

**METRO
CHARTER
COMMITTEE**

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

AGENDA

DATE: March 5, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Room 440, Metro, 2000 SW First Avenue, Portland

- 6:00 Meeting called to order.
Correction and adoption of minutes from February 13 and 20.
- 6:05 Briefing by Metro staff on Vision 2040 project.
- 6:25 Adoption of charter drafting decisions for treatment of specific powers and functions to be initially authorized for regional government.
- 10:00 Meeting adjourned.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

March 5, 1992

Metro Center, Room 440

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

Committee Members Absent: Matt Hennessee

Chair Myers called the regular meeting to order at 6:10 p.m.

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the February 13, 1992 minutes.

Motion: Mary Tobias moved, Wes Myllenbeck seconded, to approve the minutes as distributed.

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

Chair Myers asked for corrections to the February 20, 1992 minutes.

Motion: Ron Cease moved, Mary Tobias seconded, to approve the minutes as distributed.

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. John Meek abstained. The vote was 14 ayes and 1 abstention and the minutes were approved.

2. Continued discussion of the Future Vision

Jim Gardner, Presiding Officer of the Metro Council, gave an overview of the Region 2040 process. He said that Metro is doing the study in conjunction with ODOT and Tri-Met. Through the RUGGO's process, it became clear that RUGGO's would be a good set of objectives and concepts with a variety of ways to implement them, which would lead to very different outcomes for the future of the region. At the end of the RUGGO's process, there was a broad understanding and consensus that regional growth management planning needs to be done and done quickly. Before it could be done, there needed to be a projection to determine how the growth should occur. The first phase of Region 2040 starts with the description of RUGGO's, the Regional Transportation Plans and Policies, and existing local comprehensive plans. It will take those conditions and extrapolate them out to tell what the region will look like with the extra growth that is anticipated. Phase one will also develop 3 to 5 alternative scenarios as to how the region can grow over time if some policies, such as land use or transportation, change. It will look at what the urban form of the region could be with the existing

policies and other policies. Phase two will be the analysis of the alternatives and determination, in detail, of what is needed to make each of them happen. At the end of that process, there will be a decision made as to which scenario the region prefers. Region 2040 is also a statutory responsibility for Metro which grew out of the statutory charge to develop RUGGO's, administer the urban growth boundary, and be a coordinating role with local land use planning. Portland has taken a strong interest in Region 2040 and has coordinated its livable cities project with Region 2040 in determining what the city's role will be in absorbing some of the future growth. With the livable cities program, Portland has set a target of attracting 20% of the regional growth that is expected in the area.

Andy Cotugno, Metro Transportation Director, said Region 2040 is a 50 year projection which will: establish an urban land use and transportation concept, guide other functions of Metro, provide a better policy basis for future management of the urban growth boundary, provide the basis for future update to the regional transportation plan, provide the basis for implementing the expected LCDC requirement for identifying urban reserves, and determine whether additional functional plans should be adopted by Metro. Region 2040 allows a single concept to link RUGGO's and the tools that Metro has which impact the local comprehensive plans. Forecasts are regularly made to determine the flow of population and employment. Those forecasts are used to determine travel demands and size of transportation facilities, sewer sizing, and water sizing. The forecasts have also been used to determine what land is used for. Region 2040 will help better clarify how infill and redevelop land fits into the equation. The policy tool of Region 2040 will influence the technical work on a regular basis. Region 2040 will also be the tool for response to the LCDC transportation rule requirement of having a revised transportation systems plan by May 1994 which meets a lot of requirements including a land use alternative to the transportation system improvements. By that date, Metro needs to adopt a plan which has gone through a process that looks at transportation and land use changes. Metro is also well positioned with a number of technical work activities which are in place or coming on line to assist in the process. For example, ARLIS gives Metro the capability to analyze different land characteristics. The latest census is also coming on line this year. The employment data has also been updated in the last two years. Through the 1000 Friends' LUTRAC project, Metro is helping to develop analytical tools which will reside in Metro. One of those tools is the ability to predict where growth is expected to go. Phase one will involve broad public involvement in the defining of the alternatives through sample surveys. The April 21 Growth Conference will center around defining the alternatives. He said that there has been a consulting team under contract for the last two months. He said that the budget is divided equality between four parties: ODOT, Tri-Met, local governments through Metro dues, and Metro general fund through the excise tax.

