

Metro Charter Committee

PO Box 9236 • Portland, OR 97207 • 273-5570

AGENDA

DATE: September 12, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Tri-Met, 3rd floor, Conference Rooms C & D, 4012 SE
17th Avenue, Portland

5:30 Call meeting to order.

Testimony on metropolitan growth issues. The following individuals and organizations have been invited to speak to the Committee.

Tom Walsh, General Manager, Tri-Met
Oregon City Chamber of Commerce, Dee Vanderbeek
Hillsboro Chamber of Commerce, Flo Rhea
Gresham Chamber of Commerce, Joan Pasco
Steve Peterson, Director, Oregon Economic
Development Department
Metro Managers
Home Builders Association of Metropolitan
Portland

7:45 Briefing on the proposed Regional Urban Growth Goals and Objectives, by Metro's Planning and Development Department.

8:30 Adjourn meeting.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

September 12, 1991

Tri-Met, Conference rooms C and D

Committee Members Present: Hardy Myers (Chair), Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, Wes Mylllenbeck, Isaac Regenstreif, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit

Committee Members Absent: John Meek, Ray Phelps, Jr.

Chair Myers called the regular meeting to order at 5:45 p.m.

1. Testimony on metropolitan growth issues.

Tom Walsh, Executive Director of Tri-Met, told of his personal background as a contractor. Tom Walsh also chaired the advisory committee for Metro from 1985 - 1989. As Executive Director of Tri-Met, land use and transportation issues continue to be important. As the region looks ahead and focuses on RUGGO's, there are no new issues. The focus has been on national issues dealing with general livability such as water and air sheds. The basic departure from land use and transportation makes a distinct land form that does not follow the normal group. Tom Walsh gave the example of Seattle as a city which had an opportunity to grow in the 70's with Boeing but chose not to and now does not have the ability to solve the land use sprawl. The transportation system in Seattle tries to chase the growth. The Portland metropolitan area is not in the form of chaos that Seattle is in but it is not too far away to ask when there will be no more time. Tri-Met and Metro are key elements in the land use and transportation issues of livability for which we have control. Transportation and land use need to be at the heart of the Metro charter. An example of good transportation use is JPACT. JPACT serves as the regional transportation clearing house where good comprehensive land planning gets done for the region. The Committee should conceptually consider three things regarding the stability of the agency while writing the charter: funding, politics, and geography. Metro has had a constant struggle with funding since its conception. Metro needs to have a stable funding source to avoid letting revenue control the areas in which Metro plays a role. A combination of city/county governments constitute a constituency which creates a balance in the charter. Enthusiastic endorsement is needed for the charter

from the local governments. If Metro is seen as a "super government" or is too weak, it will not function well. Tom Walsh urged the Committee to reflect on geographic stability including freezing the UGB. If sprawl continues, the problem will not be solved even if political stability exists. There is not currently a Board of Tri-Met stand on the relationship between Metro and Tri-Met but the Board of Tri-Met is working on a clear recommendation for a relationship. The issue must be dealt with in the charter and it should be a strong relationship.

Chair Myers asked if there were any specific changes in Metro's authority pertaining to the governance in the region that are needed.

Tom Walsh stated that change is not needed but clarification is needed. Metro should do the planning and coordinating of regional government but not the doing and implementing. There will be exceptions but there is a significant need for a coordination of a planning function.

Charlie Hales stated that there is a major project proposed in the future with airport light rail which would require the cooperation of Tri-Met, JPACT, Metro, and the Port. Charlie Hales asked if there should be anything different in the charter to improve the level of coordination between the entities or if the level of current cooperation is sufficient.

Tom Walsh replied that the transportation planning in the Metro area is regarded as the best in the nation by visitors. This would not be possible without JPACT. There does not need to be any changes in the charter to improve the level of coordination between the entities.

Ron Cease asked Tom Walsh to expand on his statement that the charter will not succeed without addressing the Tri-Met and Metro relationship.

Tom Walsh replied that his statement came from the prior experience that one small piece of doubt in an otherwise calm climate will create enough controversy to get the ballot measure defeated.

Ron Cease felt that Tom Walsh put coordination functions compared to service functions at the heart of the issue of Metro. If Metro is to be solely a coordinator, it would be similar to a council of governments. Ron Cease asked if the metropolitan area only needs a COG type of government, and why it should be different than other regions and have a service district.

Tom Walsh explained that the issues surrounding coordination, such as land use and transportation, are more important than the service functions of regional facilities, the zoo, and solid

waste when answering the question of security of livability. Coordination issues are more important than service issues because they can survive if the service issues falter. The constituency will not accept Metro expanding its authority to encompass more services but they will accept changes to give Metro more coordination authority.

Ron Cease asked, in regards to planning and transportation, what is better about the current Metro that makes it more viable than under the voluntary arrangement of the old COG.

Tom Walsh stated that with land use, the setting of a regional UGB could have been done, although not easily under a CRAG or COG form of voluntary government. Questions regarding expanding the UGB are immense. The likelihood of a cooperative voluntary COG would be small.

Bob Shoemaker asked for thoughts regarding the structure of the Metro Council, separation of powers, and the election of the Metro Councilors.

Tom Walsh replied that he did not have any strong thoughts on the issue. If the charter projects a strong Metro, it will attract quality people to the Council and Executive Officer Position.

Bob Shoemaker asked how to rationalize not having a super government and still having something that has enough clout that quality people still want to be involved.

Tom Walsh replied that Metro does not have to be all things to all people to do all things in order to have real purpose and power. If Metro had major control over physical form including land use and transportation and some service areas, people could identify with Metro.

