

**METRO
CHARTER
COMMITTEE**

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AGENDA

DATE: November 7, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Metro, Room 335, 2000 SW 1st Avenue, Portland

6:00 Call meeting to order.

Correct and adopt minutes from October 17 and 24 meetings (previously distributed).

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

Consideration of potential Charter provisions relating to other powers/functions of Metro.

9:00 Adjourn meeting.

PLEASE NOTE: Charter Committee meeting is once again at Metro HQ, but will be in the third-floor conference room--Room 335. To get there, turn right off the elevator.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

November 7, 1991

Metro Center, Room 335

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

Committee Members Absent: Larry Derr

Chair Myers called the regular meeting to order at 6:05 p.m.

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the October 17, 1991 minutes.

Motion: John Meek moved, Charlie Hales seconded, to approve the October 17, 1991 minutes as distributed.

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

Chair Myers asked for corrections to the October 24, 1991 minutes.

Motion: Matt Hennessee moved, Bob Shoemaker seconded, to approve the October 24, 1991 minutes as distributed.

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

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

Chair Myers drew the Committee's attention to the updated version of the **Outline of Charter Provisions re: Regional Planning Powers and Responsibilities**. He asked if there were any additional suggested changes to the first part, *Provision for adoption of Future Vision*.

Ron Cease said that he had some changes and referred the Committee to a typed sheet of changes that was distributed before the meeting began. He suggested that the first point under I-A, *Definition* read *Conceptual statement that establishes population levels and settlement patterns that the region (Metro area) and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life*. He suggested, in order to make it more reasonable, that I-A,3 read *long-term, 25 to 50 year, visionary outlook* rather than *long-term, 100 year, visionary outlook*. Under I-B, *Matters addressed*, he suggested adding a fifth point, *appropriate regional and local government structures and financing to provide the necessary public services in an*

efficient, cost-effective, and accountable manner. He said that the vision process should look at the financing because the public thinks there are too many layers of government and they would like to see more economizing. Under I-C, *Development and adoption*, he suggested adding on to the first point which states *developed by a broad-gauges commission.* With Ron Cease's change, I-C,1 would read *developed by a broad-gauged commission appointed by the regional government within 60 days of charter adoption and adopted by the governing body of the regional government.* He said that this change would eliminate the need for section I-C,7, *Adoption options.* The commission would clearly develop the vision and it would have to be adopted by the Council. He gave the scenario of the commission doing its job and getting a lot of public attention and press. There would be some connection between the regional government and the commission. When the commission gets its work done and brings it to the Council for approval, if the Council has any problems or questions with it, then they would sit down and work those out. Under the current outline, there would be a three to five year wait before fixing the vision. It makes more sense to continue with the document until it is done. Once it is adopted, it is used and then brought back in 5 to 10 years for review and revision. He said that the governing body, which is put there by a vote, has to approve it. He said that he thought it would be done without a lot of fuss. He said that there is not a reference in the outline to staff. He said that Metro would provide that, but there may be a concern that there needs to be some assurance that the commission staff would be under the direction of the commission, not of Metro. He said that there are two main principles--a credible and independent commission and a document that will be accepted and implemented, that will become part of the organization. He said that both could be done under his proposal.

Chair Myers suggested that the Committee go through the changes section by section. He suggested that the issue surrounding the commission staff should be dealt with in the *Development and adoption* section.

Ron Cease said that some members of the Committee believe there is a need for a future vision effort and a desire to have a requirement of a vision in the charter. Other members do not want to see it in the charter. He said that the Committee needs to work it out in order to move on. He said that a division in the group at this point could be dangerous for the long term efforts.

Frank Josselson said that he agrees with Ron Cease's comments in the most part. He said that he and Mimi Urbigkeit met with some Clackamas county and city officials and they agreed that a vision is important and should be in the charter. He said that, in regards to I-A,3, *100 years* creates problems and *25 to 50 years* creates similar problems and could be limiting. He suggested striking the reference to years and leave the exact number up to the Council to decide because, it may be limiting.

Ron Cease said that there might be a tendency to look at the vision in too short a term if a time frame is not set.

Frank Josselson said that the time frame for long term might be different depending on the issue. For some it may be 25-50 years, for others, 25-50 may be too long or too short.

Chair Myers said that the outline is a discussion outline meant for public feedback and things can be left open at this point and acted on later.

John Meek said that he would like to see a specific date put in the outline. He suggested a minimum of 50 years. The visionary studies that have been done with time frames of 10-20 years fall short of planning expectations.

Chair Myers asked if anyone had any difficulty making the time period *at least 50 years* for the outlook of the vision.

There was Committee consensus to do so.

Ned Look said that 50 years would be constant with Vision 2040.

Chair Myers asked if there any questions on I-B,5, *Appropriate regional and local government structures and financing to provide the necessary public services in an efficient, cost-effective, and accountable manner.*

Ray Phelps asked what the distinction was between efficient and cost-effective. He said that he thought it was redundant.

Ron Cease said that it could read *...efficient, effective, and accountable manner.*

There was consensus that the change be made.

Bob Shoemaker asked what is meant by *appropriate regional and local government structures and financing.* He said that the Committee will have just done that. He asked if the point was to have the commission look at how the regional government would accommodate what is there in 50 years.

Ron Cease said that this is a long term vision and it would look at how things ought to change. It would have to talk about the governments and what their roles should be in the future.

Bob Shoemaker asked if the visionary commission would get beyond the compromises the Committee would inevitably have to make in this process.

Ron Cease said yes.

Jon Egge said that point I-B,5 could be a limiting factor to the vision and should be an outgrowth of the vision. He said that it does need to be considered to some extent but he would put it in the primary planning process rather than in the vision.

Ron Cease said that the primary planning process would be a planning framework. He said that government structure and changes could be discussed there but it will be a controversial issue. He said that it would be more appropriate to put it in the vision because it would guarantee that there would be a discussion and they would have to respond to it.

Jon Egge said that he thought that it would be putting something in the charter that they would probably respond to anyway. He said that if he was a member of the commission, he would concern himself about the issue naturally in the process. He said that he did not want it in the vision because it would polarize opposition to the entire concept. He said that people might say that it is the set up for the one big government scheme. He said that it would be very political.

Frank Josselson said that he agrees with Jon Egge and sees political structuring in a different context than the vision. He said that he sees political structuring following the form set out by the future vision just as the Committee is to determine the form of the regional government after it determines the functions. He said that it could provide political problems for the commission rather than elevate them.

Ray Phelps said that the heading of I-B should read *Matters addressed, consisting of but not limited to.* He said that the items listed would just be the priorities of interest but they are not limiting. He said that the vision would be a guidepost not a mandate form of government. He said that the location of this point in the vision would be the least combative or contentious in respect to engaging the

discussion because it does not have to have a conclusion. The commission is to be made up of people who are not elected and who have a broad range of ideas. Consequently, they will have no investment or stake in the outcome of the discussion but merely the engagement of the consideration of it. It has merit to be located in the vision and it is part of the original charge the voters adopted in 1978 with respect to what the policy intent of the legislature was at the time.

Charlie Hales said that he would like to leave it in the vision. He said that I-E, *Legal effect*, makes it clear that the political ramifications are mitigated by the fact that there is not legal effect. The primary use of the vision is to guide the drafting of a regional plan. The longer term considerations for the review of the plan ought to scroll in considerations of changing the government structure over time through the periodic review process.

John Meek said that, by adding this point, the appointment process has been given the purpose of changing the government structure. Whether or not the vision has any influence, the commission will lose credibility because people will say that the members were chosen based on their opinions on what kind of government structure there should be rather than letting the current government structures continue. If the vision determines that a new community will be developed, then the government structure of that community will need to be addressed. The cities and counties will have to address the government issues of the growth pattern which will probably occur in less than 50 years.

Charlie Hales said that it will go beyond the visionary development of the region and provide direction as to who will govern new areas and how the infrastructure will be paid for.

John Meek said that he does not think the vision plan should go that far.

Charlie Hales said that it cannot be done in the regional comprehensive plan because it is based on the existing governments' local plans. The intervening step is needed. He asked if the commission does not do it, then who will.

John Meek said that he disagreed.

Charlie Hales said that there is not a community X outside the UGB who can adopt a comprehensive plan and route it through Metro or LCDC. Until that community is created, then there is no planning process for that area except for county rural planning. Unless the commission does the projection of what is needed, it cannot be done in the current structure.

Motion: Ron Cease moved, Ray Phelps seconded, to amend the *Discussion Draft of the Outline of Charter Provisions Regarding the Regional Planning Powers and Responsibilities* to add, as point I-B,5, *Appropriate regional and local government structures and financing to provide the necessary public services in an efficient, effective, and accountable manner.*

Vote on the Motion: Judy Carnahan, Ron Cease, Charlie Hales, Matt Hennessee, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Isaac Regenstein, and Mimi Urbigkeit voted aye. Jon Egge, Frank Josselson, and John Meek voted nay. Mary Tobias abstained. The vote was 11 ayes, 3 nays, and 1 abstention. The motion passed.

Chair Myers asked the Committee to move on to I-C,1, *Developed by a broad-gauged commission appointed by the regional government within 60 days of charter adoption and adopted by the governing body of the regional government.*

John Meek said that 60 days go by extremely fast and will probably not be enough time to get the commission off the ground. He suggested that 90 days might be a more adequate time period.

Ron Cease said that it was 30 in the original document but that 90 would be an adequate time period.

Chair Myers asked for consensus to change the time period to *90 days*.

There was consensus to make the change.

Matt Hennessee asked for the definition of broad-gauged. He asked if it was a question of numbers or of representation.

Ron Cease said that it was of representation.

Wes Myllenbeck said that, at the last meeting, there was also discussion regarding the number on the commission.

Ron Cease said that, at the last meeting, it was also discussed that the broad-gauged commission would seek broad-gauged citizen opinion and input.

Bob Shoemaker asked if *...appointed by the regional government...* adequately reflected the motion of Chair Myers, made at the last meeting. He said that he thought the motion was to have the procedure for selection in a procedure determined by the regional government. It left open the possibility that the members could be appointed by another authority, such as the governor.

Chair Myers said that was correct.

John Meek said that there should be a footnote included with the outline, at time of distribution for feedback, which explains that points I-C,7, *Adoption Options*, are alternative options for adoption, along with Ron Cease's suggestion of I-C,1.

