

**METRO
CHARTER
COMMITTEE**

P.O. Box 9236 • Portland • Oregon 97207
Phone 503-273-5570 • Fax 503-273-5554

AGENDA

DATE: October 10, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: King City, City Hall council chambers, 15300 SW 116th Avenue *

6:00 Call meeting to order.

Correct and adopt minutes from September 26 meeting (previously distributed).

6:10 Continue consideration and development of proposed Charter provisions relating to urban growth.

9:00 Adjourn meeting.

* **Directions:** From Hwy 217 go southwest on Pacific Hwy (99W) about 2 miles. In King City turn right, at the ARCO station, onto Royalty Parkway. (You will see a flower bed on the island in the street.) At the next street turn right onto 116th. City Hall is on the right.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

October 10, 1991

King City Senior Center

Committee Members Present: Hardy Myers (Chair), Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Isaac Regenstreif, Bob Shoemaker, Mary Tobias

Committee Members Absent: Matt Hennessee, Ray Phelps, Mimi Urbigkeit

Chair Myers called the regular meeting to order at 6:07 p.m.

1. Approval of minutes

Chair Myers asked for corrections to the September 26, 1991 minutes.

Motion: Ron Cease moved, Charlie Hales seconded, to approve the September 26, 1991 minutes as distributed.

Vote on the Main Motion: All present voted aye. The vote was unanimous and the minutes were approved.

2. Consideration and development of proposed Charter provisions relating to urban growth.

Chair Myers said that he would like to organize the discussion around the sub-areas under the topics to get a basic working outline for what the substance of the charter provisions will be to enable basic work on the charter and for the public to respond. This process is not intended to put any member on record as to his or her position. This is a preliminary cut at a starting segment of the overall draft of the charter. Final agreement is not sought around the elements but agreement that certain specific conceptions are of sufficient interest to the committee that they would like to consider further and would like public opinion on. As a basis of discussion, the Committee will use the outline Larry Derr has written regarding areas in the larger topic.

The outline, entitled Regional Planning Powers and Responsibilities, was distributed.

Larry Derr said that the outline was the work of Jon Egge, Frank Josselson and himself. The outline is a rough cut of what the charter could include in regards to the planning function. The term planning is used in the broader sense meaning beyond urban growth planning. This outline is intended to provide a cooperative process between the local and regional governments. The first part of the outline deals with a regional comprehensive plan as defined in the state statute and along the lines of how each city and county is currently directed to adopt a plan. It would be looking at a 50 year time line. The comprehensive plan would include local plans adopted by each of the cities and counties. Therefore, there would be one regional plan rather than 30 individual city and county plans. It also has a regional framework plan which would include the goals and objectives and functional plans of Metro. The regional framework plan would have a list of things in the charter that it must address and some things that it could address, but more importantly, a process for adding things it could not address. There would also be things that Metro could not address because they are local issues. The second part of the document would be a future vision document. The future vision document is intended to be planning in the purest form without any regulatory components and would have a 100 year vision. The vision document would establish consensus for the region as to what the limits of population might be and what kind of settlement form the population should take.

Larry Derr went through the items listed under *II. Regional Responsibilities Listed*. The regional responsibilities list came from the RUGGO's and issues that would have to show up in the framework plan. The regional responsibilities would be judged by the statewide goals and future vision to maintain the standards. The *Regional Urban Growth Boundary* must be a regional responsibility because it is required under Goal 14. *Domestic water sources* is intended to mean water sources of supply for the region, not delivery of services to the local jurisdictions. *Regional transportation and mass transit systems* could be similar to the plan that is already in place or could be a version which includes mass transit. *Housing densities* would be similar to LCDC Goal 10. It would address the question if all areas would be required to have the same housing densities or if the areas were accommodating to meet different localities and desires. *Urban reserves* is short hand for the question of identifying future growth areas and how to regulate them. *Urban greenspaces* is a function Metro is currently doing and probably should continue to do. *Resolution of interjurisdictional disagreements* would allow for an arbitration function of Metro in the event of a disagreement.

Larry Derr went through the items listed under *III. Local Plans*. The items listed are items that would not need to be dealt with beyond local level. Local is intended to mean the cities and counties, but it could extend to the service districts. Those listed are: *public safety, fire protection and prevention, local streets and transportation systems, sanitary sewage collection, treatment, and disposal, and siting of developments, structures and facilities*. *Siting of developments, structures and facilities* means the actual site specific, zoning, and design review issues.

Larry Derr explained *IV. Unspecified functions*. It is things that could be in the regional plan but are not mandated to be. One candidate would be *storm water drainage* since it is a basin wide issue and does not respect jurisdictional boundaries. The second area is *other*. *Other* is not open ended but it is those things that are not mandated to be in the plan in part II and those things not forbidden to be in the plan in part III.

Larry Derr explained *V. Adoption and review*. There needs to be a time limit on the creation of the plans. The creation and adoption of the vision and plan should be at the same time which will force those working on it to get down to the specifics rather than grouping with the wide-open, general picture. The time limit would be 30 months, or 2 1/2 years, for completion of both documents. *Sanctions for non-performance* would encourage the plan to be completed in a reasonable time period rather than missing the deadline. One suggestion for a sanction came from local government officials. They believe that funds could be withheld. Those funds held by the regional government for the local government could be withheld as could local funds which are destined for the regional government. The *approval required* area probably will be the most controversial, but is also the most critical to making the document truly cooperative. Two-thirds of the cities in each county and 2/3rds of the counties will need to approve the plan, assuming the boundaries remain the same. This would prevent one entity, or a small group of entities, from holding the process hostage. It would also provide the local entities with a comfort level to support the strong provisions in the regional planning concept.

Larry Derr went on to explain *VI. Regional significance*. Developments of regional significance could be identified and the planning for them could go into the regional plan. There could be a need because a regional comprehensive plan is not intended to call out specific land uses for specific locations, but rather leaves that to the local jurisdictions. This would provide a vehicle for exceptions to that principle and allows the land use and location to go into the regional plan if it is of regional significance.

Larry Derr explained *VII. Periodic Review*. There needs to be

periodic review on a continual basis to check if the plans are meeting the needs of the region. There needs to also be a process to amend the plans. Periodic review ought to be more often, such as every two years. Individual local plans could be on their own time schedule since the plan does not dictate their land use plans. The regional plan would be open for review every two years at which time recommendations for change could be given. For every review process, the 2/3rds majority for approval would apply.

Larry Derr explained VIII. *"Future Vision" concept - 100 year horizon.* It should not get caught up in the regulatory end of planning. To avoid that, the adoption and approval process would be the same as with the plan. That is, simultaneous adoption, done in cooperation with local jurisdictions, and would require approval by 2/3rds. The vision should include the counties of Clark, Columbia, and Yamhill also. The regional plan must be consistent with the future vision or else there is no point to having the future vision. The future vision should have legal exemptions because it should be allowed to be visionary and not be caught up in legal debate. When the regional governing body adopts the comprehensive plan, if they pronounce in the plan that what they have done is consistent with the future vision, it is a conclusive presumption.

Larry Derr explained IX. *To limit haphazard development of "urban reserve" areas.* The future growth areas need to be protected for future growth in an effective manner. There are thorough standards and criteria, for when divisions should or should not occur, in place now. In some instances, there is concern that they have not been handled in a proper way. One way to prevent this would be to move the permitting function out of the local area to either the regional government or to LCDC or LUBA.

Larry Derr explained X. *Legislation required to reconcile inconsistencies.* Conforming changes will need to be made which will require going back to the Legislature. The changes would be housekeeping only and would eliminate all problems.

Janet Whitfield said that she had talked to Rich Carson and he said that if you put all the comprehensive plans in the region together, you would have a regional plan which would be tied together by RUGGO's and the statewide goals. Under the plan proposed by Larry Derr, would the regional government do A through G under regional responsibilities and the local government do A through E under local plans?

Larry Derr replied no. The two are brought together in a way that Metro does not have the capacity to do now. The local plans would be adopted by the local governments but by making them a part of the regional comprehensive plan, they would have to be

consistent with the regional plan. This means there could be provisions in the local plans that would be rejected because they are inconsistent and the local government would have to start over. It is not the same to have all the local plans, which can go their own direction. The subtotal is the regional plan. It is also different than RUGGO's because they do not dictate or do not directly apply to local plans. RUGGO's only apply to Metro's functional plans which do not deal with all the issues that should be dealt with at the regional level.

