

**METRO
CHARTER
COMMITTEE**

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

AGENDA

DATE: October 17, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Milwaukie Community Center, 5440 SE Kellogg Creek Drive

- 6:00 Call meeting to order.
- Correct and adopt minutes from October 3 meeting
(previously distributed).
- 6:10 Continue consideration and development of proposed
Charter provisions relating to urban growth.
- 9:00 Adjourn meeting.

DIRECTIONS:

From I-205 take exit 13 and go west on Hwy 224 about 1 mile. At the 5th stoplight turn left onto Rusk Road. Road splits around a church and enters into Kellogg Creek Drive and North Clackamas Central Park. Community center is on the right.

From Portland go south on McLoughlin Blvd. In Milwaukie take the Hwy 224 exit and go east (left) about 2 miles. Turn right onto Rusk Road. Road splits around a church and enters into Kellogg Creek Drive and North Clackamas Central Park. Community center is on the right.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

October 17, 1991

Milwaukie Community Center

Committee Members Present: Hardy Myers (Chair), Judy Carnahan, Larry Derr, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Jr., Isaac Regenstreif, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit

Committee Members Absent: Ron Cease

Chair Myers called the regular meeting to order at 6:08 p.m.

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the October 3, 1991 minutes.

Motion: Matt Hennessee moved, Mary Tobias seconded, to approve the October 3, 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 the Committee will first work through the second page of the outline entitled "Regional Planning Powers and Responsibilities" that the Committee began working on last week. The Committee will then work through the revisions made last week regarding the first page of the outline if time permits. He said that the Committee discussed *Storm Water Drainage*, under *Unspecified Functions*, as part of the first page revisions.

Janet Whitfield agreed and said that the Committee discussed it briefly at the last meeting.

Chair Myers asked Larry Derr to explain, in regards to *Regional Responsibilities* and *Local Plans*, *Unspecified Functions*.

Larry Derr said the intent was to have one list of items that had to appear in *Regional Responsibilities* and the other list would be things that would appear in *Local Plans*. The third category, *Unspecified Functions*, would be things, by which some future process could be determined, to be added to the regional plan at a later date by process or definition.

Chair Myers asked if there was a preferred approach to adopt items under the *Unspecified Functions* category.

Larry Derr said that he would suggest the approach be a process basis, such as a method of sign-off, to ensure that things not get in that should not be there.

Chair Myers asked if the process by which subject areas not already assigned to the regional plan could be added to the regional plan.

Larry Derr said it would be for areas not assigned to or prohibited from the regional plan.

Chair Myers said that it would be noted that *Unspecified Functions* is the description of the process by which functions would come to be in the regional plan if not already a part of it or prohibited from being a part of it.

Larry Derr said that the term 'functions' could be a sensitive issue. Planning is one function among the whole list and the things that would go into the plan may or may not be functions. The term should probably be broader to encompass both function issues and planning issues.

Chair Myers suggested using the term 'subject areas' instead--the process by which subject areas would come to be in the regional plan if not already a part of it or prohibited from being a part of it.

Larry Derr said that was fine.

John Meek said that as the definitions of planning, functions, and comprehensive get narrowed down and the Committees starts to distinguish between regional and local, one thing that was mentioned last week was a sign-off on what has a regional impact. He said he was concerned with the possibility of leaving it wide open and therefore possibly permitting issues not mentioned to become part of the regional plan without any local input. There needs to be a way in the charter for Metro to determine what is of regional significance and what is not. The Committee should either define it or outline the process for defining it in the charter.

Chair Myers said that the point will be noted. When looking at

the final outline, the Committee may be in a better position to see how it fits in, whether it is adequately defined or needs further attention in terms of the basic foundation of the drafting process. Chair Myers suggested the Committee move on to the next area of adoption and review. He asked Larry Derr to explain the area.

Larry Derr said there are two major elements in the adoption and review area. There is the short, finite 30 month time limit for the future vision and plan adoption to prevent the process from going on forever. It is a difficult task and setting a deadline is not going to be enough of an incentive for task completion. The benefits are implicit although they are not mentioned but they are not enough of an incentive. Sanctions for non-performance, probably economic such as the withholding of funds, will provide the needed incentive. The sanctions will work in two ways equally effectively on the regional and local governments so that neither side could hold up the process. The last section, approval required, would require the regional plan to be signed off by the vote of cities and counties to insure the process is cooperative. The number suggested is 2/3 although there has been concern that the number should be different. The point is that it should not be 100% in order to prevent any one jurisdiction from having veto power.

Chair Myers asked if the time limit is specified as a date for which Metro must adopt the regional plan and put it before the region.

Larry Derr said it is more than that. The time limit is set for the regional plan to be in place and effective, already having been adopted by the regional and local governments. As mentioned last week, there would have to be a form of a work plan to stop at points along the way.

Chair Myers asked if the approval process is not finished within the time limit, then some set of sanctions would begin to apply to all levels of government throughout the region.

Larry Derr said that was correct. The purpose of the sanctions is to force the regional and local governments to come together. The regional government could not say that it is satisfied with its plan and wait for ratification. The local governments could also not choose to ignore the regional plan.

Chair Myers said that if the groups do not agree and the sanctions begin to apply, the conception is that it would foster everyone to work together to come to an agreement. If that fails, the sanctions would continue.

Larry Derr said that is the concept. It is an attempt to get something down on paper and highlight the weakness of what

happens when nothing gets done which is a weakness of any process involving complex issues. This is just one suggestion.

Chair Myers said that the Committee should sketch out major alternatives and organize the discussion around them as options. The next outline might offer alternatives for alternative drafting and public input. One alternative might be, with or without a time limit, to empower Metro to adopt the regional plan.

Matt Hennessee asked for the thought behind the 30 month time limit.

Charlie Hales said that the 30 month time limit was suggested just to have a number out there.

Mary Tobias said that the 30 month time limit builds in a presumption that the Committee agrees there should be a regional comprehensive plan. It is premature to be discussing the review and approval process when it has not been determined that there will be a regional comprehensive plan.

Chair Myers said that he is approaching the effort to put the information in a framework or outline, not as a statement by the Committee that this is what it has agreed to, but only that it has agreed that there is sufficient merit in the details outlined to spend time getting reaction and spending time developing drafts around it. This is a preliminary effort not intended to commit the Committee or any individuals to anything.

Mary Tobias said she agreed. She asked if Chair Myers was proposing adding lines to the outline. Anything beyond that becomes a discussion of the functions of this section when we do not know if it will need a function or not.