Ron Cease said that if I-C,1 is adopted, there are two issues. The first is creation of the commission. He said that he would prefer to say that the regional government will appoint it. If it is left blank, he said that the regional government will probably approve it. He said that there seemed to be a willingness to have the regional government approve the vision.

Frank Josselson said that was okay. He said that the real problem is that *...appointed by the regional government...* is not consistent with the decision made last week that the members would be *selected in a procedure determined by the regional governing body*.

Chair Myers proposed changing I-C,1 from *...appointed by the regional government...* to *selected in a procedure determined by the regional governing body*.

Frank Josselson said that *selected in a procedure determined by the regional governing body* is in I-C,2. He suggested striking, in I-C,1, *appointed by the regional government*.

Ray Phelps did not agree.

Mary Tobias did not agree and said that she did not think the issue had been resolved at the last meeting.

Ron Cease said that it would leave it up to the Council to determine how the members are appointed.

He asked if there was any sense that the Council would ask the governor or anyone to do the appointing. He said that it seems like it is an important item, that the Council would not give it away.

Chair Myers said that he thought there was a consensus at the last meeting that it is a political decision and Metro would be vested with the responsibility to determine how the commission would be appointed. He said that the Committee could change that if there is a consensus to.

Ned Look said that Metro should make the appointments of the commission. Although there might be a slim chance that Metro would pass on the responsibility to someone else if Metro was given the opportunity, he said that he would like to make it clear that Metro will appoint the commission.

Ron Cease said that he would feel comfortable making the change. He said that, although he thinks Metro would appoint the commission, it is not worth it to get hung up on the point and the change should be made.

Jon Egge said that the language in I-C,1 is awkward. He said that it reads as if the vision must be developed within 90 days of charter adoption.

Chair Myers said that the language will be cleared up. He suggested that there be motions on the two parts of I-C,1. One motion would be on the selection of the commission and the second motion would be on the adoption of the vision.

Motion: Frank Josselson moved, Matt Hennessee seconded, to amend I-C,1 to read *Development by a broad-gauged commission selected within 90 days.* I-C,2 would be left as it stands in the outline.

Vote on the Motion: Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, John Meek, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit and Chair Myers voted aye. Ned Look, Wes Myllenbeck, Ray Phelps, and Isaac Regenstreif voted nay. The vote was 11 ayes and 4 nays. The motion passed.

Chair Myers asked for the second motion.

Motion: Ron Cease moved, Frank Josselson seconded, to add *and adopted by the governing body of the regional government* and delete subsection I-C,7, *Adoption Options.*

Bob Shoemaker asked if the regional governing body could also amend the vision.

Ron Cease said that it leaves the issue open. He said that it would probably have to be negotiated out.

Mary Tobias said that it would make sense to move the portion of I-C,1 that is now in the motion to I-C,6, *Adoption within 13 months of Charter adoption.*

Ron Cease said that it would be appropriate to move it to I-C,7. He said that the intent of the motion is to have a clear concept that the vision needs to have the imprint of the governing body before it can become an accepted part of the local government. There can be much discussion on the need for veto and amendment power which is where feedback from local governments and others will be useful.

Motion to amend: Mary Tobias moved to amend the motion to move the clause to section

I-C,7 which would read *Adopted by the governing body of the regional government within 18 months of Charter adoption.*

Ron Cease and Frank Josselson agreed to have their motion amended.

Wes Myllenbeck said that 18 months may not be long enough. He asked for discussion on that issue.

Chair Myers said that the time period will be brought up as a separate issue once the present issue is resolved.

Ron Cease asked if it would be better to have adoption of the vision 18 months after the appointment of the commission. He said that would give them 21 months total including the 90 days for commission selection.

Wes Myllenbeck said that 18 months is not enough time to get into some of the issues.

John Meek asked if the 18 months specifically was included in the motion.

Chair Myers said that it is included in the motion but the adoption of the motion does not freeze anyone to that. The issue of time will be dealt with separately.

Bob Shoemaker said that if the Council has the responsibility to adopt the vision report, particularly if it includes a statement on the financing and structuring of the government in 50 years, this is inviting the kind of negotiations that were mentioned and amendments by the Council resulting in a weakening of the future vision report and a political document which meets the political pressures of the moment. He said that the Committee is trying to avoid that but it will happen with the appointment, the governmental structure, and the adoption without limitations all put together. He said that he doubts it will be a truly visionary study.

Ron Cease said that however representative the commission may be of the region, it will be a mixed group that will be credible. A vision is a major undertaking. If it is in a democratic process and the vision statement is to be significant, then it must have credibility through the elected process. He said that he believes the Council will not dicker with the document after two years of work and press coverage. It must have Council approval if it is to have any merit.

Second motion to amend:

Bob Shoemaker moved, Charlie Hales seconded, to amend Ron Cease's motion to read *and adopted without amendment or rejected by the governing body of the regional government.*

Mary Tobias said that the only implementor is going to be the regional government and it is not going to matter if they reject it or amend it. They will do with it what they can and within the confines of the time. It is better to have them take ownership of the document because then it will not be shelved. The ownership is very important to implementation.

Charlie Hales said that he would like the regional governing body to spend more time dealing with the comprehensive plan rather than dealing with the plan. The Council's role is to tell the commission that they are advisors on the subject of the vision and ask them to provide the Council with a vision. If the vision is completely wrong, then the Council should ask them to start over. If the Council approves it, then they can move on and begin to plan. The role of the Council is to plan, not to haggle over the details of the vision. They do not need to get mired in the details of what a non-regulatory document does or does not say.

Matt Hennessee said that he would like to leave it open because it does not put a distance between the appointees and appointed. When the language projects a distance, the group of appointees feel that they have given up, in terms of what their vision is, the ability to have the group that appointed them begin to see some of the things that they were seeing as they discussed it. It gives the impression of "don't mess with my plan". When a group takes that much ownership, it can be dangerous in terms of the relationship and for the group who did the appointing to feel comfortable with the results.

Jon Egge said that he will vote for the amendment as a remedy for leaving in I-B,5.

Frank Josselson said that the people selected for the commission are going to be selected on the basis of whether or not they like the idea of a Willamette County which is not the way to attract the people that the commission should attract. It pulls it down and drags it into the political muck that the vision was initially suppose to be elevated out of. He said that if the RGC does not actively object to I-B,5, then they are not representing their constituents well.

Wes Myllenbeck said that he would like to see Metro treated as a city or county. Cities and counties appoint their advisory groups and then accept, reject, or amend. The councilors are elected. If they have no say, they will still be blamed for it. Since they have the responsibility, they should also have the authority.

John Meek said that, as an appointee on different boards, one of the toughest issues is whether or not the board's work will be accepted. He said that is the limiting handicap with letting Metro accept or amend it. He said that time is going to be the judge of the vision not whether or not the elected body approves it.

Mary Tobias said that if John Meek's argument prevails, then the vision should not be in the charter at all. If the region wants a future vision, then it should get together and create a vision. It either is a regional government guideline to which the regional government buys into or it is not. If it is, then the regional government should take ownership.

Ron Cease said that there are two pieces that are important. He said that the vision is an important thing that should be done. As a citizen of the region, he will not buy the notion that the elected officials are not part of the process. As long as the elected officials are in the process then everyone has the ability to have a say. Otherwise, the vision will not be worth anything.

Frank Josselson said that, at the last meeting, a regional government body sign off was posed because the vision was to be a plan. He said that he is willing to accept that it must be adopted by the regional governing body. By having adoption by the regional governing body and adding I-B,5, the vision has been reduced to political questions which are out of place with a conceptual statement.

Chair Myers said that this may be an issue where both alternatives are given to the public in the discussion draft.

Vote on the second amendment:

Judy Carnahan, Jon Egge, Charlie Hales, Frank Josselson, John Meek, Bob Shoemaker, and Mimi Urbigheit voted aye. Ron Cease, Matt Hennessee, Ned Look, Wes Myllenbeck, Ray Phelps, Isaac Regenstreif, Mary Tobias, and Chair Myers voted nay. The vote was 7 ayes and 8 nays. The amendment to the amendment did not pass.

Chair Myers said that he would suggest putting both options in the draft for public input because the Committee seemed evenly split. He said that the pending motion is the amendment made by Mary Tobias which states *adopted by the governing body of the regional government* and will be added to I-B,7.

Vote on the amended motion: Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Isaac Regenstreif, Mary Tobias, Mimi Urbigkeit and Chair Myers voted aye. John Meek and Bob Shoemaker voted nay. The vote was 13 ayes and 2 nays. The amendment passes.

Bob Shoemaker said that the new Council will not be in place upon adoption of the charter. He asked if the 90 days for the development of the commission should begin after the impanelment of the Council.

Ray Phelps said that April 2nd of the year following the adoption of the charter would simplify matters. He said that it put the date out past reorganization. He said that the election will be in November, people are sworn in during December, they take office in January, and the first action of the government is to reorganize itself, which will occur during the first two weeks, which will put them in the middle of January. He said that will give them 60 days from that time to April.

John Meek said that there is no guarantee of which date will work. Although the charter election is in November of 1992, the charter will need to outline the process for the election of the Council. A specific date cannot be set. The date should be 90 days upon commencement of the governing body.

Chair Myers said that, for purposes of the discussion draft, general language should be adopted. He said that there is a possibility that the charter could call for the first elections under the charter to be held in 1994. He said that this is an issue that the Committee cannot resolve until the rest of the charter is written.

Ray Phelps suggested putting down July 1, 1993 because it would give maximum flexibility. He said that 90 days would be confusing because of holidays.

Jon Egge asked that the language be cleared up on I-C,1 so that it is understood that the commission is being developed within 90 days and not the vision.

Chair Myers said that the language would be clarified.

Frank Josselson asked that a I-C,5-a be added which would state that *the commission should have its own staff and/or consultants as it sees appropriate*. This would make it clear that the commission's staff is separate from the Metro staff.

Bob Shoemaker asked if the commission would also set its own budget.

Frank Josselson said that the budget could be dealt with when the Committee discusses finances.

Ron Cease said that he has trouble with the word *appropriate*. He said that there could be a situation where what the commission thinks is appropriate is not appropriate at all.

Chair Myers suggested that a point under I-C, *Development and adoption* would be that the *Commission has independent staff*.