Janet Whitfield said that there is an opening through functional plans, that if you determined there is a regional significance, you can do a functional plan on almost anything.

Larry Derr said that he has not gone through the laundry list in the statute to see what could be done by functional plans. We may just be discussing semantics because if you put everything on the list that should go into a regional plan, then you have everything in the regional comprehensive plan that needs to be there.

Chair Myers asked for comments from the other members of the committee that worked with Larry Derr on the proposal. After which, Chair Myers said he would like the discussion to center around the regional comprehensive plan versus RUGGO's.

Jon Egge said that the Committee needs to understand the process they went through to come up with the outline. The main question they dealt with was how to balance the regional responsibility and the local input and still get something that is workable. The 2/3rds requirement guarantees participation. It is very difficult to come up with a workable idea to ensure that local governments have a participatory role without running the show. The whole idea of sanctions is a method to ensure that there will be action rather than stringing out the process.

Frank Josselson said that they tried to develop a system with many checks and balances, similar to JPACT where local jurisdictions and the regional government are forced to cooperate with each other. A top down or bottom up planning process is not wanted. A process is wanted where the local government and regional government are true partners. The regional government should do what a strong regional government does best. The same applies for the local government. Their outline assures communication and cooperation and includes penalties if it does not exist. The basic objection to the document is that there is too much regulation. Frank Josselson's response is that he perceives the failure of the state planning process, since Senate Bill 100, to be a combination of regulation and the free market in respect to land use and planning. Either you have regulation, or you don't. This document completes the Senate Bill 100 process. If this goes too far in terms of regulation, then

forget about land use planning and draw out the zoning ordinances. If you are going to have regulations, then regulate and do it on a level where people can get involved and it is truly cooperative.

Ron Cease said that the document has taken the current system and turned it upside down. It basically returns Metro to a COG form of government. Cooperation is needed but the 2/3rds approval is nothing more than gluing local plans together. Trying to get 2/3rds approval would take more time than it is worth. The turf battles would be intense. It gives the voters no input and gives the local governments total veto.

Bob Shoemaker asked if Ron Cease would do it by publicizing.

Ron Cease replied no. He did not know how it should be done but this outline is not the way. It should not be turned over to the local governments for 2/3rds approval.

Chair Myers asked that the Committee work through the document, starting at the beginning. Eventually, the question of how local governments work into it will arise. The Committee needs to have a starting definition in the charter of what Metro's authority is in the overarching sense and needs to define the charter and what the elements of the plan are that Metro is empowered to adopt. How does the regional framework plan differ from Regional Urban Growth Goals and Objectives?

Larry Derr said that it differs in that the regional comprehensive plan would be broader. Some goals and objectives would have to be a part of the regional framework plan but it could also have the UGB as an element. For example, the UGB is a line on a map, but the future vision will help determine where it should be placed.

John Meek said that he would like to see a framework for Metro that takes a jurisdiction and places it in the center of the region to determine what is viable for the region and state.

Charlie Hales said that he agreed. A regional plan ought to lay out a general scope of commercial development and distribution of housing around a transportation artery to avoid arterials that cross jurisdictional boundaries without much evidence of planning for the concentration or connection of commercial and industrial development along them. A regional framework plan needs to go far enough to delineate the general boundaries of the nodes of development. He asked Larry Derr if the framework plan goes that far.

Larry Derr replied that the concept is open to have that. The concept is that a combination of the local plans and framework plan is a "comprehensive plan". The definition has a lot of room

for flexibility. It can have either goals and objectives concepts or can have site specific provisions. As the Committee works through the list of what ought to be in the plan, we might want to put a lot more emphasis on what ought to be dealt with in the regional comprehensive plan and what could be dealt with more on a conceptual basis. It will take a lot of flushing out in each of the categories to identify through a charter document what the plan, after it is created, ought to look like. Another option is to trust the process to do the flushing out and leave it to the comprehensive planning process.

Charlie Hales replied that he liked the list of regional responsibilities. The Committee needs to discuss whether or not it is complete. We need to go beyond the idea that a regional plan is a pastiche of local plans. That is what exists now and it is not working.

Frank Josselson said that they listed specific regional and local responsibilities and had a list of unspecified activities and procedures in mind to determine whether they should be done and who should do them. It is difficult, when writing about planning, to give the power to someone to plan and not actually plan. Only in the section regarding the limitation of haphazard development of "urban reserve" areas is there the ability to plan. A strong regional land use policy is appropriate in this case. Otherwise, the outline is for a strong regional government with the power to do it and with a checks and balance system. Frank Josselson disagrees that it creates a COG. It establishes a process where regional government and local government are forced to sit down and talk among each other. If they fail, then there are penalties. The penalties need to be stronger than under Senate Bill 100.

Bob Shoemaker said that he agreed with Charlie Hales. It is important to include, under regional responsibilities, regional facilities and industrial and commercial nodes and siting requirements to avoid strip commercial. They should be dealt with in the charter and not left to be dealt with later.

Frank Josselson said that he agreed.

Chair Myers said that those will be added.

Ron Cease asked, in reference to the planning process, if the Committee agrees that the regional plan is a lot more than simply taking local plans and pasting them together. The Committee is talking about something more substantial.

There was a general consensus of agreement.

Ron Cease asked Charlie Hales if there was anything else he wanted to add under regional responsibility.

Charlie Hales replied no. It is the only one that seemed to be missing from the delineation of what are local responsibilities in the planning process and what are regional responsibilities. The issue has not been covered. The question of regionally significant development or nodes of development or planning on a macro basis across jurisdictional lines and how to describe it needs to be addressed.

Bob Shoemaker said that there are two elements. One is the siting requirements and the other is substantial industrial commercial developments.

John Meek said that the node issue will come into play in the regional framework plan. Metro needs to have the power to go into an area and come up with objective criteria to establish goals for the area. For example, Metro needs to be able to tell Hillsboro, Washington County, and Beaverton that they need to cooperate and develop a plan to move traffic along T.V. Highway. Currently, they cooperate out of the goodness of their hearts.

Ron Cease asked what else is needed in a system to go beyond the goodness of their hearts to make them see the regional significance. How do you deal with it?

John Meek said that Wes Myllenbeck started it with Washington County. The cities continued with the process and came together to discuss a county plan to put all the land together.

Ron Cease asked what else they did besides talking and negotiating.

Wes Myllenbeck said that there was the state law mandating it. There was a lot of foot dragging and things that were contrary to state law. The county decided that it would not work and dragging their feet was senseless.

Ron Cease asked what would have happened if they were given the veto?

Wes Myllenbeck said there would be anti-Metro sentiment.

Isaac Regenstreif asked what authority should go into the charter to ensure that the elements of the regional plan are implemented.

Larry Derr said that the time frame and economic penalties are the only ideas they have had but suggestions are welcome. There would be a 30 month time limit on having the plan and future vision adopted. The charter would dictate the minimum elements that have to be in the plan. If it is not adopted with all the proper elements, there would be a penalty of not having regionally directed transportation funds dispersed to local governments. There would need to be a reciprocal form of penalty

for the regional government.

Isaac Regenstreif asked if the plan is adopted but there is no compliance, what authority is there to guarantee compliance.

Larry Derr stated that there needs to be some enforcement techniques although they are not on the list.

John Meek said that one aspect brought out under the regional aspects is the need to identify regional significance. If the development has regional significance, then there will be checks and balances. There will only be a limited number of issues. The permit process could be stopped until the issue is resolved.

Isaac Regenstreif asked if the regional permitting process should stop if the local jurisdiction does not comply.

John Meek said that it has to be an option.

Larry Derr said that to the extent to which a local jurisdiction would arguably be doing something contrary to the regional comprehensive plan that involves a change in its plan, local jurisdictions could amend the plans just as they adopt them. There could be a process similar to the acknowledgement oversight that comprehensive plans have now with LCDC. A plan at the local level can be amended even if it is acknowledging noncompliance with the statewide goals. There is no need to ask LCDC if it complies but LCDC can call it up as can any individual or other government agency.

Chair Myers said there are a couple of levels. There is the issue of how it interacts with amendments and how it interacts with confrontation.

Charlie Hales said that the charter might need to confer specific authority enforcement that it does not have now.

Bob Shoemaker asked for further explanation on the 30 month time period. The local plans cannot be changed to conform with the regional plan until they have the regional plan.

Frank Josselson said that the 30 month time line is for the future vision, the regional framework plan, and the local plan.

Bob Shoemaker asked if the local plan's time period starts once the regional plan is adopted so the local governments know what they need to comply to.