Charlie Hales asked if the comprehensive plan/periodic review function should be transferred to Metro from LCDC.

Tom Walsh answered that the periodic review function should be left to LCDC because the impacts are too great at a local or regional level. LCDC is able to look at the issue from a state wide basis and has the staff and resources to do the job.

Ned Look asked if there would be any advantage to having the same boundary for Tri-Met, Metro, and the UGB.

Tom Walsh replied that there would be advantages. It becomes rational to have all three boundaries the same.

Ned Look asked who should appoint the Tri-Met board.

Tom Walsh replied that he cannot answer the question but he will

continue to ask the question to the board.

Frank Josselson inquired as to what would be a more stable funding source for Metro.

Tom Walsh stated that Metro needs to find a funding source that goes beyond the per capita type of taxes such as an income tax or property tax.

Frank Josselson asked if Tom Walsh's main objection to enterprise functions was that they are not stable.

Tom Walsh replied no. The reason he is against enterprise functions for funding is that it drives public policy decisions based not so much on good public policy but on how much revenue could be brought in.

Frank Josselson stated that one theory why JPACT is successful is because Metro does not build roads and Metro has money to hand out. Frank Josselson asked Tom Walsh to comment on how the model would work for land use planning.

Tom Walsh commented that Metro has no transportation money. All federal funds for the region come through JPACT. The assumption is that JPACT has the money, rather it is just a clearing house for the projects. An equivalent to JPACT might come out of the RUGGO's process. Zoning and density work as a ceiling or a limit and need to be done on a regional basis.

Frank Josselson asked if regional dollars will be needed for the infrastructure to accommodate the floors that will be established.

Tom Walsh replied that if, during the beginning stages of the west side light rail project, the land use side of Metro had worked closely with transportation and had said that the project would not make sense unless the density along the corridor complimented the transportation plan and that the jurisdictions that bought into the transportation aspects were required to buy into the land use aspects, they would have. Land use and transportation complement each other and Metro is the only one that can be responsible for both.

Frank Josselson asked how much of the cost of infrastructure and the social costs of new development should that new development pay.

Tom Walsh stated a substantial amount, approximately 50%. The infrastructure gets paid for somehow anyway. There are no new developments without sewerage or water, but there have been developments which have not been preceded with transportation. Land values go up tremendously when the property owner continues

to switch hands.

Dee Vanderbeek, Oregon City Chamber of Commerce, gave a brief background of the Oregon City Chamber of Commerce. The main concerns for the Chamber of Commerce are light rail and the End of the Oregon Trail celebration in 1993. A concern of the Chamber for the Committee is the possibility of changing a system that is currently working. Since the Chamber does not know what the real plans are for the charter, they cannot comment in detail. They would prefer to work with the region rather than the state. Currently, the Oregon City Chamber is working well with Clackamas County. Therefore, there is no reason to add additional players to something that already works. Dee Vanderbeek advised the Committee to make sure that additional restrictions facilitate and not hamper the process. Dee Vanderbeek also had a variety of questions for Metro regarding RUGGO's and possible special project funding.

Isaac Regenstreif commented that it is interesting to note that there is an ease with which there can be great confusion about the variety of entities that are doing different things, all relating to Metro and the region.

Flo Rhea, Hillsboro Chamber of Commerce, commented that the Chamber of Commerce members have become aware that a number of things are being done by a variety of public and government entities to and for Washington County. There is a concern that not enough is being done with Hillsboro and the surrounding area and that there has not been an opportunity for grass roots input. The Coalition, a group composed of government affairs people from all the Chambers in Washington County, are beginning to develop opinions regarding issues such as RUGGO's and the charter. Flo Rhea asked the Committee to consider appointing an advisory committee from the private sector who can react to the Committee's actions as the charter is developed.

Chair Myers commented that the Committee bylaws are written to allow for the possibility of creating an advisory committee such as the one suggested and an advisory committee will probably be created as the charter moves along.

Joan Pasco, Gresham Chamber of Commerce, stated that Oregon is in the midst of a serious economic crisis revolving around the timber industry and Ballot Measure Five. The crisis will create an economy that will be difficult to contend with. New jobs will need to be created and an environment to cultivate new jobs will need to be protected. The charter should not project a no growth movement. Grid-lock stops growth and will make native Oregonians angry. Transportation and infrastructure needs to keep pace with the growth in order to absorb the growth. Portland is a maturing city with a long way to grow. The role of Metro should be an emerging leadership position. The coordination of planning is

critical. A regional government is the only jurisdiction that could maintain a set of policies regarding how the UGB is used.

Steve Peterson, Director of Oregon Economic Development Department, explained that he did not have a position on the charter but would like to comment on the economic development in Oregon. Livability in regards to housing, the lack of congestion, and the ability to recruit people to Oregon are all part of Oregon's economic development. From an affordability standpoint, Oregon is looking good with its low cost of land and utilities as well as the general costs of doing business. Accessibility on an international and national level through the Portland Airport is important. Currently, there is access and accessibility within the region for the transportation of goods and the work force with low congestion. Companies are not seeing the immediate need to have housing and jobs in close proximity. There are many concerns for the future in regards to economic development: transportation between cities in the metropolitan area; the relationship between people and jobs; lack and location of affordable housing; labor availability, sufficient land availability and ability to serve the marketplace; availability of services such as parks; and the process procedure, including length of time, to acquire land and services for companies. A great concern for the future is how Oregon will support and employ the projected growth of 500,000. Metro should take a strong role in urban management. Metro could play a stronger role in the UGB. Metro should not become an economic development entity. Economic development and promotion is a separate function which will set up conflict between a regulator and a promotor within the same entity.