Chair Myers said he was intending to add lines to the outline. He would rather wait and look at the overall outline to determine if there is insufficient merit for having it appear as part of the outline. Assuming there is a regional planning authority, how does the plan get adopted? Option one could be that Metro is empowered by the charter to adopt the plan. A further aspect to that could be that the charter is silent to the way in which Metro must involve local governments. Metro could be left on its own to determine what mechanisms it will use to seek local government opinions. A second option could be the first option with charter provisions mandating some involvement of local governments in the process of reaching and adopting the plan but is short of giving them a vote on the plan. A third option would be one that would be similar to the outline. It would accord to local governmental units in some numerical formula the authority to vote on the plan. The regional governments would become constituent bodies which could reject or accept the plan. A

fourth option would be to vest in the region and take the plan directly to the voters to accept or reject the plan. He asked for any other structural approaches to be added to the list.

Mary Tobias said that another option would be for Metro to ratify the plan put together by local governments.

Charlie Hales said that another option would be for Metro to adopt the plan and then have it subject to LCDC review with special standards taking into account local comprehensive plans. He said that the plan would be largely exempt from LCDC acknowledgement as proposed but appealable to LUBA by any body.

Frank Josselson said it would be appealable to the Court of Appeals.

Ray Phelps asked if it was not appealable to LUBA.

Frank Josselson said it would not be appealable to LUBA. It would be appealable to the court of appeals for conformity.

Charlie Hales said that one option would be to bring LCDC into the process somehow.

Bob Shoemaker said that another option would be to provide for adoption by Metro with the possibility of referral to the voters or referendum by petition to the voters. That would give the voters a veto over the act of Metro.

Chair Myers said that under that option, Metro would have the option to refer it to the people but it would not be mandated. The voters could also order a referendum by their own petition.

Bob Shoemaker said that was correct.

Jon Egge asked if Bob Shoemaker was suggesting that 2/3rds of the cities could create the referendum.

Bob Shoemaker said that was not what he was suggesting although it could be another possibility. He was suggesting it be done by the voters, either as the region as a whole, or broken down in the counties.

Jon Egge asked if then there would have to be approval in all the counties.

Bob Shoemaker said yes or in two of the three.

Ray Phelps asked if Bob Shoemaker was suggesting that Metro do what it could do now. In other words, it could by ordinance refer or the people could refer by petition.

Bob Shoemaker said yes.

John Meek said it was an option now under state law.

Bob Shoemaker asked if the Constitution conferred referendum powers on all levels of local government.

Ray Phelps said it does in all of Oregon.

Chair Myers asked if it would extend to a plan.

Jon Egge said that it is possible to mentally pick certain parts from each option to form additional options. To include those with the options, however, would make the list extremely lengthy.

Chair Myers said that the major alternatives would be listed on the revised outline for the members to be thinking about if they wanted to delete or reword any of them.

Ray Phelps asked if the Adoption and Review as it reads in the outline is a reduction of Metro's current authority.

Larry Derr said that one alternative mentioned was to leave it to the regional government to determine how to get approval for the plan. This particular option is more limiting.

Chair Myers said that it leads to the question of what does it mean in terms of existing law. Will changes in legislation need to be made?

Wes Myllenbeck said that Metro now has the authority to do regional plans and functional plans. He asked if it has any other planning authority besides the UGB.

Charlie Hales said that he did not think so. He is intrigued by the approval mechanism even though it is a reduction in authority because the first page of the outline increases Metro's authority. Metro can adopt functional plans now but he does not interpret legislation to mean that Metro can adopt regional functional plans.

Wes Myllenbeck said he remembered reading somewhere that Metro can prepare a regional functional plan.

Janet Whitfield said that ORS 268.390 says that Metro shall apply and define a planning procedure. The functional plans come out of the planning procedure.

Larry Derr said that the only way to get to a broad comprehensive regional plan would be to stretch the definition of functional plans to cover all the areas. It might be able to be done from here but it is not clear.

Charlie Hales said that the statute outlining the procedure to review and require changes in the comprehensive plans would also have to be implemented.

Ray Phelps said that the items were not implemented in the way they had been intended.

Frank Josselson said that it will be an expansion of Metro. The intention, however, is to clarify the regional role and make it more regional. It would allow the regional government to do what it does best and would leave the local governments free to do those things that local governments are best qualified to do. He noted that Rena Cusma said in the Enterprise-Courier that the real task of the Metro Charter Committee is to clarify Metro's role.

Chair Myers said that he would like the members to comment on the options mentioned earlier regarding the approval of the document in order to share ideas, not to take a position.

Ray Phelps asked if the options would be provided to the members before the next meeting.

Chair Myers said that they would be laid out in outline form for the members before the next meeting.

Ray Phelps said that the members might be able to pick and choose from the various options. He asked if the 2/3rds approval was possible and if it had been done before.

Larry Derr said that the powers need to be available but do not have to be granted. They all do not need to be in the charter.

Ray Phelps asked where 2/3rds figure came from. Does it mean 2/3rds of the electors or the city officials?

Larry Derr said that it was referring to the governing bodies. This is a regional plan that incorporates all the local government plans.

Ray Phelps said that he did not understand Metro's role under the concept. Would Metro be a scribner?

Larry Derr said that Metro would probably become the scribner but it is also the body that would have to adopt the plan. If the regional government is not willing to adopt the plan, then it does not get adopted.

Ray Phelps said that it could still be adopted if 2/3rds of the local governments chose to adopt it. The concept reads as if Metro only acts as a scribner and does not have final approval authority.

Larry Derr said that was not the intention. The intention was to have the consent of the local governments before even considering ratification at the regional level. A line should be added to the outline to account for that.

Chair Myers said that if the majority of the Committee decides that Metro should have a planning responsibility, the question of what the process will be for the plan to be operative will be a critical discussion area for the Committee.

Ray Phelps said that he liked Bob Shoemaker's idea. He said that he sees the 2/3rds approval as a reduction of Metro's authority.

Larry Derr said that it is a reduction of Metro's authority but the concept also reduces the local planning authority.

Ray Phelps said that he did not see it as a reduction, just a change.

Larry Derr said that it could be seen as a change. The thought behind it was that there are some things done locally now that the region might take over. If they are being done by a combination of the local plans, then that is what he means by a reduction.

Frank Josselson said that the Committee heard testimony stating that the plan will not work unless it is developed as the result of a cooperative process which requires communication and actual cooperation. When developing the concept, one concern raised was what is a cooperative process? Into that goes what the regional and local governments do best. The second concern was that the concept could not be a top down process because of local resistance. It would not work. CRAG showed that a bottom up process does not work either because it is difficult to get cities and counties to communicate. The goal was to develop a process which requires communication. The region should work as one, not 27 individual governments. There are virtues to all the options given yet none met the virtue that was being striven for with this proposal. The virtue which was striven for is not a top down or bottom up process but a process where both the local government and the regional government do their best and are forced to communicate or else there would be sanctions and penalties.

