

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING A) ORDINANCE NO. 02-970
CARRYING CAPACITY POLICY INTO)
THE FUTURE VISION AND THE) Introduced by Councilor Atherton
REGIONAL FRAMEWORK PLAN)

WHEREAS, the 1992 Metro Charter requires Metro to adopt a Future Vision as “a conceptual statement that indicates population levels and settlement patterns that the region can accommodate within the carrying capacity of the land, water, and air resources of the region, and its educational and economic resources, and that achieves a desired quality of life”, and

WHEREAS, the Future Vision adopted by Ordinance No. 95-604A on June 15, 1995, did not adequately describe a process for living within the region’s carrying capacity, and

WHEREAS, although the Future Vision is not a regulatory document, the Charter clearly intends the Regional Framework Plan, which is a regulatory document, to have a relationship to the Future Vision, and

WHEREAS, describing a process for how citizen values, the economy, and the environment of the region will balance with the numbers of people in the region is a critical component of the Future Vision and the Regional Framework Plan; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the Future Vision as adopted by Ordinance No. 95-604A is amended as follows:
 - GROWTH MANAGEMENT – In 2045, population growth in the region has been balanced with our environment so our citizens have maintained or improved their quality of life. Our objective has been and still is to live in great communities, not merely bigger ones. Our desire for separate communities is reflected in the Future Vision Map which depicts settlement patterns. Carrying Capacity and sustainability concepts help maintaining a desired quality of life but they are not used to set population limits. This is because the concept of “carrying capacity” cannot be expressed as numbers of people. Setting targets or allocations or limits on numbers of people is neither practical nor enforceable. However, we can establish a process that we trust will result in a balance of communities of people with the quality of environment they want and can afford. Our success in balancing our region’s population with its livability will come from a commitment to respect for the wisdom of individual citizens as they express their personal and neighborhood choices in their individual communities and interact in the economic, social, and physical environment of the region. The Values and Vision Statements herein should be used to guide the establishment of new communities.
2. The Regional Framework Plan, Chapter 1, Section 1.2 is amended to add the following section:

1.2 Carrying Capacity Process

The Carrying Capacity Process for the region shall include the following:

- The monetary costs of growth provide useful information to establish levels of livability and eventually to establish limits to growth. Because public subsidies of development projects often disguise the true costs of growth, before Metro makes any development or land use decision that involves public subsidies, Metro will determine that use of the public subsidy will not result in exceeding the carrying capacity of the region.
- Air quality, water quality, open space and other environmental standards that protect the livability of the region shall be enforced and used to help establish limits to growth, either directly through regulation of development activity, or indirectly through the added cost of development to comply with the regulations.
- The citizens living in each community know when the carrying capacity of their community has been reached and the carrying capacity of the region is, in part, achieved as the sum of the livability and development decisions of the communities in the region including citizen review of annexations.
- Metro will seek to provide for the preferences of those communities who wish to accommodate increased population growth, but not in ways that would degrade the livability of another community.
- Metro shall not use public taxpayer funds under Metro's control to subsidize growth outside the urban growth boundary that is in effect as of July 2002.

3. The Regional Framework Plan, Chapter 1, Section 1.4 Economic Opportunity, is amended replaced as follows:

Expansions of the UGB for industrial or commercial purposes shall occur in locations consistent with this plan and where an assessment of the type, mix and wages of existing and anticipated jobs within sub-regions justifies such expansion. The number and wage level of jobs within each sub-region should be balanced with housing cost and availability within that sub-region. Strategies should be developed to coordinate the planning and implementation activities of this element with Policy 1.2, Carrying Capacity process, Policy 1.3, Housing and Affordable Housing, and Policy 1.8, Developed Urban Land.

Policy 1.8 Developed Urban Land.

According to the December 1999 Regional Industrial Land Supply, economic expansion of the 1990s diminished the region's inventory of land suitable for industries that offer the best opportunities for new family-wage jobs. Sites suitable for these industries should be identified and protected from incompatible uses.

1.4.1. Metro, with the aid of leaders in the business and development community and local governments in the region, shall designate as Regionally Significant Industrial Areas (RSIAs) those areas with site characteristics that make them especially suitable for the particular requirements of the high technology, water transportation and warehouse and distribution industries.

1.4.2. Metro and local governments shall exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas (RSIAs) from incompatible uses.

4. The Regional Framework Plan, Chapter 1, Section 1.5, is amended as follows:

1.5 Economic Vitality

The Region's economy is a dynamic system including the urbanized part of the Portland area and lands beyond the Urban Growth Boundary. The economic welfare of residents throughout the region can affect the ability of other citizens in the region to create economic vitality for themselves and their communities.