There was a consensus that the point be added.

Chair Myers said that Ron Cease's outline suggested adding, under I-C, that *The commission shall confer and cooperate with the State Agency Council on Growth Issues in the Portland Metropolitan Area and other appropriate bodies.*

Mary Tobias said that she did not object to the commission conferring with people as needed. She said that it was not a good idea to specify an agency which may or may not be around.

Charlie Hales said that it is a good idea but there is no guarantee that the State Agency Council on Growth Issues will be around forever.

Bob Shoemaker asked why the language should be there at all.

Ron Cease said that he suggested it be put in the outline because, in the original outline, the State Agency Council on Growth Issues was to be staff to the commission. He said that he had some objections to that. He said that he proposed that the State Agency Council cooperate with the commission instead.

Chair Myers asked if there was any objection to not including Ron Cease's I-C,5 in the discussion draft outline.

There was consensus to delete the proposal and not include it in the discussion draft.

Chair Myers reminded the Committee that I-C,7, *Adoption options*, had been deleted by a previous motion. He said that he understood that there remains disagreement, on the Committee, as to how Metro's authority in relation to the future vision should ultimately be described. He said that topic would have to be revisited later.

Ray Phelps said that I-C,6, *Adopted by the regional body within 18 months of charter adoption*, has the same problem of not knowing when things will get reorganized after the charter election. He asked that, in the outline, there be a date dependent upon commission appointment.

Chair Myers suggested that it read *Adopted by the regional body within 18 months of selection of the commission*. He said that the date will be held but that the period against which the time will be measured is the selection of the commission.

Wes Myllenbeck said that he realizes that 18 months is going to left in the outline for discussion purposes but he would like the Committee to give some thought to the fact that 18 months may be too short a period.

Chair Myers said that, if agreeable, the Committee will let the time period work itself out through the feedback process. He asked that the Committee move on to I-D which states that the vision will be *reviewed and amended at least once every 5 to 10 years, with the time period determined by the regional governing body.*

Frank Josselson said that he would like the point to also say that the review and amendment process would be done in the same manner as it was originally adopted, by commission.

Motion:

Frank Josselson moved, Bob Shoemaker seconded, to amend I-D to read *Reviewed and amended at least once every 5 to 10 years in the manner of its original adoption, with the time period determined by regional governing body.*

Mary Tobias said that the study will cost, not counting human resource time, many \$100,000. She said that it should not be called out more than once every ten years and that the regional government should not be required to go back to the original process without knowing how they will be financially situated when the time for review comes up. If Measure Five plays out the way it is, the regional government will not be able to go through a review every 10 years just to have a grand plan. She said that the language, as originally proposed, deleting 5 to, gives us what is needed but some faith needs to be vested in the regional government. She said that she does not want to place a financial burden on a government if she does not know it can accomplish it. As a taxpayer, it seems irresponsible.

Ron Cease suggested amending the motion to delete 5 to in order to make the review ... *at least once every 10 years....*

There was a consensus to amend the motion to read *Reviewed and amended at least once every 10 years in the manner of its original adoption.*

John Meek said that the language does not state that it is going to be a reappointment of the commission that is going to do the review.

Chair Myers said that it is intended by the motion, which may need to be spelled out some more.

Frank Josselson said that is a correct understanding of the motion.

Bob Shoemaker said that if the first vision is done well and things progress according to the vision, then the review will not be that extensive, although it is important that it take place and that it is done independently as it was done the first time. If there is substantial change in the 10 years or if the first vision is not as visionary as it needed to be, then it is important that it be done thoroughly and well. He said that it is an appropriate obligation of the government to do this.

Vote on the motion: Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Isaac Regenstreif, Bob Shoemaker, Mimi Urbigkeit and Chair Myers voted aye. Mary Tobias voted nay. The vote was 14 ayes and 1 nay. The motion passed.

Chair Myers asked the Committee to move onto the second section, *Provisions for adoption of a regional plan*. The first part of the outline would set forth the contents of the plan. He said that II-B should read *Relationship of regional plan to statewide goals and to Future Vision*. II-B,1 should also have *and guidelines* struck from the sentence. He said that II-B,1 should be read in concert with I-E *Legal effect; reviewability* of the future vision, that it is not a document that is reviewable by LUBA or judicially and not subject to LCDC acknowledgement. He said that the Committee agreed at the last meeting to strike the second subpoint, II-B,2, *Metro statements of regional plan compliance with Future Vision may be overcome only by a showing of nonconformity beyond a reasonable doubt*.

There was consensus that II-B,2 had been struck at the last meeting.

Frank Josselson said that he would like II-B to imply that the regional plan has to conform with the vision, but if the governing body says that it conforms, then that is the end. He said that there should not be any lawsuits to LUBA or LCDC proceedings. The conformity question should be left to the regional governing body.

Charlie Hales said that he thought that was clear with I-E, *Legal effect: reviewability*.

Frank Josselson said that they were different. I-E relates to the future vision while II-B relates to the regional plan. He said that he would like II-B,2 to say that the conformity of the regional plan to the future vision is not reviewable.

Charlie Hales asked if that would be without addressing the question of the reviewability of conformity of the regional plan with the goals.

Frank Josselson said that was correct. He said that what he would like II-B,2 to say is that when Metro says the regional plan conforms to the future vision, that is the end of the inquiry. LUBA, LCDC, or any court may not look into that.

Charlie Hales said that if there is review by LCDC, it would be the conformity of the regional plan to the statewide goals not the vision.

Frank Josselson said that was correct. He suggested that it read *a Metro statement that the regional plan complies with the future vision and makes an irrebuttable presumption of such compliance.*

Chair Myers said that the language is getting too complicated. He said that a straight forward statement in the charter would be more appropriate. He suggested that the language be *the regional plan is not reviewable for consistency with the future vision.*

Frank Josselson said that would be okay. He said that II-B,1 would say that it must be consistent with the statewide goals and future vision and II-B,2 would say that it is not reviewable.

John Meek said if there is a regional plan that is reviewable by the courts and LCDC and must be consistent with the statewide goals, and it must be consistent with the vision, then it is determining what the future vision will have to say. For example, a light rail to McMinnville might be called for but a regional plan calling for a light rail to McMinnville will not be adopted under the current laws and goals. He said that it did not make sense to have a regional plan that is consistent with a future vision and then have it still get through the statewide goals.

Frank Josselson said that the region could conform to that by building a light rail that stops at the district's boundary.

John Meek said that it was tried in the county's plan and did not work.

Bob Shoemaker said that if the plan is required to be consistent, but the consistency is not reviewable, problems are created. He asked if it would be better to say that the regional plan has to describe the relationship of the plan to the vision and then let it stop there. He said that it would be more of a regulatory document than saying it must be consistent but is not reviewable. He asked if it needs to be stated that the regional plan has to be consistent with the statewide goals. He said that if it is a land use plan, it must be consistent by law.

Motion: Bob Shoemaker moved, Frank Josselson seconded, to delete the current II-B and II-B,1 and replace them with II-B *Relationship of regional plan to future vision.* II-B,1 would read *Regional plan must describe its relationship to the future vision.*

The motion was passed by consensus.

Charlie Hales said that he supports the motion. He said that, in terms of the statewide goals, he assumes that the document will be subject to LCDC review for the goals.

Ron Cease asked if the Committee clearly understands that the document would be subject to statewide goals.

Frank Josselson said that one of the problems with regional government, from the beginning, is the assertion that it does not have to comply with the goals and that it does not need LCDC acknowledgement. He said that it does not make sense that the regional UGB is the only land use regulation in the state that does not need to comply with the statewide goals.

Chair Myers said that the operating assumption is that, without any reference in the charter, the description of the plan, in conjunction with existing state law, would subject it to goal compliance review. He said that if there is a question about that, then the Committee can go back and revisit it.

Frank Josselson said that if it is assumed to be the case, then it does not hurt to say it. He suggested that II-B read that *the regional plan shall conform to the statewide goals and must describe its relationship to the future vision.*

Ray Phelps said that under II-A, *Contents*, not all items listed have a correlation to the statewide goals. He said that he agrees with Chair Myers that if it does not say, then the Committee should assume that it is subject to goals compliance review. If it does not, then let's revisit it. He asked what was intended by II-A,6 *Local plans of individual cities and counties*. He asked if the adoption of the regional plan is dependent upon the satisfaction of the adoption of 27 local plans. Is the regional plan in abeyance, pending the staging of the adoption of the local government plans?

Charlie Hales said that the Committee should hold off on discussing the staging problem. If the Committee wants to make it clear what they are doing, in terms of acknowledgement, then II should say *Provision for adoption of a regional comprehensive plan subject to acknowledgement of LCDC*. He said that comprehensive may not be the right word but LCDC compliance is needed.

Ray Phelps said that he did not like the word comprehensive. He said that comprehensive and LCDC compliance are two separate issues. In the content of the adoption of a regional plan, only II-A,6, *Local plans of individual cities and counties* is out of the control of the government that is required to adopt the plan. He said that he did not understand how one could be held until another is ready, then the staging and then the periodic review.

Charlie Hales said that they are not out of the control of the regional government. They are under control of the regional government under current state law that allows Metro to make changes.

Chair Myers said that the issue is whether or not in the charter, the regional plan contents or elements need to make any reference to local plans.

Charlie Hales said that the answer depends on how they are incorporated into the regional plan. If local plans are acknowledged by Metro and no longer acknowledged by LCDC and the regional plan alone acknowledged by LCDC, then the local plans would need to be listed as a specific element in the regional plan.

Ray Phelps said that if you take the approach that the regional plan is points II-A, 1-5, then it becomes a top down process. Charlie Hales' basis for II-A,6 is a bottom up process. He said that this type of a planning process does not work that way. If there is a dependency of the regional plan on the local plans, there will never be a regional plan. If there is a regional plan, and the local plans have gone forward without knowing where the regional plan sits, then you have to go back through and revise the local plans and the regional plan comes out being something different.

Charlie Hales said that it is not a slavish dependency of the regional plan on the local plans, if there

are functional plans which are listed and if there is the authority, and if it is implemented, for Metro to require changes in the local plans. He said that those two items makes it a two way street.

Ray Phelps said that Charlie Hales is describing the planning process as a iterative process and it is not in regard to acknowledgement.