Larry Derr said that the regional framework plan and vision will need to be far enough along so that the local plans could come into accordance. The ultimate adoption of the regional comprehensive plan, since it incorporates the local plans, will

occur at once although there will need to be a sequence to get there.

Ron Cease said that there are two different issues. One is getting the plan and the process of how you get the plan, and the other is how to deal with the issue of performance after the plan is adopted.

Chair Myers said the Committee is talking about adoption and application.

Mary Tobias said that when Larry Derr began the presentation, he said that the regional comprehensive plan was the big overall plan. She asked if underneath that existed the framework, local plan, and the future vision.

Larry Derr said that the vision comes at the top. The regional comprehensive plan comes next and must be consistent with the vision.

Mary Tobias asked if the components of the regional comprehensive plan are the framework and the local plans.

Larry Derr said that was correct.

Mary Tobias asked who becomes the group that makes the regional comprehensive plan.

Larry Derr said it was the regional governing body with a sign-off in agreement of 2/3rds of the cities in each county and 2/3rds of the counties.

Ron Cease said that the question Mary Tobias asked was a different question. She asked who does the regional comprehensive plan.

Larry Derr said it is the regional governing body.

Mary Tobias asked if the regional governing body creates the regional comprehensive plan, is there assurance that the citizens will be part of the process. If the local governments are working on the local plans at the same time, there is a possibility of a regional comprehensive planning process and a local comprehensive planning process that are diametrically opposed to each other.

Larry Derr stated that there would no longer be a local comprehensive plan. He does not envision a local government scrapping its plan and starting over. They would probably compare what they have with the regional framework plan and decide if they need to make changes.

Mary Tobias asked if the regional government, when creating the regional comprehensive plan, is only working on the regional framework.

Larry Derr said they are only working on the framework by way of drafting and adoption. They are also looking at the local plans to assure consistency.

Mary Tobias asked if she was correct in assuming that they would be using the existing local plans because the revised plans would not be done.

Larry Derr said that was incorrect. There would need to be some sort of sequence for the regional governing body to come to some conclusions about things that go into the framework that would have impact on the local plans. Then local jurisdictions would have to, in the next step and sequence, look at their local plans to see if that required some changes to be consistent. The regional governing body would have to look at the product and approve or not approve the plan. Once all the local plans are consistent with the framework, then there will be one adoption which would be adoption of the framework and local plans.

Janet Whitfield asked if that was RUGGO's.

Charlie Hales and Larry Derr both replied no.

Ron Cease said that if the regional government was given some responsibility for a regional plan, it has to go through the local government. The local government will work with the plans it has and never start at ground zero. Adjustments will be made to make the plan fit. Everyone must be involved to work it out. It is an essential beginning to have everyone involved.

Larry Derr said that evolutionary versus revolutionary better describes how it will be carried out.

Mary Tobias said that a process like the one proposed opens the door to go back to the beginning. This will restart the process and will cost lots of time as the comprehensive plans did under Senate Bill 100. It will no longer be done by the people who live in the localities but rather a big brother.

Bob Shoemaker said that point is the whole reason the Committee is discussing a regional government.

Mary Tobias disagreed and said that was only true if the Committee agrees that Metro should play that role.

Chair Myers asked what is being done by big brother.

Mary Tobias said that the regional comprehensive plan will set

the tone, scheme, and overall direction for the region. The regional government will become the real controlling factor because it manages the money. The local governments have no control over the flow up to the regional government. Planning becomes managed by a small number of people removed from the general public.

Charlie Hales said that the questions that Mary Tobias and Ron Cease have are crucial. He said that the group that wrote the proposal is on to something. The current land use planning system works well in a single urban area but it does not work well in a metropolitan region. Both stop short of comprehensive planning. Personally, there are not local comprehensive plans in this area. There are local zoning plans but local comprehensive plans do not exist because you cannot comprehensively plan Beaverton and Tigard because they are one urban area. Many regulations masquerade as comprehensive plans. In response to Ron Cease's question of what will get people to the work table, Charlie Hales said that the Metropolitan Housing Rule is the only instance where groups successfully came to the table. It was interactively developed between the local governments and LCDC.

Ron Cease said that there needs to be a distinction between the development of the plan where everyone needs to be involved and the adoption of the plan.

Charlie Hales said that there are some penalties involved. The Metropolitan Housing Rule worked because of the strict absolute framework developed at the regional level and the local governments have the benefits of sharing the political pain.

Bob Shoemaker said that regardless of the framework, it still needs to be approved by 2/3rds of the cities.

Charlie Hales said that you are asking them to approve the global system of planning.

Bob Shoemaker said that the cities would become involved because they know that it will apply to them individually. So they have every incentive to not agree.

Charlie Hales said that the political reality would be that if the regional plan was sticking it to half of the local governments in favor of the other half, it would not get the 2/3rds and would not pass.

Bob Shoemaker said that if the regional plan works a substantial change in virtually every local comprehensive plan in some important aspect, which it probably will, is it reasonable to think that 2/3rds of the cities in the counties will agree to the change from what they are accustomed and committed to?

Charlie Hales said that it was possible. The concept of ratification is good.

Chair Myers asked that the discussion get back on track in regards to the regional and local responsibilities.

John Meek said that if Metro goes in and does local planning, we will not get anywhere. Each local government must do its own planning. Those plans must be looked at and coordinated to fit into a regional comprehensive plan for a framework.

Charlie Hales asked John Meek to define his terms. By planning, John Meek sounds like he is talking about zoning. Hillsboro is not doing transportation planning.

John Meek agreed with Charlie Hales.

Mary Tobias disagreed with Charlie Hales.

Larry Derr said that the point he was trying to convey was that there should only be one comprehensive plan within the region. It does not make sense to have a regional comprehensive plan and individual comprehensive plans. That does not mean that the content in the local plans needs to be cut back and reduced. There might be some substantive changes that would need to be made but they could still have all the subject matter included. The UGB is an example where the city and county plans are not comprehensive plans. Goal 14 requires comprehensive plans to have a UGB but the cities and counties do not have a UGB in their plans. Metro has the UGB but does not have a comprehensive plan.

John Meek said that the goals are not perfect.

Bob Shoemaker said that semantics seem to be controlling too much. He suggested looking at the regional responsibilities and local plans and see which ones the Committee disagrees with.

Ron Cease asked what "regional significance" refers to.

Frank Josselson said that they meant siting of developments having a regional significance. Regional significance being that they impact more than one jurisdiction and they impact the local plan outside the jurisdiction or the regional plan. In response to Charlie Hales' and John Meek's comments that the regional plan ought to include siting decisions about major commercial industrial complexes, Frank Josselson added two points under *Regional Responsibilities* (II). Point H is *Nodes and Development*. Point I is location for *Substantial Commercial and Industrial Development*. Frank Josselson said that he understood the consensus of the Committee to be that if a city wanted to be a strip commercial city it should be allowed to do that. If a city wanted that, then the region should not plan to extend

infrastructure nor subsidize infrastructure that will not be sufficient. Nodes should be in the regional plan. The argument against that is the loss of community identity. In the plan, emphasis was given to local control greater than suggested by Charlie Hales or John Meek.

Chair Myers asked about solid waste. Does Metro have a functional plan for solid waste?

Janet Whitfield replied yes.

Chair Myers said that *Solid Waste* probably should be on the list. The topics are functional plans.

Larry Derr agreed.

Ron Cease said that the list is confusing because some things are regional by nature. For example, primary water sources are regional. On the other hand a distinction was made between regional transportation and local transportation.

Larry Derr said that is a self fulfilling definition because by nature regional transportation is local also.

Ron Cease said that is true but urban reserves and greenspaces have been made regional.

Larry Derr said that some may be closer to the gray area than others.

Ron Cease said that the regional significance question would not be used there because it is not being divided up between local and regional. The same applies to the UGB. It can be called regional but the UGB is totally regional. The local governments may be involved but they are not setting the UGB.

Larry Derr said that he agreed. There would need to be further definition if urban greenspaces was left on the list as to which ones constitute regional significance.

Charlie Hales asked if the point that was being made was that solid waste planning is just as much a regional comprehensive planning function as is regional water planning or regional transportation planning.

Chair Myers replied yes.

Frank Josselson said that he had no problems adding *Solid Waste* under *Regional Responsibilities*.

Chair Myers asked if the urban reserves were part of the UGB.

Larry Derr replied yes and no.

Chair Myers asked if the designation and regulation of the urban reserves were part of the UGB.