The region's economic development must include all parts of the region, including areas and neighborhoods which have been experiencing increasing poverty and social needs, even during periods of a booming regional economy. To allow the kinds of social and economic decay in older suburbs and the central city that has occurred in other larger and older metro regions is a threat to our quality of life and the health of the regional economy. All neighborhoods and all people should have access to opportunity and share the benefits of economic growth in the region. To support economic vitality throughout the entire region, Metro shall undertake the following steps, beginning in 1998:

- Monitor regional and sub-regional indicators of economic vitality, such as the balance of jobs, job compensation and housing availability.
- ~~If Metro's monitoring finds that existing efforts to promote and support economic vitality in all parts of the region are inadequate,~~ Metro shall facilitate collaborative regional approaches to support economic vitality for all parts of the region.
- Metro will make every effort to prevent one community from taking actions which would degrade the quality of life or economic vitality of another community.
- Metro shall make no land use decision that would result in violation of laws designated to prevent air pollution, water pollution, flooding, protection of fish and wildlife habitat, or degradation of transportation facilities in the region.

~~In Metro shall cooperation cooperate~~ with local governments and community residents to promote revitalization of existing city and neighborhood centers that have experienced disinvestments and/or are currently underutilized, ~~and/or populated by a disproportionately high percentage of people living at or below 80% of the region's median income.~~

5. The Regional Framework Plan, Chapter 1, Section 1.6 is amended as follows:

1.6 Growth Management and 2040 Growth Concept

1.6.1. The management of the urban land supply shall occur in a manner ~~that~~

- ~~Encourages the evolution of an efficient urban growth form~~
- ~~Provides a clear distinction between urban and rural lands~~
- ~~Supports interconnected but distant communities in the urban region~~
- ~~Recognizes the interrelationship between the development of vacant land and the redevelopment objectives in all parts of the urban region~~
- Is consistent with the 2040 Growth Concept and helps to attain the region's objectives consistent with the 2040 Growth Concept, as reflected in the 2040 Fundamentals:
 1. Encourage the efficient use of land within the UGB by focusing on development of 2040 mixed use centers and corridors;
 2. Protect and restore the natural environment through actions such as protecting and restoring streams and wetlands, improving surface and ground water quality, and reducing air emissions;
 3. Provide a balanced transportation system including safe, attractive facilities for bicycling, walking and transit as well as for motor vehicles and freight;

4. Maintain separation between the Metro region and neighboring cities by working actively with these cities and their respective counties;
5. Enable communities inside the Metro area to preserve their physical sense of place by using, among other tools, greenways, natural areas, and built environment elements;
6. Ensure availability of diverse housing options for all residents by providing a mix of housing types as well as affordable homes in every jurisdiction;
7. Create a vibrant place to live and work by providing sufficient, accessible parks and natural areas, improving access to community resources such as schools, community centers and libraries as well as by balancing the distribution of high quality jobs throughout the region, and providing attractive facilities for cultural and artistic performances and supporting arts and cultural organizations; and
8. Encourage a strong local economy by providing an orderly and efficient use of land, balancing economic growth around the region and supporting high quality education.

1.6.2 Metro's management of the urban land supply shall meet the requirements of ORS 197.299 to provide a 20-year land supply; however, Metro shall communicate with the Legislature and the Governor that maintaining a continuous 20-year land supply is inconsistent with the Carrying Capacity Process.

1.6.3. If lands are available and a community of the region wishes to accommodate and serve an increased population, Metro shall establish and protect an area for that community to expand; however, individual communities may only choose to annex enough lands in the aggregate to meet no more than a 20-year land supply of the region's projected need for residential land.

ADOPTED by the Metro Council this ____ day of _____, 2002.

Withdrawn

, Presiding Officer

ATTEST:

Approved as to Form:

, Recording Secretary

, General Counsel

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 02-970, FOR THE PURPOSE OF AMENDING A CARRYING CAPACITY POLICY INTO THE FUTURE VISION AND THE REGIONAL FRAMEWORK PLAN

Date: September, 2002

Prepared by: Michael Morrissey

BACKGROUND: Ordinance 02-970 amends the 1995 Council adopted Future Vision, and the 1997 Council adopted Regional Framework Plan. These documents are amended to enhance the position of carrying capacity in Metro policy. A definition of carrying capacity is proposed as a process, not a number. The process reflects citizens' valuation of quality of life, and choices they express, as a balance between population, the environment, community, economy and culture. Citizen awareness of the costs of growth, and the manner in which those costs are met, is assumed to be an important factor in the above mentioned values and choices.