Ned Look asked how there could be better economic coordination among the local governments without Metro becoming the economic development entity.

Steve Peterson stated that there is a need for regional coordination of economic development between the local jurisdictions. He suggested that most metropolitan areas hire a separate, private, non-profit organization to handle the economic development.

Larry Derr inquired as to the relationship of the UGB to meet the needs of business.

Steve Peterson stated that a strong UGB helps. The greater question is where to draw the line to adjust it for the fairness and consistency issue. Looking in the future 20 years, there will not be a major redrawing of the UGB. There is land available but we must be smarter when utilizing the land.

Judy Carnahan asked if there were any coordinated efforts of economic development between Oregon and Washington, especially

between Clark County and the tri-county area.

Steve Peterson replied that there has been more communication at the regional and local level lately than in the past. There has not been any discussion between the economic development departments in Oregon and Washington. There is more cooperation than competition today than there was in the past.

Judy Carnahan asked if Steve Peterson thought the increased cooperation will continue.

Steve Peterson replied that it will continue as long as people want growth.

Charles Cameron, County Administrator for Washington County, represented the Metro Managers. There are 22 members of Metro Managers who are all members of the International City Management Association. Charles Cameron offered the experience and information of the Metro Managers for the Committee to use at their disposal.

Chair Myers stated that the Committee will want the opportunity to hear thoughts and comments from the Metro Managers as the process continues.

Isaac Regenstreif asked the Metro Managers to advise the Committee, at some point, on the sorts of services which lend themselves to regional governments and consolidation.

Charles Cameron stated that the Committee may be surprised with the types of suggestions for regional cooperation, not just among governments, but specific roles that may be assigned to Metro.

Chair Myers asked that the Metro Managers make a response to Isaac Regenstreif's request as a committee and report back at a later date.

Charles Cameron said the group would most likely prioritize the list and bring it down to a manageable number rather than present a long list of regional services.

Frank Josselson asked for suggestions as to how a regional government could do things with a local government rather than to a local government.

Charles Cameron said the Metro Managers would probably have some strong suggestions.

Ned Look inquired as to the relationship between FOCUS III and the Regional Governments Committee that is being formed.

Charles Cameron replied that the Regional Governments Committee

is a short term concentrated effort that is exclusively for deliberations of the charter process. FOCUS III is a much broader, permanent organization that is long standing and will consider all possible cooperation efforts among the local jurisdictions.

Charlie Hales asked if the constituent citizens are growing in their understanding of the various government agencies that serve them.

Charles Cameron responded that the level of understanding is about the constant. Public opinion polls taken in Washington County in five year increments found the level of confusion to be fairly high.

Charlie Hales stated that he would like specific information in regards to the level of understanding such as results of the public opinion polls or antidotes. The information might be helpful with the argument regarding the loss of identity for the local communities.

Mary Tobias inquired as to the continuance of a significant level of commitment between public and private sectors to work together toward the resolution of problems.

Charles Cameron stated that at every turn, the ability for private and public sectors to work together becomes easier.

Mary Tobias asked if intergovernmental agreements are being put together between jurisdictions which may or may not in the past have come to an agreement with each other.

Walt Johnson, the City Manager of West Linn, stated that cooperation is built on small successes. Walt Johnson suggested adding to the charter open lines of communication to aid in the cooperation process. He asked for more information from Isaac Regenstreif regarding the list of services for regional control.

Isaac Regenstreif replied that in addition to the list of priorities, a longer listing of the services that local governments must deal with would be helpful. Marking those which are off limits for regional government and those that would be good candidates for consolidation would also be of great help.

Chair Myers added that it would be helpful to have some explanation as to why certain services would be good candidates for consolidation or why certain services are off limits.

Isaac Regenstreif asked for suggestions regarding Metro's funding and if it should be in the charter.

Charles Cameron added that an opinion on management structure

would also be helpful.

Jon Chandler, staff attorney for Common Ground: The Urban Land Council of Oregon, a division of the Oregon Home Builders Association, distributed a memorandum. The Home Builders Association supports regional government for urban issues. One of Metro's most important functions is to manage the UGB. That function has not been performed very well. One reason for this is Metro's identity crisis. Metro is not certain who its constituents are or who it should be leery of offending. Metro also does not seem to have a clear set of objectives or a clear vision. A regional government must act like a government. If it does not have enough power and authority to act like a government, then time is being wasted. Management of the UGB cannot be a passive process. Growth is occurring on a steady basis and must be monitored and followed closely. In theory, management of the UGB will include expansion at regular intervals as needed and a systematic provision of services to and beyond the UGB. The UGB is a planning tool. Metro's role is to manage that boundary but it does not currently have the tools to be able to manage the UGB. Metro needs to have the authority to tell jurisdictions that the UGB must be expanded. It is more than a coordination issue, it is a government issue. Expansion and management of the UGB has been political in the past. Metro's job in managing the boundary has not been tested since it is only in the last couple of years that growth has really started to occur. Part of managing the boundary has to include a sensible, non-politicized, objective methodology. If Metro is not given the tools and authority necessary for a strong regional player to make changes, then Metro should let LCDC do it. It is easier for the Home Builders Association to work with one regional government rather than each local entity but if the regional government cannot produce results then it should not be the UGB authority.

Ron Cease asked if Metro's ineffectiveness is due to the inability to make decisions or the ability of politics to disrupt their decisions.