Larry Derr said that the UGB concept stops at the line. The outline suggests another category that deals with planning outside the line.

Chair Myers said that his question was an organizational question.

Larry Derr said that urban reserves is a shorthand for a broader topic.

Bob Shoemaker asked the Committee to consider possibly giving the regional government a role in telecommunications, transmission of electrical power, and air pollution. They are functions the state has now. Should the regional government have a role in the regulating of the topics or is the status quo doing an adequate job?

Frank Josselson said that he would prefer to leave air pollution with DEQ. It would provide duplication of services unless other general environmental issues would also be given to Metro. He asked Bob Shoemaker why he suggested telecommunications and transmission of electrical power.

Bob Shoemaker said that the present system is working okay but that may not always be true. The power to deal with those issues as it becomes appropriate should be in the charter.

Larry Derr said that maybe it should fall under the *Unspecified Functions* category (IV). Nothing has been excluded from the planning process if it has not been mentioned specifically.

Bob Shoemaker asked if, under unspecified functions, the regional government could take on additional issues without a vote.

Larry Derr said that it must deal with planning and not service provision. The answer is yes within the role of planning.

Bob Shoemaker said there is a fair amount of planning that can go into those things.

Mary Tobias asked if the regional government really has the ultimate authority since so much of it is regulated beyond the regional government's reach.

Larry Derr agreed with Mary Tobias. To the extent that it is possible and the regional government finds it desirable, there should be a process in the charter to make it possible.

Jon Egge said that it could start out as an element of the future vision and then become part of the comprehensive plan.

Bob Shoemaker agreed. If a service is included in the future vision in some way, then the vision provides a means for the government to move into the service if it becomes appropriate to do so.

Mary Tobias said that she was concerned that there has not been any discussion regarding the mechanism to keep the smaller jurisdictions from being overrun in their planning by the larger cities under the topics of I and II (*A Cooperative Statement of Process That Provides for Local and Regional Participation and Regional Responsibilities Listed*).

Isaac Regenstreif said that under the 2/3rds approval, if all the cities but a few agree with it, then it is a done deal.

Chair Myers asked if Mary Tobias was overwhelmed with the process of approving the regional plan or the application.

Mary Tobias replied both. For example, there is a lot of momentum right now to declare urban greenspace. The Metro plan is well on its way. In the plan, all the little parks are listed as urban greenspace whether or not the jurisdiction has the money to maintain or develop the park. If there is a regional urban greenspaces plan in the regional comprehensive plan that says thou shalt, then the jurisdictions will be hung out to dry.

Frank Josselson said Clackamas County is a good example. But that is the reason why the procedures are in place.

Mary Tobias asked if every single little element, park, water issue, or housing issue is going to come down to a 2/3rds vote.

Frank Josselson said that is not what they envisioned. Everything that is a local plan, listed under III, will be effective when adopted and subject to review only in the broadest sense for conformity with the regional plan.

Mary Tobias said it was the *Regional Responsibilities (II)* that she was concerned about.

John Meek said that what is going to be included in the greenspaces needs to be defined first.

Ron Cease said that the main question is how to balance a sense of regional needs with the local needs.

Mary Tobias said that she is only dealing with I and II. There is a large probability that the big jurisdictions are going to override the smaller jurisdictions.

Larry Derr said that there is a flip side that it is appropriate and proper for the local cities to control the issue. If that is true, then the issue should be moved to III (*Local Plans*) where it will not get overridden.

Charlie Hales asked if II (*Regional Responsibilities*) was complete or not. We should be dealing with the issue of responsibility assignment, not the turf battle issues. Personally, II is complete.

Chair Myers said that Charlie Hales is correct. Although, how the regional responsibility is defined could create the issue of whether or not it is an appropriate commitment of the powers. Greenspaces may be an example which as it has been pursued by the current Metro, it carries with it a notion of interconnectedness between its pieces.

Bob Shoemaker gave the example of a regional plan locating a large industrial park in Sherwood and the people of Sherwood saying we do not want it. Is that an example of the kind of thing Mary Tobias is talking about?

Mary Tobias said yes. Every jurisdiction in the region would think that is great because they would not have to have it.

Ron Cease said that it would be more likely that the city wants a regional facility and the region says no.

Mary Tobias said she disagreed. Under the *Nodes of Development or Location of Substantial Development* (added to II), say that a major industry wants to come to the region and the plans cannot accommodate what they want. Rather than waiting the two years for the review process, the company pulls out. How would this issue be handled?

Frank Josselson said that *Regional Significance* (VI) would come into effect.

Jon Egge said that it would be harder to accommodate them now than under this new plan.

Larry Derr said that it depends on why the city could not accommodate the industry. If it is a zoning or land use issue, then it would be a local issue.

Mary Tobias said that the plan has identified specific areas for nodes of development and the industry does not fit under any of those.

Bob Shoemaker said that there is a periodic review process every two years and the amendment process could be instituted at any time.

Mary Tobias said that in the current scenario, the industry would only have to go to city to get a zoning change if it fits in the comprehensive plan. Under the new plan, the industry would have to go to the city and the regional government and get two changes.

Bob Shoemaker said that it might not have to go to both places. If it is of regional significance, then the approval would come from the regional government.

Mary Tobias asked if the regional government would overrule the local zoning ordinance.

Bob Shoemaker said yes.

Mary Tobias said the big hammer beats up on the little guy.

Charlie Hales said that both processes could still occur but it would still be subject to the 120 day rule. The industries like the 120 day rule.

Mary Tobias asked who to go to for appeal. Who does the industry go to if the region says yes but the local says no or visa versa?

Charlie Hales said LUBA.

Mary Tobias said that this plan will create a mess and will be bad for business recruitment.

Bob Shoemaker said that companies will want to come here because there is a regional plan.

Jon Egge agreed.

Mary Tobias disagreed.

Chair Myers asked the Committee to identify elements in regard to *Local Plans (III)*.

Mary Tobias said that in terms of *Sanitary Sewage Collection, Treatment, and Disposal (III-D)*, special districts were briefly touched upon. In Washington County, it is all handled by special districts. There is not an LCDC comprehensive plan that deals with that. How does that fit into the entire framework?

Jon Egge said that it was not included in regional responsibilities. Currently, Metro is undertaking 208 plans which should address what Mary Tobias is talking about.

Mary Tobias said that she did not understand how it would. Would the regional plan deal with individual sewage districts as though the regional plan were the overriding authority?

Frank Josselson said that the theory under the federal Clean Water Act, section 208, is that regional governments are appointed to coordinate sewerage activities by local governments in any metropolitan area. Metro is the 208 planning authority for the region. *Sanitary Sewage Collection, Treatment, and Disposal* (D) is not Metro planning but the local infrastructure and the delivery of services.

Wes Myllenbeck suggested combining water, storm systems, and sanitary sewerage together. In the future, there could be consolidation for reuse for irrigation, equipment, and personnel.

Frank Josselson said that one way to do that would be to combine III-D (*Sanitary Sewage Collection, Treatment, and Disposal*) with IV-A (*Storm Water Drainage*). Under *Unspecified Functions*, maybe governments other than regional or local could undertake that responsibility through intergovernmental agreements or other means.

Jon Egge said that basins would transcend all boundaries particularly with water sources.

Chair Myers asked what was included in the proposed elements of *Local Plans* (III).

Frank Josselson said that 208 planning would continue to be done by the regional government although it is not expressly listed. It should become II-K.

Bob Shoemaker asked for an explanation of section 208.

Frank Josselson said it was the section of the federal Clean Water Act which requires coordination of sewage treatment and disposal by local jurisdictions.

Bob Shoemaker said that by necessity, the regional government must do the coordination.

Frank Josselson agreed.

Bob Shoemaker said that everything under coordination should then be local responsibility.

Frank Josselson said that Wes Myllenbeck's suggestion makes sense since the basics are the same. III-D (*Sanitary Sewage Collection, Treatment, and Disposal*) should be put into IV-A (*Storm Water Drainage*). That could be handled on a sub-regional basis rather than a local or regional basis.

Ned Look asked why it was not put under regional responsibilities with 208 planning.

Jon Egge said that one must remember you are talking about primary water when talking about all three. Wes Myllenbeck brought up a good point that the future may dictate that it is all done differently. The future vision could try to identify this as a potential future element. There is no contemplation that Metro would take over the planning of the actual delivery of services in terms of water districts. Metro also would not take over the planning for the sewers within a city or a sewage agency boundary. It might be helpful to put "the regional aspects of..." or "the local aspects of...". There is little contemplation to change, in a substantive way, the current functions of local governments in planning.