The Regional Framework Plan is specifically amended to define and adopt a carrying capacity process that incorporates:

- The monetary aspects of growth into Metro analysis and decision-making;
- Enforcement of environmental standards, based on the carrying capacity concept;
- The preferences of individuals and communities regarding development and growth of their community;
- Limitation of the use of Metro funds outside the UGB after July 2002

In addition, the ordinance creates policy to protect regionally significant industrial areas consistent with recommendations made by Metro Executive Mike Burton on August 1, 2002. It emphasizes the needs and desires of each community, relative to all communities and to economic vitality. It adds the 2040 Fundamentals as an organizing principle to be considered in management of the urban land supply, and limits communities' aggregate annexation of land to no more than a 20-year land supply.

Ordinance 02-970 also directs Metro to communicate the inconsistency between the carrying capacity process, and requirement of meeting a 20-year land supply to the Governor and Legislature.

The 1992 Metro Charter required the adoption of a Future Vision no later than 1995. While not intended to be a regulatory document, the Future Vision was meant to operate as "a conceptual statement that indicates population levels and settlement patterns that the region can accommodate within the carrying capacity of the land, water and air resources of the region, and its educational and economic resources, and that achieves a desired quality of life." One of the factors the Future Vision was to address was "how and where to accommodate the population growth for the region while maintaining a desired quality of life for its residents..."

The Future Vision was adopted via Ordinance 95-604A. The Ordinance also accepted a Future Vision Report (March 4, 1995) that included a supportive document as an attachment "Carrying Capacity and Its Application to the Portland Metropolitan Area." (Wim Aspeslagh, April 1994). The latter report creates a carrying capacity model that uses social and ecological thresholds and constraints (air, water, land, energy and transportation) to analyze the issue. It goes on to clarify that the utility of these thresholds and constraints is within the arena of a public discussion, not as static, finite, or even linear numeric

conclusions: “The carrying capacity evaluation model defines carrying capacity as a discourse on *how to approach the various types of socially constructed capacity level constraints within the context of sustainability*. This implies that sustainability too is not a goal, but a discourse on what kind of limits we are willing to accept.” The Future Vision concludes a section on carrying capacity with “Hence, carrying capacity is not a one-time issue, a single number, a simple answer, but an ongoing question for us all.” (p. 3).

The charter also directs the creation of a Regional Framework Plan. Ordinance 95-604A restated the charter requirement that the Regional Framework Plan shall describe its relationship to the Future Vision, and stated further that “The Regional Framework Plan is not required by the Charter or by this ordinance to comply with or conform to the Future Vision.”

The 1997 Framework Plan describes the Future Vision as “the broadest set of declarations about our region,” and cites the many values the Future Vision contains with regard to land use. Chapter 1 of the Regional Framework Plan, Land Use, contains references to the Future Vision, in the discussion section. No description or elaboration of carrying capacity is contained in the Framework Plan, however.

The Office of Legal Counsel takes the position that the use of the term “carrying capacity” in the Charter, in reference to the Future Vision, is clearly intended as a non-regulatory policy descriptor. Its meaning is dependent on the use given to it by a specific iteration of the Metro Council. Carrying capacity’s utility in state Goal 6 however is clearly linked to state and federal air and water quality regulations, as they pertain to pollution discharges.

ANALYSIS/INFORMATION

Known Opposition: The ordinance has not generated known opposition to-date.

Legal Antecedents: The Future Vision is a component of the 1992 charter and is amendable by the Council, in a manner consistent with the charter and with review by the Metro Policy Advisory Committee (MPAC).

The Council is also authorized to amend the Regional Framework Plan, with review by MPAC. However, the land use portion of the Framework Plan has been acknowledged by the Land Conservation and Development Commission (LCDC). Council amendments would eventually need LCDC concurrence.

The statutory requirement regarding the retaining of a 20-year buildable land supply is met in this ordinance, with direction to advocate for elimination of same.

Anticipated Effects: Amends the Future Vision and Regional Framework Plan by specifying and calling for implementation of a carrying capacity process. Limits expenditure of funds after review for consistency with this process.

Budget Impact: The prohibition on use of Metro-managed taxpayer funds to subsidize growth outside the UGB as of July 2002 could affect the current budget. More work will need to be done to determine the scope of this requirement. Certain information, such as measurements of the costs of growth and their communication to the public, could have associated costs to research and produce.