Chair Myers proposed that the revisions made so far be generated with alternatives for the members for review at the last run through of the outline. The alternatives would be approached in a manner to eliminate options that the Committee decides as a whole do not merit further discussion or comment by the public.

Matt Hennessee asked if the Committee would be allowed to combine different alternatives and change them around.

Chair Myers said absolutely. The Committee is not restricted in any way. He suggested the Committee move onto the area of *Regional Significance*.

Larry Derr said that *Regional Significance* is an equally important subject. It is not a new concept from the current statutes. Metro currently has the ability to determine certain matters of regional significance within the planning process and deal with those on a case by case basis at the regional level. This concept would mandate in the charter that the regional government must come up with a workable definition of regional significance to provide more guidance than is currently in the statutes.

Janet Whitfield asked if the definition of 'regional significance' would be in the charter or in the plan.

Larry Derr said that the mandate calling for a definition would be in the charter and the definition itself would be in the plan. The definition could be in the charter if the Committee can come up with a proper definition.

Jon Egge said that the thought, when writing the outline, was that if the Committee wrote the definition, it would be making the plan to some extent rather than allowing the governing body to make the plan.

Chair Myers said that the Committee should be clear that *Regional Significance* is an element the plan must address. Chair Myers suggested that the Committee move on to *Periodic Review*.

Larry Derr said that there are two elements to the outline. The first, the comprehensive regional plan, has a 50 year time line. The second, the future vision, has a 100 year time line. Both should undergo periodic review. The future vision should be revisited at least every 10 years. The comprehensive regional plan should be revisited every two years. Some trade offs there would be how easy it is, if at all possible, to amend the regional plan other than during the periodic review process. If you build in some kind of amendment process outside of periodic review, then the periodic review would probably be less frequent. There are some arguments for limiting any amendment to the plan in the periodic review process so it would draw together, to the extent that the plan might affect site specific issues, and those would be limited. Those would be drawn into the review as well as simply revisiting the relationship between cities, counties, and the regional government. All of that would be done under the *Periodic Review*. Whatever process is decided upon for the adoption of the regional plan, it should be the same for amendments. The reason for that is that if it is important to go beyond the regional body for the adoption process, it is equally important to have the same input into the amendments.

Chair Myers said that under the issue of *Periodic Review*, there is the issue of the frequency of review and the issue of the method by which amendments are made. The list of options the Committee went through earlier for the adoption could also apply to the amendments if the Committee agrees there should be some concurrence.

Ray Phelps said that there was legislation during the last legislative session regarding periodic review. There was a bill that passed that changed periodic review. The driving force behind that was that local governments cannot currently accomplish a periodic review every seven years. It is also a costly process, especially when it is not needed. There were a lot of governments state wide who participated in the passing of the bill. It made periodic review less hostile. It would be helpful to have the staff look at the legislation. It could give the Committee an impression of how periodic review is viewed state wide. The timing of periodic review was a main issue.

Chair Myers said that the staff will look into the legislation.

Ned Look asked if Multnomah County is mandated for charter review every ten years.

Charlie Hales said that it is.

Chair Myers said that the frequency of review and mechanism for approving amendments are two main issues under *Periodic Review*.

Larry Derr said that periodic review of cities and counties plans are currently carried out by the local jurisdictions but they are subject to oversight by LCDC.

Frank Josselson said that the outline is suggesting that LCDC not be involved in terms of the periodic review process. The regional government can give them the option, once the plan is adopted, to acknowledge conformance with LCDC goals.

Charlie Hales said that a periodic review every two years might be too frequent if LCDC was included. Since the proposal is for the regional government to review their own plan, two years may not be that bad.

Frank Josselson said that cities and counties have a cycle of usually one or two years for presenting amendments. This proposal was intended to mirror that process.

Charlie Hales said that it would be better to have frequent reviews by the governing body than have constant specific background amendments because there is so much time spent on amendments that there is not any time for periodic review.

Frank Josselson said that the two year cycle would apply to the aspects of the regional plan. Local government could amend their portions of the plans any time they want to, with oversight by the regional government, to make sure what is being amended will not have regional significance.

Ray Phelps said that his concern with the two year period is that if the plan is not subject to LUBA but to the Court of Appeals, it could take longer.

Larry Derr said that it is a sequential process. If it starts at LUBA, the next step is the Court of Appeals. The proposal shortens the process.

Ray Phelps said that he did not agree. Sometimes LUBA fixes the problem and it does not go on to the Court of Appeals.

Frank Josselson said that the current statutes call for a Court of Appeals review of LUBA decisions in 180 days which is how long it takes to get a case to LUBA.

Ray Phelps said that there needs to be a time line somewhere.

Wes Myllennebeck said that two years is too short. Speaking from his experience as an elected official, he said that review takes lots of time and a process to combine review and updating of the plan is needed.

Chair Myers suggested the Committee deal with omissions from the outline before moving on to the *Future Vision Concept*. The outline did not address Metro's authority with respect to amendment of local plans.

Larry Derr said that it is not in the parred down version. Jon Egge, Frank Josselson and Larry Derr did discuss, when writing the outline, that local plans would continue to utilize whatever adoption processes they contain now. Amendments to those processes would be made as frequently or infrequently as the local government would choose. The only thing that would change would be the possibility to call into question the possibility of conflict between the local plan and the regional plan. If there was reason to believe that the local plan would no longer be consistent with the regional plan, then the issue could be raised. This follows the current model of individuals or other jurisdictions being able to pull up an amendment to a local plan and ask LCDC to review it to see if it is consistent with the Statewide Goals. A local amendment would be effective when adopted unless someone calls up the amendment for review.

Chair Myers asked if Metro would have the authority to review the amendment to see if it was consistent with the regional plan.

Larry Derr said that, in order to be consistent with the model, Metro would have the authority. The issue is consistency with the regional plan and Metro is the keeper of the plan.

Chair Myers suggested adding, after *Periodic Review, Local Plan Amendments* to the outline.

Frank Josselson suggested changing VII to *Periodic Review of Regional Framework Plan* and renaming VII-A *Local Plan Amendments*.

Chair Myers asked what would come under *Local Plan Amendments*.

Frank Josselson said that, under *Local Plan Amendments*, there would be the *Regional Oversight to Insure Conformity* which has two aspects. First, the local plan should not interfere with the regional plan. Second, it should not interfere with the attainment of another local plan.

Bob Shoemaker asked how that would happen.

Frank Josselson gave the example of a shopping center on the edge of a jurisdiction which would cause road changes in another jurisdiction that are not consistent with that jurisdiction's plan.

Janet Whitfield said that she was talking to someone from LCDC who suggested that the local plans be approved by neighboring governments to see that they accommodate each other.

Larry Derr said that it would be a good second choice if there was no regional government.

Charlie Hales agreed.