Chair Myers said that he would feel more comfortable if it was taken out for a while and put to the side. The Committee could work their way through the relationship of the regional plan and the local plans and see if any reference back to it needs to be made. If it is not sufficient legally, describe what is going to happen in respect to local government plans in relation to the regional plan. Will there be a period for review and amendment to achieve compliance?

Ron Cease asked, in reference to the current law, if the local plans must be in conformity with the functional plans and with what Metro is doing. He asked if he understood correctly that, when the whole thing is done, if it would be in the law and presumably would happen. He said that the functional plans do not have much meaning unless they have conformity to the local plans.

John Meek said that one of the first bills in the legislature was the adoption of a regional plan because there was not a structure locally that was able to tie nine jurisdictions together to put the light rail out the west side. There was not a way to adopt a functional plan because of all the jurisdictional boundaries that were involved. If we want to take away some of the issues that the state is having to deal with legislatively, then the comprehensive plans that have already been adopted by local governments need to be brought in. He said that the key question is how far down into the local comprehensive plans can the authority of Metro go.

Ray Phelps said that the superseding bill for prisons and light rail was a direct result that the land use planning process in Oregon does not work. The system does not work because of expediency not because something did not connect. He said that there is an interdependency and they do connect but the regional plan contains the goals and functional plans. The local plans conform to the regional plan rather than the regional plan being held in a state of suspension waiting for the local plans to generate up and become stable. He said that he understood it to mean that the regional plan cannot be adopted until all the local plans are available and that does not make sense to him.

Chair Myers proposed that II-A,6 *Local plans of individual cities and counties* be taken out of the elements of a regional plan for the moment and revisit it after going through defining how the regional plan and local plans will interact.

There was consensus to take it out and revisit it later.

Bob Shoemaker suggested that one way to solve the issue of the relationship of the regional plan to the future vision is to include it as an additional element in II-A, *Contents*. He said that would eliminate the drafting difficulty.

Mary Tobias said that she is hearing the Committee use several definitions of regional plan. She said that she is not comfortable moving any further without knowing precisely what is meant by regional plan. She asked if it was a regional framework plan or a regional comprehensive plan? She said that it would not be fair to submit the document and expect people to comment on it without telling them what is meant by regional plan.

Ray Phelps said that regional plan is defined by the five components: *regional goals and objectives, functional plans, benchmarks for performance, urban growth boundary, and urban reserves.*

Mary Tobias said that some members think it should be a regional comprehensive plan. She said that the definition should be cleared up so that when it is reacted to, people know precisely what type of legal document they are dealing with.

Frank Josselson said that the regional plan is a bundle of 28 plans--24 city plans, 3 county plans, and 1 set of the contents for a regional plan listed in II-A--which function as an interrelated, coordinated plan for the region. The 28 plans together do the same things for the Portland Metropolitan area that the Baker or Ashland plan does. Whether it is called comprehensive or coordinated, it is a recognition that SB100 did not give us--that this region is a single organism in terms of planning responsibility and the area does not function as 27 separate cities and jurisdictions. The area is 27 different jurisdictions in many respects but there needs to be a stronger regional role in the coordination of the 27 plans. In the end, the bundle of 28 different plans functions just like an interrelated, coordinated plan of any other city in the state.

Chair Myers asked if that relationship is dependent on whether the label in the charter that is attached to this is a regional plan or regional comprehensive plan. He asked if it was going to be a matter of the provisions of the charter that spell out how the regional plan and the local plans interact in the sense of consistency.

Frank Josselson said that the answer is largely yes.

Charlie Hales said that there are two questions. The first is what does the Committee want. The second one is what is necessary to trigger review under 197 as a comprehensive plan. He said that it sounds like a comprehensive plan.

Frank Josselson said that is what he is describing. He said that what Chair Myers is saying is that there are some substantial political problems with calling it a comprehensive plan. If the problems are serious impediments, then the Committee should find a way to get rid of them. To view it as something other than a comprehensive plan creates some real serious problems, and among the people that will come in and object are the real estate and land use lawyers, and they will say that they thought they knew what a comprehensive plan was but now the definition has changed.

Chair Myers said that he is inviting the Committee's consideration to not get bogged down on the labeled point, but to go on and work with the provisions of the charter that describe how this plan is defined in terms of its elements and how the local plans will interact. Then the Committee can come back and determine if it needs a further label on it.

Mary Tobias said that the Committee can not do that. It has to be known up front what it is because there are statutory requirements for it. If it is a comprehensive plan, then there are specific and extensive requirements for design of it. She said that she understood that a regional special service district cannot have a comprehensive plan. She said, according to the memo dated October 9, 1991 from Metro staff, comprehensive plans are reserved for cities and counties. It needs to be known now if it is a regional comprehensive plan or a regional plan that brings together the local comprehensive plans for the purposes of coordination. She said that it has to be figured out because it shapes everything else.

Chair Myers said that if that point is passed for the moment, and the Committee works through the outline and gets to the point of defining the relationship between the regional plan and the local plans, and the obligations, if any, of local government in terms of conformity, then the Committee may be better able to go back and decide up front what label goes best. He said that he is not disregarding Mary Tobias' concern but he would like to move on and then return to the issue.

John Meek said that, in terms of the *Contents*, some of the first documents that were brought out were a little more specific in terms of what the Committee is dealing with in respect to *Provisions for adoption of a regional plan*. For example, it does not mention transportation or water delivery systems. He asked if they were under the functional plans.

Chair Myers said that they are in the third section, *Regional planning responsibilities*.

John Meek said that he did not understand how the *provisions for adoption of a regional plan* relates to the *regional planning responsibilities*. He said that *urban growth boundary* and *urban reserves* are listed under the *provisions for adoption of a regional plan* and *regional planning responsibilities*. He said that *functional plans* should be moved into the *regional planning responsibilities* rather than the *provisions for adoption of a regional plan*. He said that functional plans tie into transportation, water, and mass transit.

Charlie Hales said that he got confused by adding the relationship of the regional plan to the future vision to the list of *contents* under II-A. He said the issue of the relationship of the regional plan to the future vision belongs in there somewhere, but, by *contents*, it means pieces of the plan, not subject areas to be addressed.

John Meek said that III-A should be *functional plans*. He said that II-A, *contents*, should not have *functional plans* but a list of functional plans, such as transportation and ports which have a regional basis and where coordination is being done.

Chair Myers said that, in terms of the discussion outline, to the extent of subject areas of planning, they will eventually work their way back and get listed under different subject areas as subjects of functional plans. He said that the point is a valid one and it may need to be worked out as a drafting issue.

Charlie Hales said that if this construct is followed, then the relationship to future vision should be moved to III *Regional planning responsibilities*.

Chair Myers said that it should have its own separate section or subsection. He said that it is not a part of the *contents*.

Charlie Hales said that it is a responsibility of the regional plan to address the relationship to the future vision. It has the responsibility to address transportation. He said that the Committee is held up semantically.

Chair Myers suggested that the Committee move on to III-A, *Regional transportation and mass transit systems*.

Mary Tobias asked if this section was proposing, through the charter, that the planning for Tri-Met be done by Metro. She asked if the planning for mass transit systems be done by Metro instead of Tri-Met.

Frank Josselson said that it is done substantially by Metro now.

Bob Shoemaker said that Mary Tobias' question is fair. He said that it was murky right now and asked if it was clear that the Committee is asking that this planning be done by Metro.

John Meek asked if Bob Shoemaker was talking about the operation or the planning.

Bob Shoemaker said that he was talking about the planning.

Chair Myers said that as the draft now stands, yes, the Committee is asking that the transportation planning be done by Metro.

Mary Tobias asked if that is what the Committee wants to do unilaterally.

Bob Shoemaker said that transportation planning is an integral part of the development of the metropolitan system that if it is not done by Metro, then there is a bifurcation of responsibilities and the whole thing can break down. Everything hinges on the transportation system.

Jon Egge said that if Metro is not already undertaking the responsibility, it should under the functional plans.

John Meek asked what is Portland's role in the local mass transit planning currently, in relationship to Tri-Met and Metro.

Bob Shoemaker said that he did not know. He asked if the Metro charter needed to deal with it.

John Meek asked what the demarcation is for regional and local mass transit planning. He said that many people may take the bus to the end of one jurisdiction and then switch buses to enter another jurisdiction. There are also many lines currently, and needed in the future, which will be in one jurisdiction only.

Chair Myers asked if John Meek was talking about part of the Tri-Met system.

John Meek said that he was. He said that planning will be through the entire structure if Metro does mass transit planning. He said that, in Washington County, they need to be planning for mass transit movement but they are not able to do it. Washington County can plan for it but the structure is not available to implement inter-county movement of mass transit. He said that if the planning is done locally for mass transit, then they will need to be turned over to the regional system for the functioning of it.

Ned Look asked if III-A should read *In conjunction with Tri-Met, regional transportation and mass transit systems*. He said that the Committee would not want to lose Tri-Met's support. He said that if Metro took over the responsibility, he assumed that it would be done in consultation with Tri-Met.

Jon Egge said that before that assumption is made, Tri-Met should be asked. He said that the answer would probably be that Metro is already doing the transportation planning and that is fine.

Matt Hennessee said that he thought that is what Tom Walsh said during his testimony in front of the Committee. He said that, in response to John Meek's concern of local issues in relation to regional transportation planning, there must be mechanisms in place now. He also said that it is important that the regional authority makes sure that the local unit of government have some input into whatever might be the planning problems.

Frank Josselson said that he hoped the JPACT process would continue and he cannot think of any reason why it would not.

Mary Tobias said that she understands that the JPACT process clicks in on mass transit systems when there is a funding mechanism that requires their review, not for the planning for the system generically, which is what the discussion draft says. The discussion draft says very clearly that Metro

would be the planning agency, which means that this would invest in Metro the planning authority and leave the operations to Tri-Met.

Chair Myers said that it leaves the operations question open. He said that the issue of how the planning responsibility is carried out is something that needs to be addressed under the structure aspect of Metro.

John Meek asked if *Regional transportation and mass transit systems* is an assumption that the regional government will do planning for regional transportation and mass transit systems.

Chair Myers said that the answer was yes.

Mimi Urbigkeit said that it may be appropriate to insert the concept of coordination because, in Clackamas County, there is resentment toward paying Tri-Met funds when the area does not get adequate service.