Jon Chandler replied that Metro can make decisions. Metro does not believe its authority is as large as some groups think it is. Metro either has not been given enough authority or it does not use the authority that it has been given.

Ron Cease asked how land use could be non-political.

Jon Chandler responded that politics could never be separated from land use and probably should not be separated. Clear, objective, and non-politicized decisions should be strived for. There will be a political aspect to the decision making just as there will be a subjective aspect and an emotional aspect. One problem that Metro has is a fear of not knowing how far they can

advance in the UGB issue.

Isaac Regenstreif asked if Metro needed addition tools to facilitate development inside the UGB and what those tools would be.

Jon Chandler stated that Metro does need additional tools. Metro has a role to play in development. It would be nice to have Metro feel like they have the authority to solve turf battles. Currently, LCDC has some role but it would be better if the role was closer to home at Metro. Metro needs to be told that it is okay to step in and take a role in the turf battles. They do have the power, but they do not use it.

Isaac Regenstreif asked if the additional tools would relieve pressures on the UGB.

Jon Chandler answered that they could, although the relationship is not a straight line.

Wes Myllenbeck stated that some of the grossest disrespect for the land is occurring outside of the UGB. Wes Myllenbeck asked if it would be wise to expand the Metro boundary to include all land in the three counties as a way of protecting the land outside of the UGB.

Jon Chandler responded that Metro is currently in the process of designating urban growth reserves which would be extra territorial. Metro is on the right track. Jon Chandler agreed with Wes Myllenbeck that the land out of the UGB is not being respected but he had no opinion as to the expansion of the Metro boundary.

Frank Josselson asked about RUGGO's authorization in the urban reserve area.

Jon Chandler replied that he did not know exactly what the last draft of RUGGO's states. The Home Builders Association does support building restrictions, not prohibition, which provide for future growth.

Frank Josselson asked if Metro's boundary should be expanded, based on the urban reserve extension, beyond the Metro boundary, with Metro's authority only inside the boundary.

Jon Chandler responded that the Metro boundary should be expanded or authority should somehow be given to Metro.

Frank Josselson asked if the provisions in the RUGGO's are lawful, valid, and enforceable since they extend beyond the Metro boundary.

Jon Chandler replied that he really had never thought about it but does not have a problem with it. The biggest problem occurs with the LCDC aspect of RUGGO's.

Mike Nelson, a real estate developer, spoke to the Committee regarding his past experiences with the UGB and the criteria for adding land to the UGB. In 1985, Mike Nelson proposed building a general industrial park in Hillsboro and adding the land to the UGB. The proposal was rejected and the land was not placed inside the UGB because, although the industrial park met the criteria, there was not a need for the growth the industrial park would bring. The process needs to be eliminated because it is not definitive. The UGB needs to be managed fairly. Growth is occurring now and Metro needs to have the ability to go after it or risk losing it. Metro needs to be a benevolent dictator since cities are scared to lose control of government.

Ned Look suggested that benevolent dictator in the new charter be defined as maintaining the current UGB. With this assumption, Ned Look asked what would occur with the growth in communities like McMinnville or Newberg.

Mike Nelson stated that the metropolitan area is not just competing with the I-5 corridor or the Columbia corridor but also with other cities outside of Oregon such as Sacramento or Dallas. There needs to be a delicate balance between industrial land and residential areas. For most businesses, the location comes down to buying the land.

Ned Look asked if there was any possibility of the growth going to small cities outside the UGB rather than the big areas such as Sacramento.

Mike Nelson stated that growth can happen in satellite cities which would have transit points into the central cities.

Jon Chandler stated that if the intention is to encourage economic growth, there are other ways besides maintaining the current UGB. The concept of the UGB is being stretched beyond what it is intended to be. It will not necessarily breed all kinds of good things if the UGB is maintained.

Ron Cease commented that Tom Walsh believes the UGB should not be changed but others suggest expanding the UGB. Ron Cease asked if a system needs to be found that will allow for give but it is not too easy to do. The real question is "what do we want" in reference to the UGB and growth.

Jon Chandler stated that the issue is clarity of process. Metro's current problem is that the rules are fuzzy. The approach of limiting the UGB ignores the marketplace. There are other ways of accommodating that are preferable to keeping the

UGB tight. Guidance needs to be given to Metro in the charter in regards to the standards and the tools for the vision.

Chair Myers asked for an itemized list of tools that Metro should have for real regional planning authority.

Isaac Regenstreif asked the list to include the land inside the UGB as well as the UGB itself.

Jon Chandler stated that the Homebuilders would be glad to make the list. The comments during the testimony centered around the UGB but the land inside the UGB is just as important since that is where the development is occurring at this time.

2. Briefing on the proposed Regional Urban Growth Goals and Objectives

Richard Carson, Planning Director of Metro, stated that the interest of groups such as 1000 Friends of Oregon and Oregonians in Action is for Metro to play a lead role in the region. RUGGO's is not, and never was intended to be, the long term vision of Metro. It is, however, the policy framework for which the vision will be built. Region 2040 will start building the vision. The theme in regards to Metro's authority in the testimony heard by the charter committee is that Metro's authority is "too little or too much". Metro believes the authority is "just right."

Larry Shaw, Metro Senior Assistant Counsel, went through "Metro's Regional Planning Responsibilities" (See Appendix A). Larry Shaw also explained the "Statewide Land-Use Planning Laws" (See Appendix B).