Bob Shoemaker said that he was not satisfied with Frank Josselson's answer. If a local improvement is going to affect another jurisdiction's improvement, then maybe it is of regional significance in which case it merits Metro review.

Frank Josselson said that the regional oversight would be triggered by a local plan amendment which has substantially affected another jurisdiction.

Larry Derr said that the majority of the instances would be dealt with in the majority plan but someone other than those who wrote it or approved it may perceive cross jurisdictional impact and they would have someplace to go. A few instances would be handled on a regional level with the siting and development in the regional plan.

Bob Shoemaker asked if the governing body of the neighboring city would have enough standing to force an appeal to the regional

government of its neighbor's local plan.

Larry Derr and Frank Josselson said yes.

Bob Shoemaker said that it would also be a burden on local planning if there are cities who, for political reasons, are trying to get in each other's way.

Larry Derr said that it happens now when someone tries to bring it up as a Statewide Goal issue.

Charlie Hales said that he has been thinking about where the boundary is between regional responsibility and local responsibility in the concept. One option is to go back under sections II (*Regional Responsibilities Listed*) and III (*Local Plans*) and specify under *Local Plans* that the local governments are responsible for local zoning calling it site specific designations. Under *Regional Responsibilities Listed*, specify guidelines of local zoning and the power to order modifications of local plans to achieve conformity. That is another way of doing it without putting it in the review and mechanical sections of the draft. You would have to go on from there and define local zoning.

Larry Derr suggested not using the word local and just define zoning. Zoning should not be in the regional plan.

Chair Myers said that he favors the issue of review stated as a separate matter. One objective of the Committee is to make Metro's authority make more sense. Achieving that would include first defining what the plan is and what it is not. The matter we are now discussing takes us into implementation and might best be kept separated from what the plans include and how they are adopted.

Charlie Hales said that he brought it up because it needs to be clearly stated. Also, we do not want to be in a situation where the changing of the local plan issue should not put you in a position to modify the regional plan. The division needs to be made as cleanly as possible in order to avoid that situation.

Chair Myers suggested going back and looking at the first phase of the outline.

Janet Whitfield said that Charlie Hales said that local zoning would be site specific. Under the regional responsibilities, would the regional plan be site specific for locations for commercial, industrial development?

Charlie Hales said the regional plan will be objective specific but not site specific.

Janet Whitfield said that in reading over the previous week's minutes, it sounded as if the regional plan would be more powerful because of the use of site specific planning in certain cases.

Charlie Hales said that is one way of doing it but you can also be more powerful by being objective specific. For example, the Metropolitan Housing Rule was powerful and objective specific.

Bob Shoemaker asked if Metro would have to be somewhat site specific at least in terms of general locations such as a large industrial park or shopping center. For example, if there were only five areas suitable for an industrial park, those areas will need to be preserved for future growth and planning, such as transportation, will need to be done in order to serve those areas.

Charlie Hales said that Bob Shoemaker gave a very intriguing answer and he would have to agree given the scenario.

Frank Josselson said that he would put decisions like that under VI (*Regional Significance*). Planning for the region is a regional function and is site specific. Applications will also be regional and site specific.

Mary Tobias asked what would happen if at the time of designation, a parcel of land was thought to be of regional significance but, in actuality, it was not. For example, a piece of land was designated industrial but no market demand has ever developed because it was sited in the wrong place. The land is ideal, in the UGB and on the highway. How will situations like this one be handled when the designation is totally wrong and the property owner is penalized since the land cannot be sold?

Larry Derr said that the situation would probably be handled no better than any other zoning process. There is no assurance that if it is done legislatively, it will have a market. The important thing is that there is an amendment process which is responsive to the community. He said that there is also another issue that the Committee must deal with which is where to go, the regional governing body or the local, to get zoning changes if both the regional and local governments will have zoning authority. In the past, land use lawyers never knew where to go. In the past, if they guessed wrong, they wasted time and sometimes did not have a second chance. It will not always be easy to know when the change over from local to regional will need to be made and it could happen that the individuals could guess wrong. The amendment system could include a process to put the issue in the proper jurisdiction right away if the guess was wrong rather than having to start over.

Mary Tobias said that the balance of available land for specific

uses would be much more critical. Changes, such as the one she gave, would upset the balance much more easily under this proposal than under the current system. When going to a massive overarching regional comprehensive plan, the balance of land uses will readjust if a shift occurs. The Committee seems to agree that a firm UGB is in the best interest of the area. With a firm UGB in the future with constant growth, the switch demanded by the market will shift everything out of balance. Under the proposal, this would be a real potential because there is not much ability to do the shifting at the micro-government level. It is more at the macro-government level.

Larry Derr asked if the underlying assumption is that city and county plans would be more responsive to changes than the regional plan.

Mary Tobias said that at a smaller government level, there is more opportunity to react more specifically which can be both positive and negative. At the regional level, the ability for decisions to be politically influenced by other jurisdictions, special interests, and special districts is much broader and more likely.

Larry Derr asked if Mary Tobias would accept, as a starting premise, that it should only happen if it only has regional impact and significance.

Mary Tobias said that she did not know.

Larry Derr said that if Mary Tobias agrees with him, it makes sense that other interests are heard.

Charlie Hales said not to forget that the shift in periodic review and comprehensive plan amendment review to the regional government from LCDC will create a better time line for the property owner. Currently, the changes would go through LCDC, which is appealable to LUBA, and then the Court of Appeals.

Larry Derr said there is also the issue of responsiveness. LCDC does not have the depth of knowledge nor the same level of concern of regional issues as the regional government does.

Charlie Hales said that it is not like there is local autonomy over the changes in the plan now. If the appeal process is at the regional level, it could be more rapid.

Frank Josselson said that even for the smallest, most trivial change, LCDC is going to add 45 days to the process.

Larry Derr said that the point is that any amendment to a comprehensive plan must go through the process.

Mary Tobias said that the potential is there for one jurisdiction, through the political channels, to delay changes.

Frank Josselson said that it does not take a city to do that. Under the current law, one person can hold up a development through all the stages with the appeal process. It is an everyday occurrence. The fact that every system has the potential to be abused does not mean that you should not have a system.

Bob Shoemaker said that Larry Derr's suggestion that Metro ought to have a quick process to determine whether a proposed amendment has regional significance or not is something the Committee should not lose sight of.

Charlie Hales said that part of that problem will be solved by a hierarchy of how the regional planning process operates with the local planning process. There could be parameters, as in the Metropolitan Housing Rule, in the regional plan which could be instituted through the local governments. All that would be done would be to set parameters and goals in the regional comprehensive plan for housing since there would never be a housing development with regional significance. There is a subregional coordination issue which is not site specific but which could include commercial strips where no one parcel is of regional significance but the whole pattern of zoning constitutes regional significance. The third and final step would be the regional industrial park or shopping center that was a development of regional significance. There could be a different relationship between the regional planning process and the local planning process for each of the three tiers of planning and development.