Chair Myers asked if it was a point that could be addressed in the structure.

Mimi Urbigkeit said that it could if it addresses coordination.

John Meek said that it could say *Regional coordination of transportation and mass transit systems*.

Charlie Hales said that it is planning in the regional plan and does not need to be qualified by saying coordination.

Chair Myers said that, under the area of structure, the depth of the charter in spelling out the mechanisms by which the regional government carries out specific responsibilities and, in the context of a specific issue, to what extent is there a mandate relating to coordination, will need to be addressed.

John Meek said that Charlie Hales' point, using regional coordination of transportation, is not a problem because the title is *Regional Planning Responsibilities* and their responsibility is to coordinate transportation from Hillsboro to Gresham. It is coordinating responsibilities between the local plans.

Matt Hennessee asked if *coordination* will be added to the title or if it is implicitly implied.

Chair Myers said that it is implicit. He asked the Committee to move on to III-C, *Urban Reserves*.

Charlie Hales asked if III-C,2, *Control of boundary changes*, meant the control of the boundaries of the urban reserves. He asked if it was redundant in talking about the Urban Growth Boundary.

Bob Shoemaker suggested that it read *Control of boundaries*.

Mimi Urbigkeit asked if it was a continuation of the status quo.

Charlie Hales said that Metro has no authority now for designation. He said that it is a new authority.

Bob Shoemaker asked if it would be a jurisdictional problem. He said that the voters within the UGB will be asked to approve the charter but they do not have the authority outside the boundary.

Charlie Hales said that it may require a legislative change.

John Meek said that whether or not that is done is a substantive question.

Chair Myers said that LCDC will not be the only group which has views on the topic.

Charlie Hales said that it will either require a legislative change or LCDC rule making. LCDC is in the process of rule making on the issue and it may be possible to do it with a rule or ordinance.

Bob Shoemaker asked if LCDC had the authority to delegate that to a government that does not include the electors.

Charlie Hales said that he thought that the draft that LCDC is working on would mesh with this issue. He said that this authority granted to Metro by the charter would allow Metro to implement the tool created by LCDC rule.

John Meek said that the problem was that the Committee will be creating a lawyers' haven. Two questions will need to be cleared up: Whether LCDC has the authority and if the legislature has the authority to give the authority to a governmental entity in which the people do not vote.

Janet Whitfield asked if Pendleton would have the same authority.

Charlie Hales said that, under LCDC rule, they would.

John Meek said that he understood it to be that Pendleton would have to annex the urban area or work out an intergovernmental agreement between Umatilla County and the city for the future urban area of Pendleton where the County has assigned the area over to Pendleton.

Charlie Hales asked that the jurisdictional and implementation questions be saved for later because LCDC is taking action within the next couple of days on the issue. He said that the question that needs to be asked is whether or not the Committee wants Metro to be able to manage urban reserves. The mechanics of that question can be answered later.

John Meek said that he would like to hear more on the issue. He said that if the charter gave Metro the authority to identify future urban areas, it would erode the vested right of local governments to plan by giving the regional government the ability to plan the land that will be eventually annexed to become part of the local government. He said that it does not seem appropriate to have in the charter that the control of the land activity, division, and development be given to elected or appointed people throughout the region when it will be the responsibility of one local jurisdiction.

Bob Shoemaker said that one reason for doing it is that Metro may control the density of the land in a way that one local jurisdiction may not.

John Meek said that the local government will still have to plan the area in accordance with the statewide goals. He asked why turn it over to a regional government if the local government would plan so that it meets the statewide goals and the local comprehensive goals.

Charlie Hales said that, currently, there is no mechanism to plan for the expansion of the UGB. It is done ad hoc, property by property. There is no planning process for the planned expansion of the UGB. The concept of urban reserves designated by either LCDC or by Metro is the only tool that anyone has devised to say where the area is going in the future. He said that it must be done regionally and cannot be left to the local jurisdictions. He said that it needs to be in the charter unless it is determined that someone else has done it already.

John Meek said that if Metro is given the responsibility to coordinate all the community plans in to the regional functional plan, and asks the local governments to do the planning, Metro will still have to sign off on those plans. He asked why take the responsibility away from the local governments which will eventually be controlling the area.

Charlie Hales said that it has to be done regionally because, in some locations, it is difficult to determine who will administer the area and it will just become a turf battle. Someone at a higher level than a local government needs to come in and say that here is the area of study and the service providers of choice for when the area is urbanized. It is not planning to answer the question by annexation.

John Meek said that the boundary commission does that now.

Charlie Hales said that the boundary commission is within the UGB.

John Meek said that he is referring to the process. He said that the Committee is asking Metro to establish a future urban area and the same process could virtually be used on a variety of different cities. If the boundary is moved without a city having jurisdiction, the boundary commission comes in and determines what the jurisdiction for governance is going to be.

Charlie Hales said that the problem with the current system is that the boundary is moved first and then there is a scramble for planning of the area. The service providers cannot start planning for the area before the UGB is changed because it is outside the UGB. He said that the current system is a catch 22.

John Meek said that it would be put in a catch 22 system because if a local government determines that it does not like the plan and will not take jurisdiction, then Metro will be governing a little piece of land amongst the cities.

Ron Cease said that the agency that has control over the UGB should have control over the urban reserves. He suggested leaving the issue in the draft for now but that he is concerned with putting something in the charter that there is not currently authorization for. He said that it raises some real questions about putting something before the voters when state authorization may or may not ever be granted. He said that the questions do not need to be answered at this point and that the *Urban Reserves* should be left in the outline for feedback purposes.

Chair Myers said that the question that Ron Cease raised about the possible intersection between a particular charter provision and the need for a state law change will probably appear in several areas. He said that it may need to be accompanied by qualifying language in the charter itself.

Bob Shoemaker said that there is language in the enabling constitutional amendment which, one could argue, gives the Committee that authority. It says that "a metropolitan service district shall have jurisdiction over matters of metropolitan concern as set forth in the charter of the district."

Mary Tobias said that if III-C,3, *Control of land use activities in area, including land division, wells and septic tank placement*, was left in the discussion draft, then the Committee has gone beyond the concept of functional planning to zoning. She said that moves away from a functional or framework plan towards a comprehensive plan. She said that the urban reserve issue ought to be consistent with the UGB issue.

Charlie Hales said that *Control of land use activities in area, including land division, wells and septic tank placement* should be left in the discussion draft because it is the metropolitan parallel of the

concept in state law of an area of critical state concern. It is an area of critical regional concern and confers police powers on Metro to control zoning, land divisions, and permits in the area of urban reserves, and is the only real implementation mechanism for reserves. The issue can be left for now because of what is happening at LCDC. The question has to be answered as to under whose control and how. The charter will need to address how activities in the areas are managed in the interim until they are brought inside the UGB. There is a question but it does not need to be answered now.

Mary Tobias said that everywhere else in the state, urban reserves are managed by the local governments.

Charlie Hales said that in other parts of the state, there is one local government to manage it, which is the city. He said that is the corollary that this area is trying to do. In this area, there is one regional government which is trying to act like the city.

John Meek asked at what time does the transition take place between Metro having control of the activities of the area to the point in time when the area is annexed to the city.

Charlie Hales said that, in his opinion, as soon as an area is inside the UGB, it should be turned over to the city and annexed. As soon as the land becomes urban land, Metro is out of the business of managing urban land.

Frank Josselson suggested a III-C,4 which would say *Process for designating local jurisdictions which will have jurisdiction over urban reserves.*

John Meek asked if Frank Josselson meant that the charter would spell out that Metro would have to develop a process in which a local jurisdiction would take over the planning process or service providing for the urban reserves.

Frank Josselson said that was correct.

Bob Shoemaker asked if it would include the possibility that the local jurisdiction with authority would be Metro.

Frank Josselson said, in terms of local planning aspects, no. It would have to be given to a city or county.

Motion: Frank Josselson moved to add III-C,4 which reads *Process for determining which local government(s) shall assume jurisdiction over territory within the urban reserves.*

Mary Tobias asked if III-C,3 would not be needed with the addition of III-C,4.

Frank Josselson said that the region should take over control of urban reserves because the cities and counties are doing a poor job. He said that it will take a while to determine which jurisdiction gets different territories. In the meantime, Metro needs to preserve the land for the eventual urban use to the extent that it has not already been totally wasted.

Bob Shoemaker asked if the overall control of housing densities, mentioned in III-E,2-b, would extend to urban reserves.

Frank Josselson said it would over the long run. He said that the first step is the preservation of lands in a condition that they are being utilized for urban level intensities. The second step is the

identification of the urban reserves. The third step is the planning for the utilization and the timing of the urban reserves. He gave the example of the Stafford Road area and said that the third step would be determination of what the jurisdictions are going to do in terms of planning and the fourth step would be the determination of the land uses and timing.

Bob Shoemaker said that he wanted to make sure that the control over density is not being yielded. He asked if there would still be a Metro control on density and development.

Frank Josselson said that there would still be Metro control on density and development. He said that once the local jurisdiction takes over the area, then Metro has an obligation to assign a density to it.

Charlie Hales said that the key is control of land divisions.

Bob Shoemaker said that at the point where the jurisdiction has yielded to the local government, the local government would take over the control of the land use activities and it would no longer be under Metro's control. If that is correct, he said that he wants to be sure that there is some kind of control on the density of the development that can take place in the urban reserves.

Frank Josselson said that there will be Metro control on the density of development in the urban reserves because it has been designated to be of regional significance. When the local government plans for the urban reserve, it must look to Metro for the density.

Charlie Hales said that there is not an intervening stage. He said that a piece of land outside of the UGB is designated as an urban reserve. During its period of designation, it is determined that it will be divided into two cities. At the moment that the UGB is moved and the areas are annexed into the two cities, they are subject to the Metro Housing Rule for density as urban land just like any other urban land. There are only three stages of life for that piece of land: land outside the UGB, land in the urban reserve with future service provisions identified, and the implementation of that.

Frank Josselson said that Charlie Hales is making the assumption that the Metropolitan Housing Rule is the rule that is going to be the housing density rule for the region. He said that assumption is not an appropriate one to make for the Committee.

Charlie Hales said that it would be whatever regional housing standards would apply to that region.

Bob Shoemaker said that he understands III-C,4 to be effective only upon the urban reserve coming into the UGB.