Ethan Seltzer, Senior Regional Planner, summarized Larry Shaw by restating that cities and counties do comprehensive planning and Metro does not have the authority to do regional comprehensive planning. The management of the region's UGB has been specifically delegated to Metro. The UGB undergoes periodic review every 4 to 7 years. During the 1988 periodic review, it was discovered that development outside of the UGB is happening faster than anticipated. Outside Metro's boundary, there are two types of land: rural resource land protected for farm and forest use and exception lands which are relieved from complying with farm and forest land uses which narrows the land choices for future development. The development inside of the UGB is occurring in a way that is similar to other metropolitan areas without a UGB such as Seattle. There is no longer a distinction between the city and the suburbs. Much of the commuter traffic is occurring between suburbs. Metro has never developed its own regional urban growth goals and objectives before. The region is quickly writing off large portions of land because growth has been accommodated on vacant land. The UGB is intended to move

when the need is demonstrated and it will need to be moved out within the next couple of years or take a new look at redevelopment. Ethan Seltzer then went over the work plan for RUGGO's and referred to the "Building a Livable Future" pamphlet and the memorandum on RUGGO's from Metro Councilor Jim Gardner to Metropolitan Area Cities and Counties. The goals and objectives are broken down into two sections. The first deals with how to do regional planning. Metro has had broad regional planning authority. Goal One takes the authority a step further by explaining how the process will work. It calls for a regional citizen involvement committee to assist Metro with better involving citizens in the regional planning process. It also calls for a regional policy advisory committee and provides bylaws for the committee in an attempt to explain the structure and work of the committee. Goal One explains where the RUGGO's apply and where they do not apply. Goal Two deals with urban form. It deals with the natural environment including air quality, water quality, parks and wildlife habitat, and agricultural and forest land. The building environment including housing, public facilities and services, transportation, infrastructure and jobs are also dealt with in Goal Two. Growth management issues, such as the UGB and where the future growth will occur, are dealt with in the last section of Goal Two. From this point, the next step would be the adoption by the Metro Council on September 26, and then the formation of the committees mentioned in Goal One. The planning activities mentioned in the memorandum from Metro Councilor Jim Gardner are not part of RUGGO's but they were ideas that came up as the process moved forward. Region 2040 would be the next major project to carry out the work developed in RUGGO's. Region 2040 is the region's effort to look at the goals and objectives as building blocks to develop a range of reasonable scenarios for how the region will develop in the future.

Charlie Hales stated that RUGGO's provides a lesson for the Committee on how to deal with the issue of the amount of authority. If the amount of authority is "just right" as Rich Carson stated, Metro is still in trouble. The local jurisdictions participated in RUGGO's and much of time was spent dealing with turf issues rather than policy issues. Despite having participated in RUGGO's, the local governments are organizing against RUGGO's. The process did not work. Does ORS 268.380, which states that Metro can recommend or require changes in local comprehensive plans, require the adoption of a functional plan first or can Metro just do it?

Larry Shaw stated that there are two places where "recommend and require" are used. One is ORS 268.380, referring to regional goals and objectives, and the other is ORS 268.390, dealing with functional plans. Metro has the authority to recommend and require direct application of the regional goals and objectives to comprehensive plans.

Charlie Hales stated that the statute also says "or the state wide planning goals".

Larry Shaw replied that Metro has never considered doing LCDC's job for them. The RUGGO's were developed based on Goal One which does not utilize the authority that Metro has directly, but waits and does it in Goal Two.

Charlie Hales asked if that was the only route available under the statute.

Larry Shaw answered no, that the statutes are very broad and undefined and not litigated to interpretation.

Charlie Hales asked if there was a lot of authority left lying on the table that Metro has not used.

Larry Shaw stated that it is partially true. There is authority for Metro to apply RUGGO's directly to comprehensive plans and RUGGO's are not constructed that way. It is very difficult to apply very general goals and objectives.

Ethan Seltzer added that it is very risky to act on very vague, general, and untested language in the ordinance. Metro depends on local governments to implement regional plans. Metro needs a cooperative working relationship with local governments.

Richard Carson added that there are adequate authorities as they are today. It is how Metro conducts itself that is in question, not what the authorities are.

Charlie Hales asked if there are any lessons for the Committee to learn from the fallout of the RUGGO's discussion.

Rich Carson stated that there was not fallout from the RUGGO's experience. Rather, everyone brought their issues and concerns to the table for a group consensus. Metro wanted everyone to bring their issues to the table because RUGGO's needed to be a document that everyone bought into.

Charlie Hales asked if Rich Carson was satisfied as a planner that the document is visionary and muscular to have the effects that people will expect of it.

Rich Carson stated that it is a great document.

Ethan Seltzer added that it is not a plan or vision for the region. It is the basis for the building blocks. The next step, Region 2040, where the building blocks start to get arranged, is when vision should be discussed.

Mary Tobias commended the Metro staff for encouraging everyone to

participate in the building of RUGGO's. There is evidence of discomfort and not all cities believe that now is the time to implement RUGGO's. Mary Tobias asked what the staff will do when presenting the case to the Metro Council in respect that the jurisdictions agree with RUGGO's but do not agree with the timing.

Rich Carson stated that the number not wanting RUGGO's to be implemented is quite small. There is a significant number of governments who support RUGGO's with resolutions. The majority of the cities are on the sidelines waiting to decide how they feel.

Mary Tobias felt that she and Rich Carson were speaking of two different issues. Mary Tobias stated that by opposing the RUGGO's, the cities are saying that they find the timing is wrong because of the charter process, not that they do not agree with RUGGO's.

Rich Carson stated that he was referring to the issue of timing when he spoke of the opposition.

