access and comfortability to power and political processes, that they may not have been successful. She further emphasized the need to provide communication channels and support for community members without the time, skill, means, and familiarity with planning or policy expertise so that they too may engage in land use decision-making processes.¹⁶³ Therefore, further research should focus on how to best provide support for and facilitate communication channels both between existing coalitions and CBAs, but between interest groups looking to form them as well.

Political process

Scholars argue about how coalitions and CBAs fit into overall government planning processes. Supporters see them as a necessary and long overdue tool to enhance and advance

¹⁶³ Hudson, Alex. (2018). Phone interview.

civic engagement in planning processes. However, others argue that they offer a method of circumventing government planning processes, which has the potential to result in even more fractured, insular interests instead of a collective interest as facilitated through government.

Despite conflicting arguments about how coalitions and CBAs fit into governmental planning processes, case studies highlighted the fact that existing political process and other governmental structures undeniably effect the formation and the support of coalitions and CBAs. Both the OCZMA and CPC had experience with political and planning processes, which were identified as assisting their efforts.

Alex Hudson of the CPC said that existing legislative processes made their efforts more difficult because the “legislation favors the design element” and there is a need for legislation that is instead focused on meeting “community needs and desires.” For the CPC, the legislative process was burdensome, even though they had the requisite experience.

In regards to the OCZMA, Onno Husing describes the existing governmental framework as necessary building blocks that may help lay the foundation and framework for interest groups to take action. He explains, “the job of forming a coalition could be infinitely harder without these existing entities.”¹⁶⁴

In regards to the NWTCC, no firsthand communication was obtained regarding the role political processes took in their formation or in their work. However, research highlighted the fact that many of the NWTCC’s member organizations face political difficulty in rural communities. NWTCC’s members face difficulty in implementing their work and having projects supported because of the countering interests of underrepresented groups, such as tribes, and those of large corporations, which are often large polluters in the case of the NWTCC.

¹⁶⁴ Husing, Onno. (2018). Email communication.

Although not speaking in relation to the NWTCC, Brad Warren of Global Ocean Health spoke about the process of forming coalitions in the PNW and said of current legislative processes that provisions to look after rural and tribal communities are often lacking in policy and governance. He said rural communities and tribal communities have specific needs, and there is a need to get those views to the table politically.¹⁶⁵

Therefore, further research should focus on the many facets to the political process and how existing legislative processes and governmental frameworks can support coalitions and CBAs.

Staffing capacity & leadership

The lack of staffing capacity is an existing obstacle for some coalitions and CBAs. It is important to note that staffing capacity and leadership is a distinct type of resource required by coalitions and CBAs. Monetary resources are important as discussed previously. However, just as important if not more important than monetary resources are the availability of a reliable workforce of people to keep coalitions and CBAs together.

Memberships of coalitions vary in size, organizational partners, diversity of professional and grassroots organizations, and individual members. Further, many are founded based on voluntary membership, which leaves a lack of certainty in the long-term staffing capacity and leadership of coalitions. Similarly, a CBA is an agreement signed by community benefit groups (often, a coalition) and a developer, identifying the community benefits a developer agrees to deliver, in return for community support of the project. CBAs are a direct result of substantial community input. This community input must be facilitated, organized, and put forth in a

¹⁶⁵ Warren, Brad. (2018). Phone interview.

concise, informed, and persuasive way to result in a CBA. Because both coalitions and CBAs are formed based on the initiative of various interest groups, they invariably rely on the leadership and dedication of their members to sustain themselves over time.

The OCZMA has long struggled to maintain consistency in staffing capacity which has impacted the sustainability of the coalition over time. The CPC has also experienced a lack of staffing capacity over time, in part because of the burdensome and time-intensive work required to form a coalition and also a CBA.

Although both the OCZMA and the CPC have experienced a lack of staffing capacity, both have the benefit of leadership responsible for sustaining the coalition. Onno Husing personally worked to keep the OCZMA running for years. He said of keeping a coalition together:

“The hard-exhausting work, when forming a coalition, is to form relationships with the leadership each of these existing entities and to sustain those relationships over time. And to do that you gotta bring high order skill sets to support the effort [...] Moreover, having the tenacity and the skills and the endurance to form quality relationships of trust that knit together local, state, federal / executive branch, legislative branch, is key. To gain influence and make things happen you do that by leveraging the formal authority of state legislators, members of Congress, the heads of state agencies, the Governor's office. Coalitions, by their very nature, unless they become codified in law and supplant existing, must be led by individuals who have high-order social skills.”¹⁶⁶

Also commenting on the leadership required to keep a coalition together, Alex Hudson of the CPC said that over the course of a few months she spent approximately 500 hours working on obtaining the CBP, which consumed 50 to 75 percent of her time. Had she not had the means,

¹⁶⁶ Husing, Onno. (2018). Email communication.

time, and skill to undertake such an effort, the leadership may not have been in place to fully effectuate the efforts that resulted in the CBP.¹⁶⁷

Therefore, further efforts should focus on how to support leaders looking to spearhead efforts necessary to form and also sustain coalitions and CBAs over time.