Larry Derr said that Frank Josselson's suggestion is more consistent with how each section works together. By saying that *Sanitary Sewage Collection, Treatment, and Disposal* is not an item that is carved out for local plans, we are leaving open the possibility that there could be some benefit to deal with it through regional government but not dictating that will happen. Those items appearing under III (*Local Plans*) are things that local government can put in their plan and control and regional government would not have the option to look at them from a regional point of view.

Ned Look said that he thought Portland put out a brochure on sewage saying it is getting more regional all the time.

Larry Derr said that sewage is different than water in that it is probably not ever going to need to be more than basin wide. There might be some efficiencies on a regional level.

Chair Myers summed up the discussion and said that the 208 function will go under *Regional Responsibilities*.

Jon Egge said that it dips into storm water.

Larry Derr said it dips into water quality generally.

Wes Myllenbeck said that Metro should be doing them because they are of a regional nature.

Frank Josselson said there are local aspects of sewage treatment that have been done since day one. A lot of decisions have historically been made by cities. It makes sense to move it.

Chair Myers asked if *Sanitary Sewage Collection, Treatment, and Disposal* would be moved to IV (*Unspecified Functions*), combined with *Storm Water Drainage*.

Frank Josselson said yes. 208 planning includes not only coordinating of sewage treatment but also non-point sources of the region which are things other than discharges through pipes.

Metro has not done much in this area but, theoretically, it has the authority to.

Mary Tobias asked about fire protection and prevention and the same question regarding special districts. In Washington County, most of the fire protection is from Tualatin Valley Fire and Rescue where there is no comprehensive planning.

Bob Shoemaker said that compared to the regional government, special districts are local jurisdictions. Maybe when they say local, they mean existing jurisdictions.

Mary Tobias said that when Larry Derr explained the outline, he said that local was cities and counties and they had not accounted for special districts.

Frank Josselson said that they envisioned cities and counties to be the primary planners. They are required under state law to coordinate with special districts. Their plans are required to express the policies of special districts and the services that are performed in the jurisdiction.

Bob Shoemaker asked where the Unified Sewerage Agency and Tualatin Valley Fire and Rescue fit in.

John Meek said that in Washington County's comprehensive plan, within the framework plan, it accounts for the roles of the Unified Sewerage Agency and Tualatin Valley Fire and Rescue. Hillsboro, which has its own fire department, accounts for fire prevention and protection in the comprehensive plan and accounts for the role of Unified Sewerage Agency in the framework plan.

Larry Derr asked John Meek if Washington County's comprehensive planning has the effect of saying where the sewers cannot go, because they cannot go outside of areas planned for development, but it does not have the effect of telling Unified Sewerage Agency where the sewers must go.

John Meek said no. All the cities in the county turn over their plans, through the permitting process, to the Unified Sewerage Agency which then, through its planning process, establishes where the lines will be on new developments.

Bob Shoemaker asked if the outline creates any change in the fundamental system other than imposing a regional concept to some aspects.

Jon Egge said that it would in that it would examine the capacity to serve developments that were contemplated in a local plan. The guts of the discussion is that someone will look at it and reconcile whether or not the capacity is there. Right now, the plan is made and then the services are expected to be there. In

the future, we cannot assume that the services will be available. It has to be pre-thought out.

Bob Shoemaker said that if you have a large regional facility planned for some general location, it would be part of the framework plan. That would then be an order essentially to the local governments, including special districts, to make the plans fit this regional planning.

Jon Egge said it was actually a two way street. You cannot force some of the things to fit if they are incapable of fitting.

Bob Shoemaker agreed. Once that is resolved, how the local jurisdictions deal with the specific planning and the provision of the services would continue much as it is today.

John Meek said that the planning aspect, to some degree, does not account for whether water, sewerage, or fire services are available. Before the development of the plan takes place, the framework should say that the services must be available.

Larry Derr said that this raises another issue. On one side, when you plan for the areas of development, that provides a tool to agencies to service it. On the other hand, the coordinating function should be at the regional level so that the service providing agencies would have to coordinate their plans and be required to come up with ways to service it.

Charlie Hales agreed. There is not currently comprehensive planning at the local levels, just zoning. Comprehensive planning means there are concurrent services.

John Meek and Mary Tobias disagreed.

Charlie Hales said that comprehensive planning includes capital facilities planning which is not being done.

John Meek said that comprehensive plans include the provision that capital facilities will be in place when the development is complete.

Charlie Hales said that was concurrence. A comprehensive plan that does not have a capital facilities plan that is implemented is just a piece of paper.

John Meek gave the example of the Sunset Corridor. It would not exist if that were the case. The Sunset Corridor was planned when there was still an Aloha sewage facility. When USA took it over, it did not have the proper capacity to develop the Sunset Corridor.

Charlie Hales said there was a zoning ordinance which permitted

development.

John Meek said that the comprehensive plans were in place and the state said the comprehensive plans were not needed but USA was a unified agency before it had the capacity to take on the role.

Charlie Hales said that what appears to be a semantic argument about the difference between planning and zoning really is not. That is the difference between regional comprehensive planning that has been proposed in the concept and local comprehensive plans as they currently exist.

Frank Josselson said that a comprehensive plan under state law is defined as a generalized, coordinated land use map and policy statement of the governing body 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. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. The definition is found in ORS 197.015, subparagraph 5. There is a lack of coordination in the region in terms of none of the plans being comprehensive because some city needs can be satisfied elsewhere. The comprehensive planning has to be done with a regional framework with local elements.

John Meek said that USA had to come up with a basin wide plan to account for 13 cities. They have done that well. The region has reached the point where there are development pressures across geographical boundaries to where we need to rise up to the next step. The question before us is how far up the step do we go.

Bob Shoemaker said that the comprehensive plan definition does not include the coordination authority to see that the system serves the plan. The comprehensive plan is essentially a vision of what ought to be.

Frank Josselson said that one of the problems with the definition is that it contemplates a single city; it does not contemplate coordination within a metropolitan area. The Senate Bill 100 conflict was that the counties would do the coordination within the cities such as Hermiston. Senate Bill 100 did not provide for the metropolitan area. It was amended to give Metro the authority to provide many of the coordinating functions of counties under Senate Bill 100. Giving the functions to Metro is perfectly consistent.

Bob Shoemaker asked if coordinating is a little less than causing.

Larry Derr said that ORS 197.185 takes more pieces of the puzzle. There is a requirement that after the county has done its comprehensive planning that the special district agencies have to look at it and there has to be coordination in the urban service agreements. It never gets to a level as to say the county can dictate to a special district when and how it provides the service. The concept is that it will be a two way street as much as possible.

Frank Josselson said that ORS 197.190 provides that Metro is to be the county review for Clackamas, Multnomah, and Washington counties.

Larry Derr said that the outline is really not reinventing the process. The mechanism for the process is there but it is not yet in place.

Frank Josselson said that another way to view the concept is not as regional planning but as coordination. Regional government is developing a set of instructions for how 30 plans are to be put together. The difference between that and what we have now is the level of specificity in the regional instructions.

Bob Shoemaker said that it sounds like Frank Josselson is suggesting a regional plan is the sum of the existing plans.

Frank Josselson said that LCDC referred to the regional plan in one of its opinions as a patchwork quilt of 30 plans. We have never moved beyond that but that is the purpose of the concept. It needs to be done in a way that does not run over the neighborhoods or community identity.

Bob Shoemaker said that was a different issue than the one Larry Derr raised which is that the Committee needs to discuss the extent to which the regional government has the power to require that the services available can be channeled to serve significant regional facilities that are planned. There is no such power now.

Frank Josselson said that Miami and Seattle are attempting to deal with their problems by saying that if every service is not there, it cannot be done. They are not doing it all. They are using schools and services to prevent development but they are not planning for development. Any system that depends on withholding services to prevent development is bad. We ought to plan for growth on a time table. If the area is zoned for an R10, and someone wants to develop it for R10, that person needs to be stopped if there are no sewer lines.

Larry Derr said that, from personal experience, regardless of how far the coordinating function has actually gone into practice between plans and service districts, the service districts have

asked for more and more advanced planning so they can respond. They have provided the services to meet the plans and they are just saying give us long range plans so we can do it better. The Committee ought to think about whether or not we can say that the service provider other than a city or a county must have a facilities plan to meet certain regional needs.