Frank Josselson said that was not correct. He said that the planning could go on before it becomes part of the UGB.

Bob Shoemaker said that, if he understood correctly, Metro could yield jurisdiction of an urban reserve, not yet brought into the UGB, to a local government. He said that scenario concerns him.

Ron Cease said that Metro makes the initial designation whether or not the land will be an urban reserve.

Frank Josselson said that before it is converted to urban land by expansion of the UGB, Metro should have some rules in effect to insure the land's preservation for urban use regardless of the jurisdiction it is in.

Janet Whitfield asked if Metro has the authority to stop the counties, which have the authority over

the urban reserves, from subdividing the land for development.

Frank Josselson said yes.

John Meek said that Metro would be a player. It would not stop a land owner from going to the county and asking that the land be divided, but the land owner would have to go through the county and the regional government. He summarized the concept by giving the scenario of an area that is in transition and is identified as future urban land. Metro would step in and determine how the land will fit into the urban area. After Metro identifies it as future urban, Metro will also have to plan which jurisdictions will eventually have authority over the land and will take over the services providing for the area when it is brought into the UGB as urban land. During that transition time, Metro and the identified local governments should work together to determine how the area will be planned. Metro could tell the local jurisdictions to plan it and Metro will oversee it or the local jurisdictions and the regional government could plan it together with the local government eventually taking over the delivery of the services.

Bob Shoemaker said that John Meek explained the concept well. He said that the concept should not be lost and it should be put in the discussion draft.

Vote on the motion: Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Isaac Regenstreif, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit and Chair Myers were in consensus to add III-C,4 to the discussion draft. Ray Phelps objected to the addition. The vote was 14 to 1 and the motion passed with consensus.

Chair Myers asked that the Committee move on to item III-D, *Federal and state mandated functions*. Hearing no comments, he moved to III-E, *Aspects of metropolitan significance of certain subject areas*. He reminded the Committee that the draft is for discussion purposes only and should be a starting proposal. What is included will not necessarily be in the charter.

Jon Egge said that III-E,1 *Definition of metropolitan significance* is an area where there will be a lot of public feedback. He said that he would be interested in hearing the feedback before the Committee makes any decisions. He suggested moving forward and getting discussion on the topic.

Chair Myers said that section III-E,1 reflects the common understanding of the Committee for the charter to try and describe some definition of *metropolitan significance*.

Bob Shoemaker asked if there should be an *and* or an *or* after III-E,1-a and after III-E,1-b.

Frank Josselson said that it should be *or*.

Ron Cease asked if the definition is a partial beginning of a definition or if it was complete definition.

Frank Josselson said that it is just a partial beginning to the definition.

Chair Myers said that he was sure it could be varied from the suggested points given. He asked the Committee to move onto III-E,2 *Subject areas*.

Frank Josselson suggested adding to III-E,2-a, *domestic water sources of supply*, to make it read *Domestic water sources of supply, storage, and transfer*.

Wes Myllenbeck asked what was meant by transfer. He asked if it meant major distribution from storage.

Frank Josselson said that transfer was from one basin to another basin.

John Meek gave the example of two major water basins and the ability to switch lines with a turn of a valve. He asked for a further definition of transfer. He asked if it was the agreements or new water suppliers.

Jon Egge said that transfer would be planning for the transfer. He suggested leaving the word *transfer* out for purposes of public discussion.

Frank Josselson said that he would withdraw the word *transfer* from his suggestion.

Chair Myers said that III-E,2-a would read *Domestic water sources of supply and storage*.

John Meek said that he does not know of a water source, other than a well, that is limited to domestic use.

Charlie Hales said that the issue is who plans for domestic use or infrastructure of the water.

John Meek said that if you plan for domestic water use, industrial water use is going to come with it. He gave the example of Hagg Lake. He said that it was originally to be used for irrigation purposes but now it is often used more for domestic use than irrigation.

Chair Myers asked if John Meek's point is that it is difficult to describe a planning responsibility that applies only to domestic without including the other uses.

John Meek said that was correct. He said that the word *Domestic* should be dropped.

Mary Tobias asked if the Committee was presuming that the regional governing body will have planning authority that will supersede or dictate to the special districts how they will plan for their own systems.

Frank Josselson said that most special districts do not have their own source of water. He said that he would strongly object to anything that interfered with the functions of special districts and the cities and the delivery of water. He said that the purpose of III-E,2-a is to bring attention that the water supply issue is of regional concern for which the region ought to undertake planning.

Mary Tobias gave the example of Sherwood's water supply. She said that Sherwood has a traditional municipal water supply and does not buy water from anyone. Parrett Mountain, an unincorporated area just outside of Sherwood, uses the same groundwater supply--the same aquifer. There is a conflict of interest because Sherwood says it needs the water and Parrett Mountain is saying that they are running out of water because Sherwood is taking all the water. Under the proposal, the planning for the water supply and storage would assume an aspect of metropolitan significance in the two systems in which more than one jurisdiction would be affected. The regional government takes precedent over the local jurisdiction's planning for its water supply. The regional government would then come in and be arbitrator. She asked if she was correct in her scenario.

Jon Egge said that it is only the planning aspects.

Mary Tobias said that she understood that.

Jon Egge said that water is currently a functional plan in which case they are talking about the same thing.

Mary Tobias said that it is part of the municipal comprehensive plan for the city. Currently, it is being operated by the state. She asked how the state will be written out of it. She said that Sherwood's water supply is a self contained system that goes into an aquifer. Further down the aquifer, there is another series of wells. When there is a conflict in the planning, it assumes metropolitan significance. At that point, does the regional government take over the planning for water between the two jurisdictions and rule out the local water departments?

Ray Phelps asked if III-E,2-a anticipated compliance with the 208 Clean Water Act established by the federal government and not running the water business. He said that Metro is currently running Section 208 of the Clean Water Act and so III-E,2-a is a reflection of the current status of the federal requirement not getting into water distribution within the local areas.

Frank Josselson said that although some jurisdictions assume that they have their own water sources, all water sources are waters of the state and held in public trust for the people in the state subject to the control of the region and the state.

Mary Tobias said that if that is correct, then *water sources of supply and storage* ought to be a state function not a regional function.

Frank Josselson said that it is a function that the state can assume or dictate down. He said that if the state dictates it down, the region should be deciding it, not the cities.

Mary Tobias said that her question was is there a shift in power--is it being done knowing full well that there is an anticipated shift in power? Is the power being removed from local government? She said that the answer she has just been given is yes.

John Meek said that if a city runs into a water problem as it anticipates the future growth, hopefully the regional supply aspect will come in and deliver the water.

Mary Tobias said that she does not disagree with that. She said that she understands the Committee to say that the regional government assumes responsibility in the case of a jurisdictional dispute over water supply or storage, that the authority of local governments is being diminished.

Frank Josselson said that he did not say that at all. He said that he is not talking about diminishing or expanding, but is talking about clarifying and giving the regional government a mission.

Ron Cease said that what he thinks the Committee is saying that, in five or six years, if there is a problem with two jurisdictions and the water supply, one jurisdiction should not be allowed to take all the water leaving the other with none. If the regional government knows its role, there should be some way to resolve the conflict.

John Meek said that the Committee is talking about a supply problem in the area and how to deliver water to it.

Chair Myers said that the Committee is also talking about resolving conflict.

Bob Shoemaker said that Mary Tobias is suggesting that if the water supply serves two jurisdictions, even though there is not any problem between the two, the planning responsibilities for the water shifts to Metro and is taken away from the local jurisdictions. He said that is a legitimate question.

Mary Tobias agreed.

Frank Josselson said that where there is no problem, he would urge regional government to leave it alone.

John Meek said that III-E,2-a does need to be reworded to avoid that possible problem.

Ron Cease asked how Mary Tobias' problem would be resolved since, in her example, one area is incorporated and one is not.

Mary Tobias said that her original question dealt with the issue of intentionally shifting the power away from the local governments.

Bob Shoemaker said that maybe the problem is under III-E,1 *Definition of Metropolitan Significance*. He said that the first part of the definition, *if more than one local jurisdiction is affected*, would give credence to Mary Tobias' concern. If III-E,1-a is taken out, so it alone cannot create something of Metropolitan significance, then III-E,1-b and III-E,1-c are okay. He suggested deleting, from the discussion draft, III-E,1-a, *if more than one local jurisdiction is affected and/or*.

There was consensus to delete III-E,1-a.

Chair Myers said that III-E,2-a would read *Water sources of supply and storage*.

Ron Cease asked about the issue with quality.

Chair Myers said that it would fall under III-D, *Federal and state mandated functions*.

John Meek said that once Metro puts a water supply together, it must meet the requirements of the Clean Water Act before it is deliverable.

Ron Cease suggested that the Committee add the topics of *air quality, disaster planning and energy* to III-E, *subject areas*.

Janet Whitfield said that Metro has a requirement in the statute for air and water quality.

Chair Myers said that air quality would be picked up under *federal and state mandated functions*.

Ron Cease asked if there was also a mandate for disaster planning.

Janet Whitfield said that there was not.

The Committee had consensus to add *regional disasters* as point III-E,2-h under *subject areas*.

Jon Egge asked about energy.

Ron Cease asked if there was a regional aspect to energy.

Charlie Hales said that there is but that it would be covered under the state land use goal.

Ron Cease said that if the Committee thought energy planning was adequately covered under the state land use goal, it does not have to be a part of the *subject areas*.

Chair Myers asked the Committee to move onto III-E,2-c, *urban greenspaces*.

Mary Tobias said that the UGB is smaller than the Metro Service District boundary. She asked about planning for the greenspaces which are not in the UGB but are in the Metro boundary.

Ron Cease suggested deleting the word *urban*.

John Meek said that there should be a lot of public feedback as to the definition of greenspaces. It will be good to get input as to the size of the greenspaces.

The Committee had consensus to delete the word *urban*, changing III-E,2-c to read *greenspaces*.

Chair Myers asked the Committee to move on to III-E,2-d, *Locations of significant, high density, mixed use urban development*.

Mary Tobias said that both III-E,2-d and III-E,2-e, *locations for commercial/industrial development having metropolitan significance*, are land use planning specific. In these areas, the Committee is preempting the planning authority of local agencies if it takes over developments which are of regional significance, such as the Port of Portland's Rivergate property.