Bob Shoemaker asked for an explanation of the roles played by the consultants, staff, and the Metro Council in the development of Region 2040.

Jim Gardner said that the study has a management committee which oversees the day to day operations. The management committee is made up of representatives from Clackamas County, Metro, Multnomah County, ODOT, City of Portland, Tri-Met, and Washington County. In the surveying, the values of the people and the features that they would like to see in the region will be incorporated. The growth conference will also involve a lot of people in the brainstorming and decision making.

Bob Shoemaker asked at what point does the Metro Council get involved.

Jim Gardner said that the Council will be getting ongoing reports regarding its progress. The Council Analyst who deals with transportation will be a member of the management committee and will get Council opinions. He said that he did not know where the Council decision points would be in the first phase because it is just laying out the alternatives. There probably will be decision choices in phase two, but they have not been determined yet.

Bob Shoemaker asked if the Region 2040 was being developed through a consulting team with public involvement and if it will be brought to Metro for approval.

Jim Gardner said that it will not be brought forth for approval. It will be a report.

Bob Shoemaker said that, in phase two, it will be brought to the Council and received, but the Council will also have to make choices.

Jim Gardner said that was correct. RPAC and JPACT will be continually briefed on the progress of Region 2040. Their role is to provide policy input to determine if Region 2040 is on the right track.

Ray Phelps asked when the terms *transportation and land use concepts* are being used, is *land use* being used generically.

Andy Cotugno said that it is a land use plan for the major regional interests of the land such as urban growth, extent of urban growth expansion, extent of land fill inside the urban growth boundaries, and locations for major attractions.

Ray Phelps asked how the management committee came together.

Jim Gardner said that it is comprised of those who funded the projects as well as those who have an interest.

Ned Look asked what the relationship was between Region 2040 and Portland Future Focus.

Andy Cotugno said that Portland Future Focus is broader than land use, it deals with a variety of social, neighborhood, economic interests. Portland Future Focus is similar to a strategic plan.

Ned Look asked if Region 2040 will deal with housing density.

Andy Cotugno said yes.

Ned Look asked if the process on April 21 is open to the public or if it is by invitation only.

Jim Gardner said it is open to the public.

Ned Look asked if it will be similar to last year's Urban Growth Conference.

Jim Gardner said that the format is the same. He said that the afternoon would be devoted to using a kit put together by the consultants to let the small groups develop their own range of alternatives of how the region is to grow. It will be as participatory as possible.

John Meek said that, at some point, transportation must fall into the land use plan.

Andy Cotugno said that he did not mean that it is just a land use plan and not a transportation plan. He said that they are interconnected.

John Meek asked for a clarification of the statement that land use is driven by existing corridors.

Andy Cotugno said that Region 2040 will take into consideration how the market economy for locating jobs and houses will respond to the land use plan. The plan provides a certain supply of land available to develop, whether it be infill, redevelopment, or new development. The issue is the market demand for the amount of land available and how it will affect growth in one part of the region versus another part of the region. Transportation and accessibility are strong factors in determining how much demand will be channeled in each direction. The alternatives themselves will identify transportation systems and how to get by the decisions to

locate in certain areas.

John Meek asked how the map showing comprehensive plans fits into Region 2040.

Andy Cotugno said that is the starting point. He said that every jurisdiction has its own comprehensive plan designation. The map is a generalized representation.

John Meek asked how to account for planning the land use plan, with the understanding that the urban growth boundary will be continued, yet where the urban reserves are developed.

Andy Cotugno said that the question is how to take into consideration infill in an area like Portland that appears to be fully developed. Portland says that they have the capacity for 400,000 more people. The last growth allocation said that 16,000 more people are expected. Portland's livable city program is their attempt to house the extra population. One of the primary ways is with redevelopment of land that can be turned over to a better use.

Chair Myers asked whether the Future Vision portion of the charter, as drafted, intersects or undercuts the Region 2040 process. He asked if the alternatives, and ultimate choice, in Region 2040 will address the *use, restoration and preservation of regional land and natural resources for the benefit of present and future generations.*

Jim Gardner said that it will. He said that the statement is broad and it is hard to tell how far the statement will go. He said that Region 2040 can be described that way, particularly in terms of looking at the use of land and transportation. By implication, it would also deal with population impacts on the airsheds and water.

Chair Myers asked if Region 2040 will address *how and where to accommodate the population growth for the region while sustaining and maintaining its livability and quality of life.*

Jim Gardner said that it would address that issue.