Frank Josselson said that it could get caught up in financing. Tom Walsh mentioned in his testimony that new development should pay about 50% to 60% for new infrastructure. If the Committee wants to make that a policy, then financing arrangements can be made to insure that it can be done.

Jon Egge said that Chuck Harrison, from the Clackamas Water District, said that he wanted some kind of certainty. Say no, say yes, but say something. If the Committee tells special districts what they should look like, they probably can adapt or they can tell the Committee whether or not it is possible.

Mary Tobias said there is comprehensive planning for individual cities that are visions for the city. That is right and appropriate. She is concerned that there will be one over arching vision or scheme of things that we will homogenize an area where its biggest strength is its variety of housing and local access to many things. The growth problem is not as bad as it seems: the area is a long way from becoming Los Angeles. The comprehensive plans created a living environment for the people who lived there. If the Committee is not careful, we could tear all that apart. She would go to the city councils of smaller towns and advise them to get out of Metro if the living environment is threatened and there is a possibility of becoming homogenized.

Charlie Hales agreed that the Committee has to be careful. Local governments did not use the opportunities in the Metro Housing Rule very well and in fact made the region look more homogeneous than it could have been. No city really seized on the opportunity to be different. They basically designed their developments the same as each other. The Metro Housing Rule did not say they had to be the same. It just said that the cities had to get to point A.

Larry Derr said that it did say that they had to get to A. This concept would allow more leniency in that you can decide that you do not want to get to A if it can be created in a way that it can function as intended.

Mary Tobias said only if it can overcome the big jurisdictions that will be holding all the cards.

John Meek said that Mary Tobias has a legitimate concern. Metro's framework in the regional plan may call for a

significantly higher density in a particular area. The cities are not going to vote for a charter that takes away their livability.

Frank Josselson said that existing law is more likely to achieve the scenario of a high density destroying the livability of a city than the proposed concept. There is no way to write a law and require that it be applied fairly and there is no such thing as a fair law.

Bob Shoemaker asked about adding an equal protection clause in the charter to allow a jurisdiction that feels picked on unreasonably and without a good basis to attack it in court.

Jon Egge and Frank Josselson both responded that it was interesting thought.

Ron Cease said that there is a sense on the Committee that there needs to be some kind of a regional vision but that does not mean that we disregard all the local visions. The local jurisdictions do not want to be told what to do but there needs to be some regional control. Jurisdictions are not going to beat up on each other but protection and some give is needed.

Mary Tobias said that unless every single jurisdiction is given a vote on everything that comes along in the regional council, then the citizens of the small area will not have a voice. Currently, smaller cities such as King City and Sherwood do not get equal representation with larger cities such as Tigard.

Ron Cease said that there are two unresolved issues of the constituencies of the people and the local governments. The concept in the current government is that there is a vote by the people in the region separate from local governments. Under COG, local governments were the representatives. Direct representation is needed but governments do need to work together and there needs to be a better system than there currently is. He does not believe that the people in each city are only residents of the city; they are also residents of the county and Metro and possibly some special districts.

Mary Tobias said that there are already problems with small cities getting equal say with large cities and the problem probably will not improve. Her concern is that the smaller jurisdictions do not get trampled by the larger districts.

Ron Cease said that large cities such as Portland would only have one vote and could just as easily be outvoted by the smaller governments. The problem exists both ways.

Isaac Regenstreif said that one way to alleviate Mary Tobias' concern is to replace it with incentives. The tax base sharing

program used in Minneapolis/St. Paul could be used. For example, the region decides that Happy Valley take a higher level of urban density and, in return, Happy Valley will get some support or financial assistance to help them deal with the existing septic tank problem. There would be some regional good or something in the regional plan that is determined to be of regional importance. JPACT works because there is a large amount of money and everyone knows that if they agree, it will be easier to divide that money. Regional tax base sharing could be a funding tool to replace the hammer as much as possible.

Chair Myers said that tonight's discussion will be translated into a new topical outline for page one which is as far as the Committee has gotten tonight. The discussion has been very productive. At the next meeting, the Committee will go through the rest of the outline as it stands now and then, if time allows, revisit the first segment and make any further changes. A further revision of both sections will be made at the end of that process. Once we get through this concept, the Committee might be able to work through the total of the functions area fairly directly. Chair Myers will try to have a starting outline for the particular area which the Committee can work off of for each meeting. The present schedule has November 7th as the day for the final work through of the overall functions area and no meeting is scheduled for October 24. He would like the Committee members to leave that date free because it would be better to keep moving along and finish the functions work through on schedule. The Committee could take a break before the finance topic begins to do preliminary work to set the stage for finance.

Frank Josselson asked if the Committee made a decision as to the additions he made as to subsection II, points I and J.

Chair Myers said that they will appear on the next draft as a regional function.

Bob Shoemaker said that he did not understand the difference between points H and I.

Charlie Hales said that the first point dealt with the nodes issue of local planning with clusters of development. The second point is individual projects which have regional significance such as a shopping center.

3. Additional business

Chair Myers distributed and brought the Committee's attention to information from the Regional Governance Committee dealing with land use issues and an editorial.

Mary Tobias said that she was insulted by the editorial in The Oregonian entitled "Time for voters to control shots". A lot of

people are coming to the Committee in good faith trying to help shed light on the issue. She would like the Chair to write an editorial to The Oregonian saying that anyone is entitled to bring their concerns or assistance to the process.

Chair Myers said that he would have no problem with that.

Wes Myllenbeck said that the Chair would have to do it under his name only, not on behalf of the Committee.

Chair Myers said that if the local governments want to organize in the fashion they have in terms of the Governance Committee, that is their right. The process will be accessible to them and to others as it can be.

Isaac Regenstreif said that he interpreted the editorial as objecting to the \$120,000 budget to hire a consultant, not to the involvement of the local governments.

Mary Tobias said that the statement "but make no mistake. This is a guerrilla action..." is insulting to the Committee. She said that she will write her own editorial.

Ron Cease said that the RGC is just like any other lobbying group.

Chair Myers said that he met with representatives of the RGC at the time they were being formed. He tried to make it clear that their work and thoughts are welcome. Those thoughts will be made available in the most efficient way possible as the process goes along. They will have the full opportunity to express their views.

Mary Tobias agreed and said that the public at large does not know that. The public only knows the editorial.

Chair Myers adjourned the Committee at 9:10 p.m.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator

Amendments from the minutes of October 10, 1991

Charlie Hales said that it was possible. The concept of ratification is good.

Chair Myers asked that the discussion get back on track in regards to the regional and local responsibilities.

John Meek said that if Metro goes in and does local planning, we will not get anywhere. Each local government must do its own planning. Those plans must be looked at and coordinated to fit into a regional comprehensive plan for a framework.

Charlie Hales asked John Meek to define his terms. By planning, John Meek sounds like he is talking about zoning. *In his opinion, Hillsboro is not doing capable of transportation planning because the major roads in Hillsboro are state facilities.*

~~John Meek agreed with Charlie Hales.~~

Mary Tobias disagreed with Charlie Hales.

Larry Derr said that the point he was trying to convey was that there should only be one comprehensive plan within the region. It does not make sense to have a regional comprehensive plan and individual comprehensive plans. That does not mean that the content in the local plans needs to be cut back and reduced. There might be some substantive changes that would need to be made but they could still have all the subject matter included. The UGB is an example where the city and county plans are not comprehensive plans. Goal 14 requires comprehensive plans to have a UGB but the cities and counties do not have a UGB in their plans. Metro has the UGB but does not have a comprehensive plan.

John Meek said that the goals are not perfect.

Bob Shoemaker said that semantics seem to be controlling too much. He suggested looking at the regional responsibilities and local plans and see which ones the Committee disagrees with.

Ron Cease asked what "regional significance" refers to.

Frank Josselson said that they meant siting of developments having a regional significance. Regional significance being that they impact more than one jurisdiction and they impact the local plan outside the jurisdiction or the regional plan. In response to Charlie Hales' and John Meek's comments that the regional plan ought to include siting decisions about major commercial industrial complexes, Frank Josselson added two points under *Regional Responsibilities (II)*. Point H is *Nodes and Development*. Point I is *location for Substantial Commercial and Industrial Development*. Frank Josselson said that he understood the consensus of the Committee to be that if a city wanted to be

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Larry Derr said that ORS 197.185 takes more pieces of the puzzle. There is a requirement that after the county has done its comprehensive planning that the special district agencies have to look at it and there has to be coordination in the urban service agreements. It never gets to a level as to say the county can dictate to a special district when and how it provides the service. The concept is that it will be a two way street as much as possible.