Bob Shoemaker said that a housing circumstance that would trigger regional review would be if certain requirements for low income housing were planned and zoned by the regional government, then a change occurs to rezone some land which deletes some of the low income housing.

Ray Phelps said that the Committee needs to spend time defining regional significance or else micro-managing will occur as it is with LCDC. LCDC is doing one thing and we are proposing something closer to home but that will have the same result. He asked if there has been conversation with respect to how to develop a comprehensive plan to include the cities and counties but not all of each county. It is intriguing as to how to do a regional comprehensive plan that includes portions of three counties where the counties may be planning comprehensively for the best utilities for the territory. That may not always be consistent with the best utilization of the lands inside the county, inside the UGB, in the regional government.

Larry Derr said that maybe it should include all of the counties.

Ray Phelps said that he did not know. He was just bringing the issue to the Committee.

Larry Derr said that it is only planning the Committee is discussing now, not functions or services, but it is an issue which the Committee will need to discuss. He said that in the area of *Urban Reserves*, the issue is run into, head on.

Chair Myers said that he proposed as an outline item *Local Plan Amendment*. Are there other aspects of local plan implementation which ought to be considered in relation to Metro's authority in respect to the issue of consistency of the regional goals and objectives? He is distinguishing implementation from amendment. Are there potential impacts just from the implementation of the local plans without amendments which could be inconsistent with RUGGO's?

Charlie Hales said yes.

Larry Derr said that it could be. The preferable starting point would be to maintain the hierarchy where each level is implemented and is consistent with the one above it. Levels are not skipped over by way of control from above.

Bob Shoemaker said that if you are proposing to build something, and it is consistent with the zoning and the plan, that should be it. There should not be anyone higher up the ladder saying that it should not be built. Consistency with the plan should be the point.

Chair Myers said that he will work on examples for next week when the Committee returns to *Local Plan Amendment*.

Ray Phelps said that permitting fits into the issue that Chair Myers is discussing. It comes after the zoning and planning process and begins to wind around an otherwise immune plan.

Larry Derr said that enforcement may be the place to address the issue that Chair Myers is raising. It would be possible to subvert an acceptable plan by breaking the rules. The Committee has discussed enforcement in the past.

Charlie Hales said that it could infer the enforcement order process from LCDC to the regional level.

Frank Josselson suggested adding *Regional Enforcement* as item XI on the outline.

Chair Myers asked how enforcement differs from plan amendments and Metro responsibility in respect to plan and amendment review for consistency with the regional plan.

Bob Shoemaker said that it relates to implementation.

Frank Josselson said that the question is if the city is carrying out its regional plan in decision making.

Charlie Hales said that the statute is correct about the test but the location of the test should be regional not local.. The pattern and practice at the local level compromises the plan.

Larry Derr asked if Charlie Hales was referring to the LCDC enforcement order.

Charlie Hales said he was.

Frank Josselson said that Senate Bill 100 in regard to permitting attempts but fails. It fails to make land use decision making more predictable. Vague standards allow local groups to undo the plans for siting. It would be beneficial in the charter to have some terms which would require local jurisdictions to have standards regarding siting decisions to allow for better investment decisions. Senate Bill 100 permitting also fails in that, as you go around the region, you encounter 27 different ordinances and procedures, of which no two jurisdictions have the same standards for land use decision making. One important purpose of the regional government is to have regional uniformity for ordinances and procedures.

Chair Myers asked Frank Josselson, in relation to the evolving charter, to summarize if what he just described is a directive in the charter for Metro to prepare a recommended model for the consideration and voluntary adoption by the various jurisdictions.

Frank Josselson said that is what he suggests.

Larry Derr asked if it is a goal that says this is what you must have and a guideline saying this is what will work.

Frank Josselson said yes. It would be a model that would provide uniformity.

Janet Whitfield asked if the general model would have the same 2/3rds general acceptance.

Frank Josselson said no. It would be purely advisory and the hope is to get voluntary cooperation.

Chair Myers said that in regards to the outline, after IX (Urban Reserves) and before X (Legislation Required to Reconcile Inconsistencies), add Regional Enforcement as a new item. After Regional Enforcement and before Legislation Required to Reconcile Inconsistencies, add the new area of Metro Development of

Recommended Model of Standards and Procedures for Local Land Use Decision Making.

Frank Josselson said that, in terms of uncertainty given conditional use permits, there are very few properties that are zoned outright. The charter should direct local governments to avoid putting developers and neighbors in the situation where they have to guess where and how land will be developed. Senate Bill 100 was suppose to provide predictability but things have not become more predictable.

Chair Myers said that the outline reads *Metro Development of "Model", Standards, and Procedures for Local Land Use Decision Making*. He asked if Frank Josselson was describing something further.

Frank Josselson said that he was describing something further. In the regional plan, he would like to see a provision requiring that local zoning contain standards that lead to predictable decisions.

Chair Myers said that it might fit better under contents of the plan. The Committee will review the idea when it looks back over the final outline. There will still be a mandate for Metro to develop and/or recommend standards and procedures that would assist local governments in meeting that objective.

Frank Josselson said that the other side of the coin is that when local government does do the zoning under standards, the results are reasonably predictable.

Ray Phelps said that he is has a concern about the regulatory bodies that are all involved in the planning process such as the DEQ, Water Department, and Transportation Department. It brings into the planning process other discreet, regulatory responsibilities which impact land use permit, zones, and use of the land. The committee needs to recognize that it is part of the process.

Frank Josselson said that LCDC Goal 6 does require that the plan conform to state agency rules.

Ray Phelps said that the rules are constantly changing. He is talking about things that are approved and done deals that become nothing because of the involvement of regulatory bodies.

Chair Myers suggested moving on to point VIII *Future Vision Concept*.

Larry Derr said that the basic element that the *Future Vision* ought to include deals with urban growth and settlement pattern.

Ray Phelps directed the Committee to the minutes of October 10, 1991, page four, for information on the *Future Vision*.

Frank Josselson said that the *Future Vision* establishes a population level and settlement pattern for six counties, within the carrying capacity of air, land, and water, that can accommodate the desired quality of life.

Chair Myers asked if the vision would be adopted by Metro first and then the regional plan would be adopted by Metro.

Frank Josselson said that the vision would guide the regional and local plan. It is not empty or window dressing but an attempt to look into the future, set limits, and look at other growth areas. This would empower the governing body and have them tell us what we will look like in 100 years. It would be used as a model for more specific and short term planning.

Chair Myers asked if the long term vision would precede Metro's adoption of the regional plan.

Jon Egge said that it would initially be done simultaneously with the regional plan. It will then be a guideline for the short term plan.