Bob Shoemaker said that the regional government will not be taking over, they are just dealing with location.

Ron Cease said that the issue is similar to that of Tri-Met where another regional government is doing something.

John Meek said that one of the fears of local government is that the regional government will take a development that has already been planned for and for which a comprehensive plan has been written, and determine that it has metropolitan significance. He said that, under the wording in the outline, it is possible that Metro could step in and take over a development after the planning has been done by the local government. The discussion draft should make it clear to the local governments whether it is referring to the current planned land or future developments.

Ron Cease said that it is a political issue because there are a lot of things that Metro currently has the authority to do but does not do. Metro is not going to take over an issue or function until they have the funding, the timing is right, and there is support for Metro to step in. He said that the Committee is really discussing a list of things with regional significance which is nothing more than is currently in the statutes.

John Meek said that it is a point of bringing people together to go toward the same vision of planning. He would like the word *future* inserted before the statements in III-E,2-d and III-E,2-e to clarify that the planning would be for the future developments and not for the currently planned developments.

Ron Cease asked if these are things that Metro intends to do immediately as soon as the charter passes.

Bob Shoemaker said that it was two different points.

Chair Myers asked if there was any reason why the word *future* would compromise III-E,2-d, and III-E,2-e.

Jon Egge said that it is important to mention that it is for the future. He said that the regional plan

will start with what the local governments have on paper as the local comprehensive plans and work from there. Therefore, everything that is being talked about really is for the future.

Bob Shoemaker asked what would happen if something was already in the plan but not yet realized. He asked if Metro would be given the authority to change existing land use by claiming metropolitan significance.

John Meek said that the current language in III-E,2-d and III-E,2-e could allow that to happen. By adding the word *future*, local governments and the regional governing body can look at the regional plan and come back to the local governments and work with them to change the plan if an area is determined to be more of a regional significance when seen on a regional basis.

Bob Shoemaker asked if the current plan contemplates an industrial development, but if it is not yet on the ground would Metro, conceptually, have the authority to change the plan and move it somewhere else or is it in the present state of planning.

John Meek said that it would be in the present state of planning.

Frank Josselson said that he would disagree because it frustrates an important power of the regional government. One controversy in land use is how does the government change land use plans and categories without interfering with individual rights and expectations with respect to property. He said that the Oregon Supreme Court attempted to solve the controversy by making rules which say that once someone has encouraged substantial expenditures in reliance upon an approval of a zone or a plan, then he has an invested right to proceed with the development. Until that point, government has the freedom to change the land use designation and rezone the property. The rules are constitutional principles which will govern the charter.

Mary Tobias said that, with points III-E,2-d and III-E,2-e, conceptually, the regional plan would show where the locations of significant, high density, mixed use urban development and locations of commercial/industrial development having metropolitan significance would be located. The locations would also be in the local comprehensive plan. She asked if she understood correctly how the process would work when a corporation comes in and buys land that is not one of the locations identified by the regional government and wants to build on the land. The local government agrees to let the company build and changes its comprehensive plan. The company then has to go to the regional government and ask for a plan change. If there are objections at the regional level and the changes are not made, then it could be taken to the court because the two plans are out of compliance.

Frank Josselson said that the company would go either to the local government or to Metro and ask for the siting of their company on the land. There should be standards in the charter for determining who decides the question. If it is a local issue, then the local government will decide and if it is regional, then the regional government will decide. He gave the example of Atlanta and the list that they have to determine what is regional and what is local. He said that Metro could have the same type of list to determine the significance of the land.

John Meek gave the scenario of a piece of land which is zoned commercial for a major shopping center. He asked if the local government can go ahead and build it or if it needs to go through the regional government.

Bob Shoemaker said that the regional government could decide that it is an inappropriate site for development if there is not an invested interest. Currently, the local government could change its mind and say that the land would be better used for another purpose.

Charlie Hales said that it is subject to review by LCDC because it is a plan amendment. He said that there is a regulatory trade off if the periodic review of comprehensive plans and review of comprehensive plan amendments change from LCDC to Metro for Metro area local comprehensive plans. The venue for the challenge then shifts from LCDC to Metro. There is not necessarily a length in the process.

Bob Shoemaker said that is the second issue. The first issue is that, in that circumstance, Metro should have authority to determine if the site is appropriate for what it is zoned for.

Ron Cease said that basing decisions on current zoning will not tell you very much. In order to determine what is of regional significance and reduce the amount of conflict, it is necessary to have a list of criteria.

Frank Josselson said that it is taking power away from local governments.

Ned Look said that the list of criteria from Atlanta that Frank Josselson used as an example was put together after there were growth problems. He agreed that criteria would be helpful.

John Meek said that he understands Bob Shoemaker's point to be that if the regional plan, which is a compilation of community plans, is adopted, it is still a question as to whether or not a company can build a commercial facility on a piece of land that has been zoned commercial.

Bob Shoemaker said that if, when the company comes in for the building permit, there is no change in the zoning, they get the permit. He said that it would still be true under the discussion draft. If, before the permit is granted, there is a movement for a zone change, and the projected development is of regional significance, then Metro will make the decision under the discussion draft. Currently, the local government would make the decision to change the plan.

John Meek said that his point is that it is talking about future aspects and it needs to be clarified that it is future land use changes of regional significance.

Bob Shoemaker said that the use of the word future is appropriate as long as it is understood that it is talking about development and not plans for development.

Frank Josselson suggested that III-E,2-d read *Planning for and provisions for siting of significant, high density, mixed use urban development* and that III-E,2-e read *Planning for and provisions for commercial/industrial development having metropolitan significance*.

Bob Shoemaker asked if the word *future* should also be included.

Frank Josselson said that it would create problems and is not a necessary question to address.

Bob Shoemaker said that the law protects existing developments.

Frank Josselson said that was correct. He said that there are constitutional provisions which supersede the charter.

Jon Egge said that *planning and provisions for* are futuristic words.

Bob Shoemaker said that it is one thing for the regional plan to say that an area is industrial within the city of Wilsonville and leaves the precise planning to Wilsonville. He said that Frank Josselson is suggesting that if it is of regional significance, the entire planning process is left to Metro and

Wilsonville really has nothing to say about it unless Metro wants Wilsonville to have a say.

Frank Josselson said that is not what he intended to say. He said that there are certain aspects which are of local significance where the regional government should not interfere.

Bob Shoemaker said that another issue to consider is the siting of commercial and industrial land.

Frank Josselson said that the regional government should have a role in the siting of commercial and industrial land if it is of regional significance. If it is not of regional significance, then the regional government should not be involved.

Mary Tobias said that she has trouble with III-E,2-d and III-E,2-e because they do not belong on the *subject areas* list. She said that they are comprehensive plan elements. They are specific zoning and siting issues that are specific to whichever jurisdiction is in the process of making sure that they provide the mix that they want.

Charlie Hales asked if they are not in this list, then where do the issues get addressed.

Mary Tobias said that they belong in the local plans.

Ned Look asked Mary Tobias if it belonged on the list if it affects a regional transportation core. He said that a commercial or industrial facility should be allowed to be built in an area that is no way in tune with the regional transportation system. If it is done, it should be made clear that there is no way to support it through the regional transportation system.

Mary Tobias said that they should be able to do it.

Motion: Frank Josselson moved, Ned Look seconded, that III-E,2-d read *planning and provisions for siting of significant, high density, mixed use urban development* and III-E,2-e would read *planning and provisions for siting of commercial/industrial development having metropolitan significance*.

Vote on the Motion: Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, Isaac Regenstreif, Bob Shoemaker, Mimi Urbigkeit and Chair Myers voted aye. John Meek, Ray Phelps, and Mary Tobias voted nay. The vote was 11 to 3 and the motion passed.

Chair Myers asked the Committee if there was any discussion on III-E,2-f, *solid waste disposal, reuse and recycling*, and III-E,2-g, *regional exposition, recreation, cultural, and convention facilities*. He said that III-E,2-h, *disaster planning* was added to the list.

Ray Phelps said that there is no mention on the *subject areas* list of the existing Metro authority granted by the statutes such as sewers, liquid waste disposal, drainage, zoo facilities, criminal and juvenile justice planning. He said that he did not want the Committee to overlook them although they may already be in the list in a generic fashion. He suggested adding them to the list.

Chair Myers said that there could be significant debate around some of the issues. He said that the Committee has put the statutes aside and has taken a fresh look as to what the authorities ought to be. He said that he would prefer to not engage them at this point. If there are suggestions later to add them to the list, they could be dealt with at that time.

Ray Phelps said that he just wanted to draw the Committee's attention to these so the Committee is aware.

3. Additional business

Chair Myers said that the Committee will finish reviewing the discussion draft at the November 14th meeting. He said that half of the next meeting will be spent on other functions. Members should have any amendments to the outline ready in order to save time. He asked that the Committee not double back and modify what has already been reviewed.

Mary Tobias asked what other functions the Committee will be discussing.

Chair Myers said that they would be the operational functions.

Chair Myers adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Kimi Iboshi

Kimi Iboshi
Committee Clerk

Reviewed by,

Janet Whitfield

Janet Whitfield
Committee Administrator

Materials following this page represent
Attachments to the Public Record

**INFORMATION FROM REGIONAL GOVERNANCE COMMITTEE
TO CHARTER COMMITTEE
REGARDING FUNCTIONAL PLANNING**

November 7, 1991

The Regional Governance Committee appreciates the opportunity to offer the following thoughts regarding the framework for conducting regional planning.

HIGHLIGHTS OF INFORMATION AND RECOMMENDATIONS

This document concludes that:

- Regional planning will be conducted most effectively and efficiently if it builds on the existing system of preparing functional plans. A regional vision, goals and objectives, and performance benchmarks should be established to provide the needed context for the functional plans. A regional comprehensive plan would be very expensive and time consuming to prepare, and would be a less effective growth management tool than the approach proposed here.