Ethan Seltzer stated there is a lot of concern about Metro and its exercise of authority regardless if it is a new power or an old power. The City of Sherwood said that the RUGGO's expanded Metro's authority but comment during the last two weeks of public hearings was that RUGGO's contracts authority from Metro. Cities are concerned about Metro expanding or contracting its authority but Metro does not have the power to do that. It must be done through Oregon Statute. RUGGO's is simply an attempt to interpret the authority of Metro.

Mary Tobias stated that, looking at the statewide land-use planning laws, it appears that waters were muddied considerably. Rather than drawing the regions together, a lot of divisiveness was created with the passage of ORS 268. By creating a set-aside type of district, and giving it special tasks, a greater problem was created than solved. Government and private industry can work together with planning and transportation. Is Metro really something that is useful to the region or is it something that is a problem?

Ethan Seltzer responded that coordination is an interesting issue. In some jurisdictions outside of Metro, they are experiencing growth problems regarding the UGB. Problems within the Metro jurisdiction are less. Bigger, however, is not necessary better. The coordination problem for Metro is that land use planning must be done by jurisdictions but the market does not follow jurisdictional boundaries. Land use must be a collective effort and RUGGO's provides for that collective effort.

Mary Tobias stated that there will be growth in individual cities in the future. Maturity has not yet been reached in the metropolitan area. Individual cities around the Portland airport have matured. When talking about the region, it tends to be discussed as if it were one city.

Ethan Seltzer replied that RUGGO's recognizes that there are subregions and subregional need. The metropolitan area is like a gangly kid trying to mature.

Jon Egge asked if it is a good planning policy to satisfy everyone.

Rich Carson replied that you do not have to satisfy everyone nor is it realistic to satisfy everyone. You should try to get people as close as you can.

Jon Egge stated that he understood that RUGGO's was an attempt to satisfy everyone.

Rich Carson responded that the intent was to build consensus.

Jon Egge asked if consensus was essential to good planning policy.

Ethan Seltzer replied that consensus is not essential for good planning policy because of the issue of accountability. There are relationships between the jurisdictions that have impacts beyond the jurisdictional boundaries. Some of the impacts are not fair to other jurisdictions. Region 2040 is an effort to sort out the questions regarding urban growth plans. The region has not yet sorted out these questions.

Jon Egge asked if the gangly kid is thinking about going swimming or if he was sticking his toe in the water.

Ethan Seltzer said the gangly kid is in the water and he is trying to save himself. The region is not drowning. The transportation system works well and there is a strong housing market. Region 2040 is being done in anticipation of growth problems not because of current growth problems.

Jon Egge commented that when he looks at the RUGGO's document, he does not see a lot. If Metro was given comprehensive land use authority, is RUGGO's the kind of document that would be produced?

Ethan Seltzer stated that there is always tension at the regional level. There is a need for identity at the local level and there needs to be a balance between what the local jurisdictions want compared to what is good for the area. The document will change depending on how the region views itself with interrelated parts.

Jon Egge asked if, put on an intensive weight training program, would a different document be created.
Ethan Seltzer asked what the objective would be.

Larry Shaw commented that one must remember what the boxes say on the "Statewide Land-Use Planning Laws" sheet. There are already four functional plans in operation. The foundation document needs to be looked at in relation to other functional plans. The RUGGO's document is a very general, constitutional type document.

Rich Carson added that Metro is in the process of going through an evolution as an agency. It started out as a Council of Governments and now the Committee is writing a charter for the citizens of the region to vote on. Being responsible to the region is awkward and everyone is anticipating how it will be.

Larry Derr asked if a reality test for the goals and objectives to discover what they really mean would be to examine the question of the functional plans and see if they would change as a result of the goals and objectives.

Rich Carson stated that the transportation plan is the longest standing plan. The goals and objectives apply only to Metro. After region 20-40, the transportation plan may have to be changed to meet the goals and objectives.

Larry Shaw added that the mixed use urban centers do not appear anywhere in the current documents. To implement that concept, it will need to be part of a functional plan or another context.

Larry Derr asked if there were any existing functional land use plans that could implement mixed use urban centers.

Larry Shaw replied that it has not been examined in detail yet.

Ethan Seltzer stated that it would be part of Region 2040. One of the major elements will be to define the concepts and how it applies. As the process continues, more will be learned about the concepts. The document may change to become more specific or parts may be dropped.

Frank Josselson asked what is the Region 2040 study.

Ethan Seltzer replied that it is an effort to take the concepts in the urban goals and objectives, along with the functional plans and local comprehensive plans, and try and arrive at a reasonable alternative as to how the region will develop. It would also determine the impacts on the region. It is an attempt to outline the range of alternatives for the region and figure out how the alternatives stack up to each other.

Frank Josselson asked who is doing Region 2040 study.

Ethan Seltzer responded that Region 2040 is funded by four sources: ODOT, Tri-Met, excise tax, and dues from local governments.

Frank Josselson asked how much the project will cost.

Ethan Seltzer answered that \$280,000 has been budgeted.

Frank Josselson asked if the study was underway.

Ethan Seltzer replied that the Metro Council voted tonight to release the RFP for consultants to respond to. Someone should be under contract in December.

Frank Josselson stated that basically, the process has begun for the preparation.

Ethan Seltzer responded that JPACT, TPAC, RPAC, technical advisory committee, and a management committee are all policy bodies overseeing the study. It is a participatory effort, not something that is being done by just a few people.

Frank Josselson stated that a staff report accompanying the RUGGO's states that the RUGGO's will also be used as a primary policy guidance for the Region 2040 study. Frank Josselson asked if it was presumptuous to begin to use the RUGGO's as a policy even before the Metro Council adopts them.