Larry Derr said that in the work plan, it would be set up to work on the future vision first. By *legal exemptions*, there would be a mandate that the regional plan conform to the vision, but the declaration in the adoption in the regional plan that it did would be a conclusive presumption. The future vision should be generalized and is the farthest thing from a land use regulation. It would avoid any appellate possible second guessing of what the plan means.

Frank Josselson said that the future vision should not have any regulatory effect. It should be a pure plan used for planning purposes and a planning tool only for the specific short term regional plan.

Charlie Hales said that in RUGGO's, there is a clause saying that it is not a regulation and cannot be taken to court.

Ray Phelps asked how it would be possible to insulate the future vision from questions and litigation when the local planners are being required to consider, evaluate or view the vision in their planning. He asked if an extraterritorial body was being formed since it will go outside the current Metro boundaries.

Frank Josselson said that the future vision does not have a regulatory force. It is just a planning mechanism.

Ray Phelps said that if you have a comprehensive plan that is a land use process, and you demonstrate how you used the future vision, then there is a problem with how to connect the two at some point effectively.

Larry Derr said that they are connected. The reason they should be insulated from judicial review is that the future vision is not what people should be arguing about. We should feel comfortable insulating it since the same group of representatives are doing the future vision at the same time they are writing the short term plan that should be consistent with the vision. The plan would only have legal affect in the three counties but it would not be visionary if the whole area, the six counties, were not included in the 100 year plan.

Ray Phelps asked why it should be in the charter.

Larry Derr said that the vision is not in the charter. The mandate to create the vision is in the charter. Without the mandate, Metro would not be required to do it but could do it.

Ray Phelps said that they would be required to do it because it was stated earlier that they would be required to have the future vision available when they are writing the short term plan.

Charlie Hales said that the Committee is only suppose to enable planning not do planning. He said that he did not understand the legal exemption section. Does it mean that the regional plan will not be subject to land use regulations and goals? He said that it should say that we delegate the goals and enforcement and we delegate the statutes as they are brought to bear on the communities to Metro. This region is not exempt from the goals or compliance from the statutes. All that is being done is carrying the authority from LCDC to Metro.

Frank Josselson said that is the way it is.

Charlie Hales said that the regional plan and the local plans are going to be judged in light of the statute and goals. The vision is just an expansion of the planning process that would not be subject to the goals because it is not a comprehensive plan.

Ray Phelps said that there is no benefit to challenge part of the process to get the comprehensive plan.

Charlie Hales said that it is not possible to challenge the whole comprehensive plan now. The only thing that can be challenged is the Goal Five inventory or the comprehensive plan based on the Goal Five inventory. Definitions and prejudices cannot be challenged.

Ray Phelps said that he is bothered by the vision.

Larry Derr said that there is no benefit of challenging the LCDC goal. The LCDC goal is the standard. Somewhere along the way there is a legislative statement stating what the standards are. Not every statement of policy can be decided by a court nor do they need to be.

Ray Phelps said that those could be brought in a subjective process. The proposal makes it less than subjective by making it tangible. You are requiring that it be part of the process.

Frank Josselson said that certain procedure requirements would be imposed. For example, that the future vision be done in cooperation with LCDC, Tri-Met, ODOT, the six counties, all the cities, etc.

Bob Shoemaker said that he has vague discomfort with the future vision. If the Metro Council adopts a future vision and says it is not law, it will still be regarded as law as to where they want to go. It may influence decisions on where to locate industry and houses. It might have a self-fulfilling prophecy which might not be wise. It might be helpful to establish a body separate from Metro but comprised of citizens with planning experience, in an advisory capacity, to establish a future vision to give everyone in the region a sense of where the area is going but without the clout of Metro doing it itself.

Jon Egge said that was the reason to avoid using the word plan. He said that it does not really matter who does the future vision but that a future vision is done as part of the process.

Bob Shoemaker said that he agreed.

Jon Egge asked if the vision is not done here, then where.

Bob Shoemaker said that the City Club could be an example. When they did a future vision study, it was well received and the city took action in accordance. A group like that would be helpful to work on the vision. It would be beneficial because it would allow the vision to be truly visionary without having politics interfere.

Mimi Urbigkeit asked if there is any reason that the Metro Council could not appoint an ad-hoc committee of citizens to perform the task of writing a future vision.

Ray Phelps said that they have and exercise the authority now.

Bob Shoemaker said that the Metro Council should be called upon to do it.

Frank Josselson said that if the idea of real long range planning is taken seriously, then you do not want the concept itself to

have a stature less than the framework plan it is suppose to govern. If it is adopted by an appointed committee, it will have an inferior status to the regional framework plan.

Bob Shoemaker said that Frank Josselson acknowledged that when he said it will not be regulatory, it will have some status.

Larry Derr said that he does not see it that way. He said that he did not mean that if it was not law that it did not have to be followed. The determination that it had been followed would not be subject to challenge.

Frank Josselson said that it was law binding only with respect to the regional framework plan and regional comprehensive plan.

Larry Derr said that it will force a governing body and other elements which go into adopting the regional plan to come to grips with the 100 year vision and pronounce that they have come up with a regional plan that conforms to that. He said that he does not think anything more than that could be mandated on paper.

Frank Josselson said that there are some important concepts that the people making the planning decisions should be thinking about. For example, do we want nodes of development or an ever expanding UGB? We won't tell them how to think about the concepts, just to think about them.

Bob Shoemaker said that growth pressures outside of the area, that the vision did not prepare for, might impede the future vision process. For example, the vision calls for growth in Yamhill County and no growth in Columbia County. In actuality, growth occurred in Columbia County. Metro could amend the regional plan to deal with the growth and pretend that it is consistent with the future vision when it is diametrically opposed.

Larry Derr said that you could change the future vision. He said that he thought Bob Shoemaker was going to say that Metro could get into trouble by making assumptions and having the facts change.

Bob Shoemaker said that was his point.

Jon Egge said that is the perfect example of the legal exemption idea. If there is not legal immunity, then there is risk of a legal challenge for the whole plan based on a vision that was never meant to be concrete, specific or unchangeable. The future vision must be mailable.

Ray Phelps said that the problem is that the vision is required to be considered. When you introduce it into the planning

process, it will not be insulated from legality. In regards to if it is followed, Metro is a political organization and it will politically follow or politically not follow it. He said that it seems like the proposal adds another level on a planning process with two other levels that the Committee has determined is complex.

Jon Egge said that the experts the Committee heard from said that 20 years is too short and we must look 50 years into the future. Other experts said that a longer vision also needs to be looked at. The future vision is an attempt to make the longer vision a part of the process. If there is a better way to get it into the process, that is fine.

Ray Phelps asked why the vision is in the charter. He also asked why the comprehensive planning process is dependent upon the 100 year vision.