FUNCTIONAL PLANNING PROCESS PREFERRED

The Regional Governance Committee (RGC) prefers that the functional planning process be used as the foundation of regional planning efforts. We support an approach to regional planning which includes the following primary elements:

- I. Preparation of long-range vision establishing values for the region
- II. Development of regional growth management strategy
 - A. Goals and objectives
 - B. Performance benchmarks
 - C. Functional plans

We believe that this approach will achieve the desired result of effective growth management more effectively and efficiently than the preparation of a regional comprehensive plan. To prepare a regional comprehensive plan which satisfies the standards for comprehensive planning in this state and is similar in scope to local government comprehensive plans would be a monumental task. Substantial amounts of time and money would be required to do it right. Given limited resources, it is more likely that neither the time nor the money will be available, with the result being an inferior product. The approach which we believe will work is briefly outlined below:

- We support preparation of a vision for the region. The vision should not be a legally binding document, but it should provide a useful analytical tool to help all of us to examine the long-term implications of choices and develop a regional consensus on the values which should shape future growth. The existing 2040 study being conducted by Metro will provide a good start.
- Goals and objectives provide the next level of detail to the planning process. The existing RUGGOs, at the very minimum, provide a useful starting point.
- Performance benchmarks, in a sense, are a part of the goals and objectives; the benchmarks would give the region specific, measurable targets to track over time. In this

way we will know whether we are achieving the objectives or not. The state's benchmarks are a good example.

- The functional plans provide the mechanism for the kind of detailed analysis which is required to successfully address today's complex planning problems.

The Regional Transportation Plan prepared by J-PACT is a good example of both a functional plan and a cooperative planning process. The Regional Solid Waste Management Plan is another example of a functional plan, and illustrates the difference between functional plans and comprehensive plans. That document is very detailed. It forecasts the region's future waste disposal needs and identifies specific facilities and programs for meeting those needs. An intensive two year planning effort was used to develop that plan, and major chapters, including the Washington County chapter, are still being added two to three years later. The Regional Solid Waste Management Plan (RSWMP) illustrates the analytical depth which is required to effectively plan at a regional level for any issue of significance. To attempt to treat every single element of a traditional comprehensive plan at that level of detail is, we expect, destined at the outset to fail. The RGC recommends building on the good work which has been done to date to establish the functional planning process in this region.

As with all recommendations at this point of the decision making process, RGC's support for a regional vision, goals and objectives, performance standards and functional plans is predicated on the assumption that the charter successfully establishes a true partnership between the regional government and local governments as the various elements of a regional plan are prepared. The experience of local governments working on the Washington County chapter of the RSWMP provides a good case study of why the RGC is so critically concerned about this process issue. In that process all Washington County local governments worked together, and with the Metro Executive Officer, her staff and several Metro Councilors, to develop a consensus solution to siting major solid waste facilities in Washington County. The consensus recommendation was found through numerous studies by Metro's consultants to be both technically and economically sound and in full compliance with the policies of the RSWMP. Nevertheless, the recommendation met strong resistance at the full Metro Council, and was passed by a 7-5 vote only after an extended period of acrimonious debate. While the votes of the 7 Metro Councilors were greatly appreciated, the extraordinary difficulty passing an RSWMP chapter which was supported enthusiastically and unanimously by so many key players provides a good example of why we are so committed to a Charter which provides for a true partnership as regional planning is conducted.

We very much appreciate the opportunity to provide these comments to the Charter Committee and look forward to discussing these and other issues with you at the appropriate time.

**INFORMATION FROM REGIONAL GOVERNANCE COMMITTEE
TO CHARTER COMMITTEE
REGARDING WATER ISSUES**

NOVEMBER 7, 1991

The Regional Governance Committee (RGC) appreciates the opportunity to offer the following thoughts regarding domestic water issues for the consideration of the Charter Committee.

HIGHLIGHTS OF INFORMATION AND RECOMMENDATIONS

This document includes the following key points:

- A regional water supply plan should be created by building on the current cooperative actions of local governments.
- The State should play a more pro-active role in developing river basin and subbasin plans. The regional water supply plan should be consistent with the state's basin plans, and should influence the preparation of those basin plans.
- Metro should play an enhanced role of coordination and providing information gathering and support services to assist local governments in preparing the regional water supply plan.
- There are opportunities for efficiencies and long-term cost savings in the wholesale (transmission) system which can be achieved by local government cooperation on a sub-regional level. Metro can help foster this cooperation through the exercise of its current authority to oversee the preparation of coordination agreements for special districts. These coordination agreements assure consistency between special district plans and city and county comprehensive plans.

SUMMARY OF RGC PROCESS

As you know, for each major functional issue the Charter Committee addresses the RGC is using 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. The second matrix describes our current thinking on what the future system should be.

Horizontal Axis/ Water Issues: Along the horizontal axis we have organized the two water matrices into three categories: 1) supply/source (collection); 2) wholesale (transmission); and 3) retail (distribution). These categories are intended to describe the physical components of a water system. The first category, supply/source (collection), means the actual source of the water and any structures necessary to gain access to that water. For example, the Bull Run Reservoir and dam would both fall in this category. Well fields for municipal water use would also be covered here. The second category, wholesale (transmission), is the infrastructure which takes the water from the source to the retail distribution system. The third category, retail (distribution), is the system which delivers water to the end users (i.e. residences, businesses, institutions).

Vertical Axis/functions: Along the vertical axis we have identified a number of types of functions, from "approval authority" to "service delivery". "Approval authority" means the

body or bodies who have the primary approval authority for a plan or structure before it can be built or implemented. "Planning lead" means the entity with the primary responsibility for preparing a long-range plan. "Coordination lead" means the entity responsible for pulling together all of the parties who must prepare a plan. "Information gathering, analysis and support" means the entity responsible for conducting staff functions to support the planning process (e.g., research studies, computer modeling). "Service delivery" means the entity responsible to implement and maintain the plan.

RECOMMENDATIONS: EFFICIENCIES TO BE GAINED BY ENHANCED REGIONAL AND SUB-REGIONAL PLANNING AND ACTION

The highlights of matrix B 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.

Water Supply: Need for Local Government Regional Cooperation and State Basin Planning

The RGC believes that there is a need for regional water supply planning. The beginning phases of coordinated regional water supply planning are occurring today through regional supply and demand studies being conducted by the Portland Water Bureau with input from water purveyors from throughout the metropolitan region. These planning studies have cost approximately \$1 million to date and will require a similar amount to complete. This type of cooperative effort should continue and should be expanded. It should result in the creation of a regional water supply plan which identifies the extent of the need for additional supply, the preferred supply options, and allocates the costs of additional supply commensurate with the benefits to be derived by the individual water purveyors. Two possible mechanisms to implement such cooperative action are intergovernmental agreements as provided for in ORS 190 and the creation of water authorities as provided for in ORS 450.

It is appropriate for this regional cooperative planning effort of the local governments to continue, in part because their role as water suppliers best equips them to understand the practical needs for planning for future supply. This approach will also yield quicker results because it builds on an existing funded planning effort.

However, the RGC is recommending that Metro take on the role of coordinating this regional planning effort. Metro can provide an important benefit to the region by providing a forum for all local governments to participate in this important on-going planning effort. This is true for issues that affect the entire region as well as issues affecting significant portions of the region. Metro should also increase its role in the staff functions of information gathering, analysis and support services. Assuming that a reasonable funding mechanism can be identified, the regional government could provide a good mechanism to equitably share the costs for the various planning studies which will be necessary to develop a credible long-range water supply plan.

RGC also recommends an enhanced role for the state's basin planning program in planning for future water supply for the region. While it is appropriate for this metropolitan region to plan for its future water supply, that planning must occur in the context of a broader planning area: river basins and other water sources outside of the metropolitan area. River basins provide the geographical boundaries for most water supply options. Even inter-basin transfers are fairly common. In the case of the tri-county metropolitan region, political boundaries do not correspond with river basin boundaries. Therefore, we are recommending that the State play a more pro-active role in conducting river basin planning for water supply. It is expected that the regional water plan will need to be consistent with the state's river basin plans. It is also

expected that this region's abilities to favorably impact the state's river basin plans will be greatly enhanced through the development of a cooperative regional water supply plan.

Because the state is the appropriate entity to conduct the needed river basin planning, and because the state has the authority to grant water rights, there is no identifiable benefit in this case to another layer of government (i.e. Metro) having the authority to approve the regional water plan. The benefits of regional planning can be achieved in a more effective and efficient manner through the cooperative actions of local governments, with Metro providing the needed coordinative and staff assistance functions.

Wholesale System: Benefits of Local Coordination

The RGC also recommends that local cooperative action continue to play an enhanced role in planning for the wholesale (transmission) system. We believe that in some cases the wholesale system can be made more efficient through cooperative action between local service providers. In most cases this cooperative action will occur at a sub-regional level (i.e. portion of the metropolitan area). This cooperative local action can be encouraged, in part, through Metro exercising its current authority to implement coordination agreements with special districts to ensure that their actions are consistent with affected city and county comprehensive plans. These coordination agreements can be an excellent mechanism to ensure that decisions result in maximum efficiency to the overall system.

We appreciate the opportunity to provide these comments.

WATER INFRASTRUCTURE
MATRIX A: SUMMARY OF CURRENT SYSTEM

MATRIX A: SUMMARY OF CURRENT SYSTEM

	APPROVAL AUTHORITY	PLANNING LEAD	COORDINATION LEAD	INFO. GATHERING/ SUPPORT	SERVICE DEL. LEAD	
WATER	• Supply/Source	State/Federal/ Local*	Local/State	Local	Local/State	Local
	• Wholesale/Transmission	State/Local	Local	Local	Local	Local
	• Retail/Distribution	State/Local	Local	Local	Local	Local

* Note: Land use permits from local governments sometimes needed.

WATER INFRASTRUCTURE

MATRIX B: SUMMARY OF PREFERRED SYSTEM

	APPROVAL AUTHORITY	PLANNING LEAD	COORDINATION LEAD	INFO. GATHERING/ SUPPORT	SERVICE DEL. LEAD
WATER					
• Supply/Source	State/Federal/ Local *	Local (Regional)/ State (via basin planning)	Metro	Local/Metro/ State (via basin planning)	Local (Regional)
• Wholesale/Transmission	State/Local	Local (Regional)	Metro/Local	Local/Metro	Local (Sub-reg- ional or regional)
• Retail/Distribution	State/Local	Local	Local	Local	Local

KEY

Fed = Federal Government

State = State Government

Local = Local government

Basin planning = a planning program for an entire river basin run through the state

Local (Regional) = cooperative joint action by local governments on a regional scale

Local (Sub-regional) = cooperative joint action by local governments on a sub-regional scale

*Note: Land use permits from local governments sometimes needed.