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Materials following this page represent
Attachments to the Public Record

**INFORMATION FROM REGIONAL GOVERNANCE COMMITTEE
TO CHARTER COMMITTEE
REGARDING LAND USE ISSUES**

October 10, 1991

The Regional Governance Committee (RGC) would like to offer the following thoughts regarding land use issues for the consideration of the Charter Committee.

For each major functional issue the Charter Committee addresses the RGC will use two matrices to organize and summarize our information. The first matrix simply describes the current system as we understand it. We tried to describe the current system as the law requires it; common practice is sometimes different. Given the complexity of these issues we believe it is particularly critical that everyone have a clear, common and accurate picture of the status quo.

The second matrix describes our current thinking on what the future system should be. Time for analysis and deliberations is short. We expect to work with the Charter Committee to respond to questions and concerns about this information and are willing to take these recommendations back to the full RGC for further consideration as the process continues and the issues become more focused.

Along the horizontal axis we have organized the two land use matrices according to the three types of growth management issues identified by the Charter Committee: (1) Regional limits between urban and rural lands; (2) Allocation and management of growth within the region; and (3) Defining the nature of growth within a local area. We have organized the major growth management tools (i.e. urban growth boundaries, zoning codes, etc.) into these three categories. While we believe that using the Committee's three categories will help to facilitate communication we would like to point out that many growth management tools fall within more than one category. For instance, we have placed the state's new transportation rule in the second category (allocation) because it affects comprehensive plans. However, it also requires changes to development regulations, which falls in the third category (nature of growth).

Partnership: Along the vertical axis we have identified a number of types of functions, from "approval authority" to "service delivery". In all cases we have identified the lead entity. However, we want to stress, particularly for the second matrix which summarizes our recommendations for the future, that in all cases we are looking for a strong partnership between Metro and local governments. In cases where this partnership is particularly critical we have listed two jurisdictions (e.g. Metro/Local Governments), with the first jurisdiction retaining the lead role, but only with very active involvement of the other. The partnership we are after can not be captured in a simple matrix identifying the lead agency, but it is fundamental to our support for a strong regional role in certain planning areas. It is our understanding that the details of this partnership are scheduled to be addressed by the Charter Committee later in its process.

Existing examples of effective partnerships include JPACT for transportation planning, the cooperative relationship between regional and local governments when the region's urban growth boundary was originally established, and the recent process developing the RUGGOs.

We have used a coding system for the matrix describing the recommended future which allows us to identify certain areas where we do not have a firm recommendation at this point, but think an issue warrants further study. The odd numbers (1,3,5) indicate it is relatively clear to us who should have the lead role (local government, Metro, State respectively). The even numbers (2,4,6) indicate that more study is needed before making a final determination.

The highlights of the matrix describing the recommended future system are briefly described below. We would be happy to provide additional detail or verbal testimony if the opportunity can be provided.

Urban Reserves: We know this is an issue some Committee members have an interest in pursuing. It is an issue addressed in the adopted RUGGOs. We believe it is an issue which has merit and we support it. However, while we support the concept, there are important details to be resolved. This is the reason for the asterisk (*) in the matrix. Just one example of these details involves the theoretical possibility of an urban reserve which is non-contiguous to the urban growth boundary. Who will be responsible for planning to provide services to this area? Will local governments' public facilities planning be required to plan for the urban reserves? Who will be required to provide service when the urban reserves are developed? Who will have the authority to compel the provision of this service? We believe that resolving these issues regarding roles early in the process will make it easier to work out remaining details to everyone's satisfaction.

Functional Plans: Functional plans and the urban growth boundary are Metro's current primary growth management tools. We believe these are strong tools if properly implemented, and are much preferable to some form of regional comprehensive plan. We support the use of functional plans so long as they are developed and implemented in a partnership with local governments and with an extensive citizen involvement process. However, the relationship between functional plans and the state's land use planning goals currently is not clear. We believe it needs to be made clear and that the state should make a positive determination (acknowledgement, if you will) that a functional plan satisfies all state planning goals.

The assessment of how a functional plan impacts all state planning goals is important to preserve the overall integrity of the planning process. Local government comprehensive plans must be written to satisfy all state goals. The trend of preparing functional plans which analyze a specific issue from a regional standpoint is positive. However, functional plans take precedence if local comprehensive plans are in conflict with them. This creates the theoretical possibility that a functional plan which has not been analyzed for consistency with all state planning goals could compel a change in a local comprehensive plan which would make that plan inconsistent with state goals. This clearly is not a circumstance anyone would advocate. The best remedy is to tie the functional plans to state planning goals, and require acknowledgement by LCDC.

Our preferences for the future include an important integration of functional planning with local government Comprehensive Plans and development regulations. In order for functional plans to work properly they must be integrated with local plans and development regulations. We are recommending a pro-active approach from the regional government in identifying these interrelationships and informing local governments in advance of what general regional standards must be met by Comprehensive Plans and development regulations. That is why Metro is listed as having a role in the "Information Gathering/Support" column for local Comprehensive Planning issues. While it is important to know ahead of time what those standards are, it is equally important that the local governments retain the flexibility to determine how best to meet those standards for their communities.

Nature of Growth: There is a great deal of interest in the region at this time about the "nature" of growth. To the extent that there are true regional issues affecting the nature of growth, as indicated above, they should be clearly identified through the functional plans and local development regulations should be responsive to them. Air quality and transportation issues are good examples. However, it is very important to retain local government's ability to establish community identity and develop and implement regulations to achieve that identity. It is a bad idea for a regional government to get in the business of writing local subdivision, zoning and design review standards, for example. It is appropriate that clear and objective regional standards from

the functional plans be identified; but local governments must retain the flexibility to determine how best to meet those standards given their local circumstances. To regionalize development standards would impose a degree of uniformity on the region which would detract from, not improve our quality of life. Wide diversity exists among the cities and counties in this region and should be encouraged rather than eliminated.

Uniform regional development standards would also substantially increase the consequences of mistakes. If a regional development standard is later found to be flawed, the entire region will have implemented the mistake, not just a few local areas.

One important role for a regional entity on these issues is in the area of information sharing and support services. Regionalized support services can provide economies of scale not available at the local level. For example, it is useful for local governments to have a means to keep apprised of new concepts being implemented elsewhere in the country and to share information among themselves about what is working and not working within the metropolitan area. Regulatory authority is not needed, however, to execute this valuable educational and support function.

We appreciate the opportunity to provide these comments and look forward to working with you on the important growth management issue.

LAND USE

MATRIX A: SUMMARY OF CURRENT SYSTEM

	APPROVAL AUTHORITY	PLANNING LEAD	COORDINATION LEAD	INFO. GATHERING/ SUPPORT	SERVICE DEL. LEAD
REGIONAL LIMITS BETWEEN URBAN AND RURAL LANDS					
• Urban Growth Boundary	State	Metro/Local Govt.	Metro	Metro/Local Govt.	Metro/Local Govt.
ALLOCATION AND MANAGEMENT OF GROWTH WITHIN REGION					
• Comprehensive Plans	State	Local Govt.	Local Govt.	Local Govt.	Local Govt.
- CIP	State	Local Govt.	Local Govt.	Local Govt.	Local Govt.
- Service Boundaries	State	Local Govt.	Local Govt.	Local Govt.	Boundary Comm.
- Zoning	State	Local Govt.	Local Govt.	Local Govt.	Local Govt.
- Metro Area Housing Rule	State	Local Govt.	Local Govt.	Local Govt.	Local Govt.
- Transportation Rule (new)	State/Metro	State/Metro/LG	Metro	Metro/Local Govt.	St/Tri-Met/LG
• RUGGOS	Metro	Metro	Metro	Metro	Metro
• 2040 Study (Regional Vision)	Metro	Metro	Metro	Metro	Local Govt.
• Functional Plans	Metro	Metro	Metro	Metro	Metro/Local Govt.
DEFINING NATURE OF GROWTH WITHIN A LOCAL AREA					
• Development Regulations	State	Local Govt.	Local Govt.	Local Govt.	Local Govt.