Frank Josselson said that it is to make people think.

Ray Phelps said that a law is not needed.

Frank Josselson disagreed.

Mary Tobias said that she takes exception to the 100 year process. Business has stopped doing five year future planning because there are too many things out there that shift dramatically and quickly that change the dynamic of the company. It is elitist to say that people in the community have enough vision and foresight, and represent enough interests, to be able to describe the community in 100 years. Vision processes do not do anything because there are too many little wiggles in the process.

Frank Josselson said that was a good reason to get rid of planning.

Mary Tobias said there are reasons to have planning to accomplish certain kinds of things. The goals for 100 years from now cannot be set today.

Frank Josselson said that the proposal is not suggesting that.

Charlie Hales said that there should be a provision in the charter to instruct Metro to base its regional comprehensive plan on research which expands beyond the planning period. In other words, empower and instruct Metro to look beyond the plan but do not tie a specific time period to it. The region does need to look beyond a five or ten year planning horizon for some factors that go into the planning process and some of those are predictable but others are not. In the charter, it would be better to empower and equip Metro to utilize the research. The

charter should tell Metro to utilize the research where it can but the primary task is adoption, ratification, and enforcement of a regional comprehensive plan.

Chair Myers suggested moving on to *Urban Reserves*. He said that he would work with Janet Whitfield to set out the alternative outlines that have been described.

Larry Derr described *Urban Reserves* as a tough issue. The concern is two fold. First, to have an idea of where the boundaries will go, when they expand, so that services that are brought up to the boundaries will be able to provide the services to the expansion beyond the boundary should the boundary expand. The other issue is how to control land use activity in the areas so they remain available for eventual urban use. Beyond wanting to be certain that the regional plan addresses the issue, and has the tools to address the issues, is the planning process.

Chair Myers asked if *Urban Reserves* is describing the contents of the plan.

Larry Derr said it is describing a required element of the plan.

Chair Myers said for purposes of organization, *Urban Reserves* should be moved to the area of the outline describing what the plan will address or contain.

Charlie Hales asked what powers Larry Derr had in mind for this section. He suggested some which would require legislation, others which would require more than just an element of the plan. Do you want to eliminate haphazard development of land that is designated as urban reserves, or confer land division, water, and septic permit authority on Metro? If you want Metro to do an airtight job of managing the development of urban reserves, then give Metro the authority to reject wells and septic permits on five acre lots.

Larry Derr said there is no end to how far the authority can be taken. It is a question of authority as well as planning.

Charlie Hales said that Metro might be given super-ordinary powers of zoning, which should be local, in areas of regional concern.

Frank Josselson said that *Urban Reserves* was the one land use policy that was important enough to go into the charter. It would be one standard policy to end the growth of five acre lots with million dollar homes on them in the rural areas.

Jon Egge said that there is a good article on the outside table on the farm land in Clackamas County which amplifies the concern. He sees the developments, a house on five acres, every day and

the fact that those are allowed is a land use policy. More than one person testified before the Committee and said that the one house on five acre lot may preclude the growth of the UGB.

Mary Tobias said that it is not true. Million dollar homes are found in every neighborhood in the region. The million dollar homes once stood on ten or 20 acre lots and then were divided among the children and grandchildren to build.

Jon Egge said that those homes were built in a different time, particularly in regard to DEQ and sewers. That particular scenario, while it does exist, is impossible to recreate with the laws we have today. That is why it is important to address the issue in a different way.

Mary Tobias said that is not true. It is part of the myth that keeps getting perpetrated. You do not develop a mid-Multnomah County any more because now, when you reach that density, water and sewerage is brought along with it through annexation. That is different but the land will still be subdivided and will have dense development.

Charlie Hales said that the situation is different. When there is one house in the middle of a 640 acre homestead or the middle of a quarter section, that is different than having a million dollar home on a \$250,000 five acre lot. That is Dunthorp which is not annexed, does not have city sewers and began development in the 1910's. The difference is density of development. Five acre development with a house on every five to ten acres is built out, not in the holding zone pattern.

Frank Josselson gave the example of the five acre lots with million dollar homes located between West Linn, Lake Oswego, and Tualatin. The region has provided infrastructure and sewerage for the area. He asked about the wisdom and prudence of the financial commitments that the region has made for the infrastructure and how much is getting paid back by the people.

Mary Tobias said that in the future, it will be discovered that this discussion is wrong. The parcels of land will be subdivided. The million dollar homes on five acre lots will not be there in 20 years.

Charlie Hales said that he disagreed with Mary Tobias' argument. He said that the five acre lots will not be developed within this lifetime. He said that Mary Tobias' argument says that the planning of the area should be left to the property owners. The planning of any area of land is not left to the property owners.

Mary Tobias said that was not her argument. She said that she is arguing the myth. She is tired of the myth having no rebuttal when there is a good, realistic rebuttal. When talking about

interesting things that we are going to impose on the region, we need to take the myth away.

Charlie Hales said that we cannot take that chance. The region is going to expand and someone, i.e. Metro, will have to say where it will expand. That same someone ought to be empowered to make sure that it can expand there. According to current trends, what is happening in that area is compromising the ability for the region to expand. Therefore, we need to confer the power to do something.

Mary Tobias said that is the myth.

Charlie Hales said that we cannot take the chance.

Mary Tobias said that we can.

Bob Shoemaker gave the scenario of no urban reserves, simply a UGB. Everything outside the UGB would be rural land and those lots would be larger than five acres so there would not be five acre lots developing. When the time came to expand the UGB, Metro could take a look at the situation and decide where it ought to expand. The negative side would be that it would not be anticipated and there would not be infrastructure planned for. But that might be offset by more flexibility and everything outside the UGB would be rural.

Frank Josselson said that he is not opposed to that because the basic important thing is to preserve the options.

Charlie Hales said that if there were ironclad 40 acre minimum lot sizes outside the UGB, then the only downside of not having urban reserves would be not being able to plan for services, which is still significant. There would be flexibility, however, to where the region would grow. Even if it was financially and technically feasible to redevelop the areas, it would not be politically feasible to. The region will have no choice but to go outside the UGB to areas where there are large parcels.

Mary Tobias said that the big difference is that we have land use planning. We are starting to use the tools that were developed in the 1970's. In the last five years, the comprehensive plan system has been implemented and we are starting to use it. There are some problems but they can be dealt with. It needs to be continually examined and challenged. The system, however, is not in disarray.

Frank Josselson said that he finds the system very difficult to work in since there is no predictability.

Charlie Hales said the bias in favor of expanding the UGB is an advantage of urban reserves. With Bob Shoemaker's suggestion of

maintaining strict 40 acre lot sizes outside the UGB, you are taking chances on expanding the UGB at any site. That, uncertainty, is what we have now. The other advantage of urban reserves is fast tracking the permitting of UGB expansion into those areas. It would not be nearly as difficult to move the boundary some where else. He supports putting urban reserves in the charter.