Ethan Seltzer stated that after two and a half years working with all kinds of groups, the ideas in RUGGO's are important to the Region 2040 process.

Frank Josselson asked if the Metro Council has spent two and a half years on RUGGO's.

Ethan Seltzer replied that four Metro Councilors have been working on RUGGO's for the last two and a half years. The full Council has had to approve the budget on an annual basis to continue the work.

Frank Josselson asked if RUGGO's had been approved.

Ethan Seltzer responded that no, they have not been approved.

Frank Josselson asked if the RUGGO's were being implemented at least in the Region 2040 project.

Ethan Seltzer stated RUGGO's are a collection of ideas that have merit. They are not necessarily being implemented.

Rich Carson stated that Region 2040 will look at existing comprehensive plans. It will look at the different ways the

region could grow.

Frank Josselson commented that he found it interesting that the staff has recommended to the Council preparation of an RFP for \$280,000 which is premised on a set of policies that have not been adopted.

Betty Bergstein noted that Region 2040 could be done without the RUGGO's.

Frank Josselson asked if RUGGO's needed to be adopted to enact functional plans for the Region 2040 study.

Larry Shaw stated that Region 2040 is not a review of functional plans. It is a review of alternative visions. It is improper to say the Region 2040 study is based on RUGGO's. The Council adopted the Region 2040 study in their budget and is being implemented by the staff based on the adoption of the budget. The ideas in RUGGO's influence the Council because the ideas are floating around, although the document itself has not been adopted.

Frank Josselson asked if RUGGO's is needed to adopt comprehensive functional plans.

Larry Shaw responded that there is a need for some regional goals and objectives. Currently, there is CRAG.

Frank Josselson asked if RUGGO's is needed to adopt functional plans.

Larry Shaw stated that there is a need for some regional goals and objectives, not necessarily the RUGGO's document.

Frank Josselson asked where the statute says that.

Larry Shaw pointed out that it is his interpretation of ORS 268.380 which has the adoption of regional goals and objectives and ORS 268.390 which has functional plans.

Frank Josselson asked if it says that regional goals and objectives are needed before there are functional plans.

Larry Shaw responded that no, it does not say that, but it is his interpretation.

Frank Josselson asked if the RUGGO's have to be acknowledged by LCDC.

Larry Shaw responded that LCDC does not have to acknowledge RUGGO's.

Frank Josselson asked if he understood correctly that because the statute is not authorized or requires the RUGGO's to be acknowledged, they cannot be recognized.

Larry Shaw said that is correct.

Frank Josselson asked if there was a provision in the statute that authorizes or requires the UGB to be acknowledged.

Larry Shaw replied that his interpretation is that yes, the UGB can be acknowledged.

Frank Josselson asked if Chapter 2, 197 authorizes or requires the UGB to be acknowledged. Frank Josselson stated that the answer is no. Frank Josselson asked if there is any other land use regulation in the state of Oregon that has been enacted by a unit of local government that has not been required to be submitted to LCDC.

Larry Shaw responded that the only thing that can be submitted for acknowledgement is a city or county comprehensive plan.

Frank Josselson stated that in the RUGGO's, the UGB is neither a comprehensive plan or a land use regulation. Frank Josselson asked why it is acknowledged.

Larry Shaw stated that the UGB is a provision of comprehensive planning for each of the cities and counties that are within the jurisdictions.

Frank Josselson asked for Larry Shaw to identify one other land use regulation that has been adopted by any local government that has not been submitted to LCDC.

Larry Shaw responded that the only documents that are submitted for acknowledgement are city and county comprehensive plans. The UGB was submitted for acknowledgement because it is a hybrid and is treated as part of city and county comprehensive plans.

Frank Josselson asked if Larry Shaw would be prepared to ask for the Attorney General's opinion as to whether the UGB requires acknowledgment.

Larry Shaw stated that Metro has an opinion by LUBA. The request is of political nature but if there needs to be an Attorney General opinion, then one could ask.

Frank Josselson asked if the LUBA opinion does not require it to be acknowledged.

Larry Shaw commented that LUBA, in the Blazers Homes case, said that only comprehensive plans can be acknowledged.

Rich Carson asked if Frank Josselson felt that RUGGO's should be acknowledged.

Frank Josselson stated his opinion is that RUGGO's are required to be acknowledged.

Rick Carson stated that Metro would like the RUGGO's to be acknowledged if there was any way to do it. There have been talks with LCDC and a bill last session would have permitted them to be acknowledged.

Larry Shaw stated that the only way to get RUGGO's acknowledged right now would be to call it part of the comprehensive plan which would not be a good idea.

Mary Tobias asked Rich Carson to assume that he is no longer a part of Metro but is looking at RUGGO's from the outside with no personal investment. Considering that RUGGO's is going ahead and the charter is being written which could totally reshape Metro, what advise would Rich Carson give in regards to the timing of RUGGO's with the charter process.

Rich Carson replied that city, county, state, and some national boundaries are artificial and political. The regional level is the only place to get this done.

Mary Tobias asked about the question of timing for RUGGO's adoption and the Metro charter writing process.

Rich Carson said his advise would be to not wait 13 months. Growth will not stop at any level. By delaying the RUGGO's process, Metro would have to stop addressing the issues.

Isaac Regenstreif stated that he is getting uncomfortable with the line of questioning because it is centering around policy and politics. It is unfair to ask questions of timing and implementation of the staff. These questions need to be asked to the elected officials who set the policy for Metro.