Community support

Scholars argue that often the people who have the power to influence land use decisions are not members of the communities that many land-use decisions directly impact. Instead, community members are left in the midst of a cycle that leaves them struggling to ensure land-use decisions do not adversely affect community interests. As a result, community relations between government, NGOs, and other stakeholders are often fractured. This was certainly apparent in the case studies and it is apparent that there is a need to increase the level of understanding of what influences community support for coalitions and CBAs, and how to improve community relations.

Perceived levels of community support varied across the NWTCC, the OCZMA, and the CPC. The NWTCC faced obstacles in regards to community support because of the nature of their work. For example, in rural communities where the main employer is the polluter targeted by NWTCC's clean-up efforts and pressure, the NWTCC member groups have animosity from community groups when attempting to put pressure on polluters and when they have tried to implement clean-up efforts.¹⁶⁸ In contrast, the CPC identified community support as a benefit to their efforts because they are situated in the Seattle-area, where the local community favors the type of urbanism and greenspace work the CPC was working to effectuate. Because of the high

¹⁶⁷ Hudson, Alex. (2018). Phone interview.

¹⁶⁸ Northwest Toxic Communities Coalition (2018).

level of community support, the CPC experienced high levels of feedback from community members who attended public open houses to offer project ideas and overall input.¹⁶⁹ The OCZMA faced difficulty with community support in regards to follow through and implementation of their projects. Throughout their history, the OCZMA has worked to develop innovative and effective coastal projects but has struggled to get practical follow through in the communities where the efforts were supposed to be implemented.¹⁷⁰

Further research should focus on survey analysis to understand differing priorities across different types of communities, such as the varying needs of urban communities versus rural and tribal communities. In a discussion of the difficulty of forming coalitions, Brad Warren said that efforts should be made to reach out and involve tribal communities and other communities that either have in fact been left out of planning processes or perceive that their interests have not been taken into consideration in traditional land use decisions. He discussed the specific importance of understanding rural and tribal interests in regards to implementing environmentally focused projects. He discussed the vast discrepancy in the perceived solutions by urban communities and those that are rural, tribal, or those actually living in coastal areas. When asked about how to address climate change and ocean acidification, often people in urban communities view efforts such as the addition of bike lanes, green buildings, or an increase in the use of electric cars as a solution to greenhouse gas emissions and therefore helpful in terms of addressing ocean acidification. In contrast, coastal communities may experience more direct economic effects such as a decline in fisheries. Therefore, coastal communities see projects such as kelp farms as more useful to have a real world impact in sweetening the water to assist shellfisheries. Additionally, tribal communities may be concerned with loss of fishing rights in

¹⁶⁹ Hudson, Alex, (2018). Phone interview.

¹⁷⁰ Husing, Onno. (2018). Phone interview.

traditional fishing areas as an attempt to protect suffering fish populations due to the impacts of ocean acidification.¹⁷¹

Despite fractured community relationships and misunderstood interests, scholars argue that coalitions and CBAs are practical vehicles for responsible and equitable land use that have the power to enable communities to participate in the current land use framework to promote the general health, safety, and welfare of their citizens. Therefore, further research is needed not only to understand levels of community support for coalitions and CBAs, but to understand how to increase community support through involving all communities in decision making processes through the use of coalitions and CBAs.

Recommendations & Conclusions

There are two key policy recommendations that flow from this research. First, state governing bodies should implement policies allowing local communities to employ formal coalitions and CBAs as part of their land use decision powers to increase the enforceability of agreements. The power to make coalitions and CBAs part of land use decision powers could potentially help solidify agreements from a legal perspective, which could potentially result in new avenues of governmental funding, would integrate coalitions and CBAs into political processes and existing governmental land use decision-making processes, and could contribute to the overall sustainability of agreements over time.