(October 10, 1991 RGC FINAL)

LAND USE

MATRIX B: SUMMARY OF PREFERRED FUTURE SYSTEM

	APPROVAL AUTHORITY	PLANNING LEAD	COORDINATION LEAD	INFO. GATHERING/ SUPPORT	SERVICE DEL. LEAD
REGIONAL LIMITS BETWEEN URBAN AND RURAL LANDS					
• Urban Growth Boundary	(5) State	(3/1) Metro/LG	(3) Metro	(3/1) Metro/LG	(3/1) Metro/LG
• Urban Reserves* (see narrative)	(5) State	(3/1) Metro/LG	(3) Metro	(3/1) Metro/LG	(3/1) Metro/LG
ALLOCATION AND MANAGEMENT OF GROWTH WITHIN REGION					
• Comprehensive Plans	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- CIP	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- Service Boundaries	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1/3) LG/Metro
- Zoning	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- Metro Area Housing Rule	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- Transportation Rule (new)	(5/3) State/Met	(5/3/1) St/M/LG	(3) Metro	(3/1) Metro/LG	(5/1) St/T-M/LG
• RUGGOS	(3) Metro	(3) Metro	(3) Metro	(3) Metro	(3) Metro
• 2040 Study (Vision)	(3) Metro	(3/1) Metro/LG	(3) Metro	(3/1) Metro/LG	(1) Local Govt.
• Functional Plans	(5/3) State/Met	(3) Metro	(3) Metro	(3/1) Metro/LG	(3/1) Metro/LG
DEFINING NATURE OF GROWTH WITHIN A LOCAL AREA					
• Development Regulations	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.

KEY FOR COMPLETING MATRIX:

1 = Local Govt. lead preferred

2 = Local Govt. lead possibly best in future, more research and analysis needed before final decision

3 = METRO lead preferred

4 = METRO lead possibly best in future, more research and analysis needed before final decision

5 = State lead preferred

6 = State lead possibly best, more research and analysis needed before final decision

DATE: October 21, 1991

TO: Hardy Myers, Chairman
Metro Charter Committee

FROM: Mary Tobias, Vice Chairman

RE: Comments on REGIONAL PLANNING POWERS AND RESPONSIBILITIES

In order to come to grips with some of the concepts put forth in the "Regional Planning Powers and Responsibilities" outline submitted to the Charter Committee by Frank Josselson, Jon Egge and Larry Derr, I found it essential to rearrange the major points into several specific areas of significance.

Although the points raised in the outline are each important on their own merits, when combined into a whole, they need to proceed in a logical, sequential manner that will result in a straightforward process for future planning in the region.

To this end, I would like to present the following as an alternative to the current outline. At the same time, I would like to raise some of the questions that I believe must be answered in order to move us forward.

FUTURE VISION CONCEPT

A. Overview

1. A consensus description of a livable community that will guide the Portland metropolitan area into the next century.
2. A vision that reaches far enough into the future to withstand year to year political tests, but is not unchangeable and thereby preventing the region from responding to changing economic, social, environmental and political realities.
3. A cooperative process that provides for local and regional participation in defining the vision.

B. Process

1. Convene a steering committee made up of public and private decision makers to set out the guidelines for the project
2. Identify areas of interest or concern and establish working groups to draft the vision for each area
3. Include all interested or impacted sectors of the regional economy
4. Draft the Future Vision Document
5. Allow for public review and comment
4. Provide for regional commitment through the ratification/adoption process

C. Questions

1. How do we define (in writing) the "Future Vision Concept?"
2. Does a "Future Vision Concept" belong in the Charter?
3. How does it relate to a document of governance?
4. Who is obligated to carry out the vision?
5. Who acts as arbiter, if there is conflict between the vision and changes in circumstance (e.g., economic, social, etc.)?
6. What is the mechanism for changing the vision should circumstances warrant?

7. If any one of the regional governments, with a majority of its electorate, decides that the vision does not address the needs of its citizens, what happens?
8. Do we use the RUGGOs for the starting point?
9. Do we use Metro's Region 2040 project as a basis for the "Future Vision" document?
10. Who pays for the project?
11. What is meant by "legal exemptions" (written definition)?
12. Is there a problem with compliance with state law (statutory or constitutional)?
13. How general/specific should the "Future Vision" be in its language when defining the expected issues of growth, quality of life, etc.?
14. Should the charter provision address issues of compliance/non-compliance with the vision?
15. Should the charter set out sanctions for non-compliance with the "Future Vision" and, if so, who should administer same?
16. Does the "Future Vision" have to comply with statewide land use-goals, can it be exempted?
16. What if over time there are substantial changes to the statewide goals and the "Future Vision" is out of compliance? Who is responsible for changing the region's vision?

DESCRIPTION OF COOPERATIVE REGIONAL PLANNING

A. Overview

1. A co-operative statement of process that provides for local and regional participation.
2. Provides for adoption of a comprehensive regional plan with a 50-year time line.
3. Defines the responsibilities of both the regional government and the local governments.
4. Includes a definition of responsibilities that may be assigned to either local or regional governments depending upon which unit can most efficiently carry out the responsibility.

5. Clearly defines "Regional Significance."
6. Has the following components:
 - a. A regional "framework plan"
 - b. Individual local plans
7. Provides for a mechanism to limit haphazard development outside the Metro UGB in areas currently called "urban reserves"
8. Provides for Periodic Review at specific intervals
 - a. Local plans will have to be consistent with the regional framework plan
 - c. Local plans will have to be consistent with one another, especially in adjacent or overlapping jurisdictions
 - b. Regional framework plan will have to comply with the statewide goals

B. Process

1. Developed in a 30-month time frame
2. Sanctions for non-performance
3. Ratification/approval required by both local and regional governments, or by the voters of the region

C. Questions

1. Who develops and carries out the process of drafting the framework plan?
2. Are current local government comprehensive plans continued forward or scrapped?
3. What is the process, specifically for accomplishing this task?
4. What is the specific recommendation being made for inclusion in the charter? The process or the product?
3. How specific does the regional framework plan get in defining regional land use needs, locations, etc.?
4. Who determines which part of the region is to be assigned specific land uses?
5. How are the responsibilities of the regional government and the local governments assigned out?
6. Is there a mechanism for assigning or reassigning responsibilities in the future?
7. What is the definition of "Regional Significance?"

8. Who is responsible for developing that definition?
9. Which plan/s have to comply with the statewide land use goals?
10. How are we defining planning in this proposal - functional or comprehensive?
11. Which governments are expected to do which type of planning?
12. Is a "framework plan" different from a comprehensive plan? What is the definition?
13. What is meant by "consistent with" - consistency or compliance?
14. How does the framework plan relate to the RUGGOs?

PLANNING POWERS AND RESPONSIBILITIES

A. Overview

1. Planning powers and responsibilities should be assigned to the unit of government best able to carry out the task.
2. The assignment of powers and responsibilities should be done through a cooperative process that provides for local and regional participation.
3. Planning powers and responsibilities may be carried out by more than one level of government, if there are multiple levels to the planning process.
4. Planning responsibilities generally fall into two areas:
 - a. Regional planning
 - b. Local planning
5. Areas for consideration when assigning planning powers and responsibilities to specific governments include, but are not limited to:
 - a. Regional urban growth boundary
 - b. Domestic water sources/supply
 - c. Regional transportation & mass transit systems
 - d. Housing densities
 - e. Urban reserves
 - f. Urban greenspaces

- g. Resolution of interjurisdictional disagreements
 - h. Nodes of significant development
 - i. Locations for commercial/industrial development
 - j. Section 208 of the Federal Clean Water Act
 - k. Solid waste
 - l. Regional facilities
 - m. Public safety
 - n. Fire protection & prevention
 - o. Local streets & transportation systems
 - p. Siting of developments, structures & facilities
 - q. Storm water drainage
 - r. Sanitary sewage collection, treatment & disposal
 - s. Other functions
6. Planning powers and responsibilities need to be differentiated from the delivery of service.
7. When assigning planning powers and responsibilities, consideration should be given to service provision.

C. Questions

- 1. What is intended by the specific words planning, powers, and responsibilities?
- 1. Are all planning powers and responsibilities included or just planning for those issues of "regional significance?"
- 2. Should the committee consider each of the powers individually and use the draft criteria to determine which properly belong to local vs. regional government?
- 3. Should the charter grant broad powers to the regional government to assign powers and responsibilities? Should it require that the assignment be done in concert with the local governments?
- 3. How are the special districts affected?
- 4. What do we do about planning for other parts of the infrastructure (e.g. schools, libraries)?
- 5. Should the planning authority be the service provider-sometimes, always, never and who decides?

COMMENT ON
REGIONAL PLANNING POWERS AND RESPONSIBILITIES
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6. Who is currently doing what? Is it working and if not,
where is it breaking down?