Ron Cease commented that the Charter Committee could adopt a resolution recommending to Metro that they hold off on the implementation of RUGGO's. The basic function of the Committee is to look at the issue of the charter. The most appropriate way to do that is for Metro to perform its functions as if the Committee were not in existence. Metro has been working on this for two and a half years. Presumably, if the Council was not going to adopt something and thought it was an inappropriate way to proceed, they would not approve the budget. Ron Cease said he can understand the concerns of the local governments and their desire to have the charter support them. The Committee is not in the business of telling the Metro Council what to do because the of how Committee might decide to do something in the charter.

Whatever is put in the charter must go to a vote of the people and might or might not pass. In the meantime, Metro must go about its business and uncertainty should not be created. It would be inappropriate for the Committee to breed uncertainty. The more the Committee is separated from Metro, the better it will be for both entities to not have an influence on the other.

Frank Josselson agreed to have business as usual but the adoption of major new land use policy which Metro has had statutory authority to enact for 12 years is not business as usual. RUGGO's is the adoption of major new land use policy for the region. Virtually, every responsible witness who has talked to the Committee has said that the charter must say something about land use planning. Tom Walsh said the charter must do land use planning, transportation planning, and coordination. CRAG took the position that the UGB did not have to be acknowledged because there was no statute requiring it to be acknowledged. LCDC said that is wrong and that the UGB must be acknowledged and comply with the goals. If there is a sense of urgency, why wasn't the legislation enacted 12 years ago? As a matter of respect for the charter and the charter process, the Council should wait until the Committee has made decisions regarding land use planning.

Ron Cease agreed that the charter should comment on land use but it probably will not say much in respect to RUGGO's. The concept of a charter needs to be agreed upon by the Committee before determining what to put in it. A charter is usually policy and, in most cases, details will not appear in the charter. The Committee has no authority to tell the Council to do or not do anything. The only function and authority of the Committee is to write the charter. It may be appropriate to suggest something to them but more information is needed first. There is no guarantee that what the Committee says will make any difference to the Council.

Larry Derr commented that he would not know how to vote if someone made a motion. There are aspects in RUGGO's that will be impacted by the charter.

Ron Cease agreed with Larry Derr and added that the Committee has no real authority over the Council.

Mary Tobias stated that she would not know how to vote if a motion was made. It is critical to devise a system that does justice to the region.

Rich Carson stated that it would not be a good message to send to the region for the Committee to suggest that the program be stopped or delayed.

Mary Tobias felt that the Metro Council will weigh Rich Carson's opinion strongly.

Ned Look stated that he concurred with Ron Cease completely. If the Committee decides to do anything, it will not make a difference to the Council.

3. Additional business

Chair Myers asked if there were any concerns regarding the charter writing.

Ron Cease said the Committee should be free to deal with land use and other items. If the Committee tells the Council to stop with RUGGO's and they choose not to, it could create tension between the two entities.

4. Submission of written testimony

Chair Myers noted that the cities of Gresham and Estacada submitted written testimony in regards to RUGGO's and it will be included in the record.

R. Lyman Houk, City Manager of Estacada, explained that Estacada, although not in Metro's jurisdiction, is affected by Metro decisions. The implementation of RUGGO's could cause difficulty when writing the charter. R. Lyman Houk felt that the role of the Charter Committee would be impacted by staff decisions regarding land use.

J. Michael Casey, City Manager of Gresham, agreed with the Committee's decision. RUGGO's needs to be implemented to prepare for growth in the region.

5. Retreat information

Chair Myers referred the committee members to the retreat agenda for Saturday, September 14. Chair Myers briefly outlined the retreat agenda and noted the time change.

Ron Cease asked if lunch would be provided.

Chair Myers stated that lunch would be provided.

Chair Myers adjourned the Committee at 10:20 p.m.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator

Materials following this page represent
Public Testimony



CITY OF GRESHAM

1333 N.W. Eastman Parkway
Gresham, OR 97030-3813
(503) 661-3000

September 12, 1991

The Metro Charter Commission
METRO
2000 SW First Ave.
Portland, OR 97201

Dear Commission Members:

The City of Gresham understands that there has been a suggestion that the Regional Urban Growth Goals and Objectives (RUGGO) process should be delayed until after the completion of the Metro Charter Review. We wish to express our concern about such a proposal and state that we believe no delay is needed.

Gresham and the other metropolitan jurisdictions have been involved with the development of the RUGGO's during the entire period beginning with the Planning A Livable Futures Conference in January, 1990. During the 21 months since that time we have seen many drafts and had many candid conversations about the regions growth and the role of local government in that process. The result has been the development of a final document we believe lays the groundwork for the important planning activities that need to be completed in the near future. The growth issues that face the Portland Region are serious and require that we move quickly to address them in a cooperative and positive manner. Any further delay in the RUGGO adoption process would be inappropriate and not in the best interests of the people of this area.

Further, the current draft of the RUGGO's has been formally reviewed by the five cities of Multnomah County and has been approved. We have found the document to contain in Goal One sufficient protections to serve as a "Bill of Rights" for local governments involved with planning at the regional level, and we therefore are comfortable with proceeding at this time. The other goal, Urban Form, will provide the basis for much of the additional work that will be conducted to help this region grow in a productive and beneficial manner.

The important work outlined in the RUGGO's needs to proceed now.

Thank-you for this opportunity to comment.

Sincerely,

J. MICHAEL CASEY
City Manager

JMC/JEA/sbe

cc: Mayor and Council
Gwen Harvey Abdullah, Assistant City Manager
John Andersen, Strategic Planner