To ensure CBAs will operate as effectively as possible, courts should view them through the lens of traditional land use decisions. To aid in this process, state governing bodies should pass statutory provisions enabling local communities to employ these tools as part of their land

¹⁷¹ Warren, Brad. (2018). Phone interview.

use police powers. This will afford CBAs deference upon judicial review. Deference upon judicial review has the potential to strengthen the likelihood CBAs will be recognized as valid, because judges and legal authorities would have to uphold the agreements as long as they are reasonable or rational. If coalitions and CBAs are given this substantial authority and deference, it could help to empower local governments, as well as community interest groups, to use their resources to promote the social, economic, and social welfare for citizens through the sustaining of coalitions and CBAs over time.¹⁷²

Policy that allows local communities to employ formal coalitions and CBAs as part of their land use decision powers may also help organize coalitions and CBAs. If they are solidified by government, they may benefit from state budgets and may have access to resources to help support and facilitate communication channels between existing coalitions and CBAs. This would potentially help ensure an equitable legal and planning framework would enable efforts of existing coalitions and CBAs to be replicated, improved, and expanded in the future in all communities.

Second, the formation of coalitions and CBAs should influence the development of carbon pricing initiatives because they offer a means of channeling funds towards climate mitigation projects. Although research is preliminary, many scholars agree that coalitions and CBAs offer a means for community interest groups to implement climate mitigation projects in their communities through offering a means of collaborative offshore planning and development. This means of collaboration offers a way for community interest groups, local governments, states, regions as a whole, to address coastal issues such as ocean acidification. Therefore, because research on carbon pricing initiatives show those most effective reinvest funds into

¹⁷² Gurgol (2015)

projects that reduce emissions and address climate related problems, continued research about coalitions and CBAs may assist in the development of carbon pricing policies because they offer an avenue for the reinvestment of funds towards climate mitigation projects.

Further, continued research regarding the varying aspects of community support for coalitions and CBAs may help identify specific projects that could be beneficiaries of carbon pricing initiatives in Oregon and Washington. Continued research into the specific needs and desires of communities that have been traditionally underrepresented in planning processes will continue to shed light into how coalitions and CBAs may be used to benefit and increase participation of traditionally isolated groups of people. This is especially important in the context of climate change because many of the groups most vulnerable to the immediate effects of climate change are also those groups traditionally left out of planning processes.

Overall, this research will contribute to understanding of the obstacles involved in the formation of community coalitions and Community Benefit Agreements (CBAs). Although this research is just one step towards understanding the obstacles and opportunities coalitions and CBAs face, this research will hopefully not only assist in the formation of new coalitions and agreements, but may also assist and contribute to the longevity of those already in existence. If existing coalitions and CBAs are successful and new agreements are formed, the future of coastal planning and overall land use planning decisions may prove more equitable with traditionally underrepresented parties and voices to the table, with the ability to advocate for the interests of communities, and to implement projects that will have real, tangible impacts in the fight against ocean acidification and climate change.

APPENDIX

Figure 1: Overview of Federal Environmental Law

Act	Act Name	Subject Matter	Responsible Agency
NEPA	National Environmental Policy Act	Environmental reviews	Council on Environmental Quality (CEQ); each lead agency for project/program review
CZMA	Coastal Zone Management Act	Consistency reviews	National Oceanic and Atmospheric Administration (NOAA)
OCSLA	Outer Continental Shelf Lands Act	Marine resource extraction lease issuance and development plan approvals	BOEM
NHPA	National Historic Preservation Act	Accounting for historic resources	Each lead agency for project/program review; Department of Interior (DOI)
SLA	Submerged Lands Act, Territorial Submerged Lands Act	Title to submerged land	NOAA, Department of State
OPA	Oil Pollution Act	Spill prevention, remediation	Environmental Protection Agency (EPA)
CWA	Clean Water Act	Discharge permitting, dredge materials disposal	EPA; Army Corps of Engineers (ACOE)
CAA	Clean Air Act	Air permits	EPA (and BOEM for projects in certain offshore areas)
RCRA	Resource Conservation and Recovery Act	Hazardous waste permits and control	EPA
MPRSA	Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act)	Dredge materials disposal	EPA
MMPA	Marine Mammal Protection Act	Protecting marine mammals	National Marine Fisheries Service (NMFS), which is part of NOAA
ESA	Endangered Species Act	Protection of listed species	NMFS; US Fish and Wildlife
RHA	Rivers and Harbors Act	Protection of structures located in navigable waters of the United States	ACOE
PWSA	Ports and Waterways Safety Act	Protection of US ports and waterways	Coast Guard
FAA	Federal Aviation Act	Protection of navigable US airspace	Federal Aviation Administration
NPGA	Natural Gas Policy Act	Siting of natural gas pipeline infrastructure	Federal Energy Regulatory Commission (FERC)

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¹⁷³ Tierney, Susan F. and S. Carpenter. *Planning for Offshore Energy Development: How Marine Spatial Planning Could Improve the Leasing/Permitting Processes for Offshore Wind and Offshore Oil/Natural Gas Development*. Analysis Group, Inc. (2013).