Chair Myers asked if Region 2040 will address *means of developing new communities and additions to the existing urban area in well planned ways.*

Jim Gardner said that it probably would.

Chair Myers asked if Region 2040 will address *economic growth and educational opportunity.*

Jim Gardner said that, educational opportunity in the normal way it is understood, would be outside of Region 2040. The economic side will be looked at by Region 2040. It will have to look at where the jobs will be for the new population.

Chair Myers said that the other area of potential conflict is *development and adoption.* He said that he understands the Region 2040 adoption process would ultimately place the decisions in the hands of the Council.

Jim Gardner said that was correct.

Chair Myers said that the work leading up to the decision making would be done through consultants and public participation.

Jim Gardner said that the work would also be done through RPAC, JPACT, and Council.

Larry Derr asked if *educational opportunity* would be in the scope of Region 2040 if it were to be understood to mean looking at the location and heights of educational resources available from a resource standpoint of how that might drive the location and development and the desirability of a location. For example, where the schools are and where they should be.

Jim Gardner said that it probably would, particularly in an area where there will be tremendous population growth.

Larry Derr asked if Region 2040 would address higher education opportunities being available in the area and how that would affect the location.

Jim Gardner said that would be stretching the vision.

Andy Cotugno said that, on a regional scale, Metro should not site all the schools in the area. Clearly, a certain amount of land will need to be available for schools in each of the residential sectors.

Larry Derr said that he was trying to make a distinction between looking at education as an opportunity that drives development as opposed to planning for education. He asked if the former would be within the spectrum of Region 2040.

Andy Cotugno said yes.

Jon Egge said that the way he understands the process is that the consultants draw up a set of preliminary scenarios and which move on to the management committee to mull over them for a while. He asked if that was correct.

Andy Cotugno said that there is no preconceived set of alternatives laid out at the growth conference or workshops following the conference. There will be resource information. Farther down the process, a series of alternatives will be recommended.

Jon Egge said that the model of participants makes the process look as if the information goes to one group, is mulled over, and a conclusion is reached before it goes on to the next group where the same thing happens. He said that by the time it gets to the Council, it could be a real problem.

Jim Gardner said that it is not a time sequence. The process is more an outreach of ideas.

Jon Egge said that it is more than a circle.

Jim Gardner said yes. He said that the different groups do not match a time schedule so that the Metro Transportation and Planning Committee and the Metro Council will be involved at the end of the year.

Jon Egge said that he is concerned about each group being a filter for the project.

Jim Gardner said that as the alternatives are being developed, there will be conversations involving all the groups as to whether the alternatives seem reasonable and contain all the significant ideas and concepts that come up through the process. There will be constant review to see that the consultants are on the right track as they develop the scenarios.

Charlie Hales asked when and how, under Metro's current structure, would Region 2040 produce concrete change. In other words, when will someone be able to drive down the street and notice that something is different as a result of Region 2040. He asked if Metro's current powers and duties were sufficient to do

whatever Region 2040 says should be done.

Jim Gardner said that changes will be able to be produced at the end of phase two at the end of December 1993. At that point, there will be a preferred alternative and a description of what changes need to be made in the regional plans and policies to implement the alternative. Those changes would be to any and all of Metro's current functional plans, particularly the regional transportation plan.

Charlie Hales said that the action would be the adoption of functional plans by the Metro Council which would govern local land use decision making and local planning.

Jim Gardner said that it would also govern planning that Metro would do.

Ned Look asked, with Larry Derr's definition of *educational opportunity*, if there was any difference in the Future Vision that is proposed for the charter and Region 2040.

Jim Gardner said that he did not think there was a conflict between the subject of Region 2040 and the subject of the Future Vision. There is a conflict in the way it is going to be done. He said that the last draft of the charter he had seen called for an independent commission that does the Future Vision and then brings it to Metro. He said that is in direct conflict with the way that Region 2040 is being pursued. Without using the same form, there will be disruptions of Region 2040 which, by then, will almost be done.

Ned Look asked if the Committee can come to terms with the way Metro is doing Region 2040, whether or not there is a need to have it in the charter at all.

Jim Gardner said that there is not a need for it to be in the charter because it is going to happen. If there are no conflicts, it would not do any harm to have it in the charter and it might reinforce the message that it is credible for this region to develop a vision.