Frank Josselson said that the vision will tell where the growth will stop and where the greenspaces will be. There is nothing preventing this area from becoming a major urban area. Hopefully, someday the future vision will be more than a guide for what happens in the Portland area and will include the five or six county area.

Mary Tobias said that it is elitist.

Judy Carnahan disagreed.

Betsy Bergstein, Metro staff, said that Vision 2040 is a visionary process funded by Metro, ODOT, Tri-Met, and local governments. It will look 50 years out and will provide five alternatives for the region.

Jon Egge asked if it would be done by a consultant.

Betsy Bergstein said yes.

Jon Egge said that is not what he had in mind with the future vision.

Betsy Bergstein said that it is a massive community organization project designed to get community groups' input.

Mayor McRobert, Mayor of Gresham, said that the whole point is massive citizen input into the vision.

Charlie Hales said that it is not appropriate at this time. In the future, the visionary role is that of the Metro governing body, not a consultant, regardless of how much citizen input is involved.

Frank Josselson said that he objects to the consultant doing the vision when it should be the Metro Council. It says a lot of bad things about the way regional government is operating. It is being run by appointed committees and paid consultants rather than those who were elected.

Bob Shoemaker said that if Metro was doing it, they would hire experts to work on it, whether they are called staff or consultants.

Frank Josselson said that Metro does have a planning staff that could be doing the vision.

Bob Shoemaker said that more staff might have to be hired to do the vision who they may retain now as consultants. It is not that critical of a point.

Betsy Bergstein said that Metro staff will be used to go out into the community.

Chair Myers said that he will work with Janet Whitfield to go over the second half of the outline.

Janet Whitfield distributed the revisions of the outline from the October 10, 1991 meeting.

Chair Myers asked the Committee to carefully go over the outline for possible revisions. At the next meeting, the Committee will go over the outline to prepare a working outline for public input and initial drafting. He said that he will prepare an outline for the next meeting on the other functions and powers of Metro.

Charlie Hales asked if there needs to be work done before the next meeting as to what might be covered under point XI, *Metro Development of Recommended Model of Standards and Procedures for Local Land Use Decision Making*.

Chair Myers said yes.

Charlie Hales said he would be willing to work on it.

3. Additional Business

Chair Myers distributed information from the Regional Governance Committee with respect to the initial draft proposal and asked the members to review it.

Mary Tobias said that the Committee now has two documents from the RGC dealing with what the Committee is discussing. She said that before a draft is constructed, there needs to be dialogue with the RGC about their opinions and information they have provided to the Committee. She is concerned that the Committee will continue on and, although it would like to, never bring in the testimony.

Janet Whitfield said that the Metro Council would also like an opportunity to talk with the Committee.

Chair Myers said that he will arrange for opportunities for the RGC, Metro Council and other interested groups to give input into the process. He asked them to continue providing the Committee

with written comments as a first wave of reaction. He said that he would like the Committee to get through the functions in outline form and then draw reaction off of that. He is determined that the groups will have adequate opportunity to comment.

Mary Tobias asked Janet Whitfield to date the material that is handed out.

Jon Egge said that it is important for the Committee to know what others on the Committee are saying before hearing from other interested parties.

Bob Shoemaker agreed.

Janet Whitfield said there have been requests for ways to contact the Committee members. She will pass out information next week regarding what information the Committee members would like available.

Ned Look said that he asked before for biography information to be done on the Committee members such as what background each individual has that lead to the appointment. He would like the biography to be on file in case it is needed.

Chair Myers said that the biographies should be constructed. He asked staff to work on them.

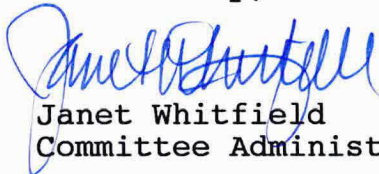
Chair Myers adjourned the Committee at 9:30 p.m.

Respectfully Submitted,



Kimi Iboshi
Committee Clerk

Reviewed By,



Janet Whitfield
Committee Administrator

Materials following this page represent
Attachments to the Public Record

**INFORMATION FROM REGIONAL GOVERNANCE COMMITTEE
TO CHARTER COMMITTEE REGARDING DRAFT
"REGIONAL PLANNING POWERS AND RESPONSIBILITIES" PROPOSAL
October 17, 1991**

We would like to offer the following brief comments regarding the draft "Regional Planning Power and Responsibilities" proposal outline discussed by the Charter Committee at its October 10 meeting. We understand that the proposal is a discussion draft which the committee is still working on and we will not provide a point by point commentary on it. However, we do think it is in everyone's interest that the document the Committee ultimately released for review be as solid and supportable as possible. This will help to build credibility for the Charter Committee's process. Therefore, we appreciate the opportunity to offer some general thoughts on your discussion last Thursday, October 10th.

Functional Planning

The Regional Governance Committee to date has only addressed land use planning issues. We hope that the Charter Committee will seriously consider the information submitted by the RGC to it at the October 10 meeting as it deliberates on the proposal it is working on. The RGC's information supported functional land use planning as an effective, reliable, efficient growth management tool. For land use issues we believe this is a better approach to conducting regional planning than the approach set forth in the draft proposal.

Recommended Deletions and Amendments

We recommend that sections V and VII of the draft proposal related to adoption and amendment procedures be deleted entirely at this time. The Committee's schedule calls for it to deal with issues related to governmental structure after it has dealt with functions and finance. The RGC is not taking a position on the merits of Sections V and VII at this time, but believes that the sections address governmental structure issues which should be tabled at this time.

We recommend that the Committee specifically address the issue of the role of special districts in the planning process. We also note that the title of Section II is "Regional Responsibilities", which does not distinguish planning from service delivery, and that Section III is titled "Local Plans", although it seems to provide a partial list of services which local governments deliver. The intent of these two sections in the proposal should be clarified.

Process Concerns

We have two issues about the Committee's process which we would like to raise. First, we had anticipated that the Committee would take action on the draft Decision Criteria before it began entertaining proposals. Since the purpose of the Decision Criteria is to provide a common yardstick to evaluate proposals we would encourage the Committee to adopt Decision Criteria before proceeding any further.

Second, we had thought that the Committee would be dealing with functions such as land use, transportation, water and so forth in separate discussions. We were surprised to see virtually all possible planning functions in one proposal, before significant discussion has occurred on most of the functions. We would encourage the Committee to conduct serious analysis on each major function. Water issues are not the same as land use issues, for instance; what is appropriate for regional planning will vary accordingly. The RGC is conducting its own analysis for each major function and will continue to submit its information to the Charter Committee in this manner.

Again, thank you for the opportunity to comment.