Mary Tobias said that, in regards to when people will know that changes have taken place, if talking about changing land use patterns significantly enough to be able to do other things that should be done in the region, there is a problem with raising expectations that land use patterns can be changed one year through comprehensive plan review and revision and not have congestion the next year. She said that she does not think that is true. In response to Charlie Hales' question, it will probably be ten years before significant change in direction is noticed.

Andy Cotugno said that is correct in terms of real stuff on the ground. He said that it needs to be remembered that there are a million people on the ground right now.

Mary Tobias said that the changes will not happen overnight.

Jim Gardner said that Metro will actively steer it to the location and design to realize the vision.

Mary Tobias said that would be more apt to happen on vacant land than it would on redevelopment because the cost of redevelopment can be quite high. It will be a long evolving process.

Frank Josselson said that Region 2040 is a two phased process. Phase one is underway and involves the use of a consultant who is performing the study and interacting with RPAC and JPACT. He asked if it would be fair to characterize phase one as a data and information collecting phase.

Andy Cotugno said yes, and also a phase for clearly defining the choices available.

Frank Josselson asked if it was making the choices.

Andy Cotugno said no, it is not making the choices.

Frank Josselson asked when phase one will be completed.

Andy Cotugno said that it will be completed at the end of this calendar year.

Frank Josselson asked how long phase two is anticipated to last.

Andy Cotugno said that it will be in the second year. It will be completed by the close of calendar year, 1993.

Bob Shoemaker asked if phase two is the decision making part.

Andy Cotugno said that it is evaluation and decision making. He said that the implications of the different alternatives will be discussed.

Bob Shoemaker asked for a description of how phase two would proceed. He asked to what extent the Council would be involved.

Andy Cotugno said that the first half of that phase is viewed to be technical activity dealing with the various parts of the analysis necessary to produce the data upon which an educated debate can happen. The second half will be public debate and decision making.

Bob Shoemaker asked if the Council would be heavily involved during the second six months of phase two. He asked if the Council agendas will have time for debating the alternatives and their evaluation.

Jim Gardner said yes. It will probably have to be looked at in big pieces and be a broad and far reaching choice that has to be made. He said that it would have to be looked at section by section.

Bob Shoemaker asked if the Council will decide upon the preferred alternative at the end of the process. He asked if it would have the force of law and be the land use and transportation plan that will be pursued and everything else will be consistent with it.

Andy Cotugno said that is correct. He said that the level of detail is critical. The regional concerns need to be dealt with. There are a lot of details in the local comprehensive plans which do not deal with the regional concerns because it is not appropriate to design the landscape at that level.

Jim Gardner said that it will not be a regional comprehensive plan.

Bob Shoemaker asked what it will be.

Charlie Hales said that it will not be anything until functional plans are adopted. It is just a plan, a study.

Bob Shoemaker said that they select a preferred alternative.

Charlie Hales said that the alternative is not enforced on the ground until it is converted into functional plans.

Jim Gardner said that could be done simultaneously.

Bob Shoemaker said that the functional plans must be consistent with the plan. If they are not, they are illegal.

Jim Gardner said that is correct.

Bob Shoemaker said that it would have the force of law. Functional plans and future planning will have to fit, subject to amendment.

Jim Gardner said that functional plans are adopted by the Council by ordinance.

Bob Shoemaker said that Region 2040 is more than a vision of what it is going to look like. It is a decision on what we are going to cause it to look like.

Ned Look asked if there would be a vote of the people.

Jim Gardner said that it is very likely that the end product is going to contain recommendations, some of which would have to be translated into a functional plan in order to make sure that they get implemented. Others would be recommendations, and assuming that the involvement that RPAC and JPACT will have had, the recommendations may be adopted by the local jurisdictions rather than be put into a Metro functional plan.

Bob Shoemaker asked if a local jurisdiction could go off on its own and develop a local plan that is inconsistent with the framework plan.

Andy Cotugno said that they cannot develop a comprehensive plan that will be inconsistent with the functional plan. There are some elements of the framework plan that would be adopted, for implementation purposes, in a functional plan. They cannot be inconsistent with that.

Jon Egge said that the functional plan is the current tool for trying to do planning. He asked how the framework plan, which is proposed for the charter, impacts the process. He said that he thinks the framework idea gives the Council a little more power than just driving the whole plan and functional plans.

Jim Gardner said he does not understand how the framework plan would function in terms of its relationship with local comprehensive plans. If the framework plan would require consistency from local comprehensive plans, then it is much like the current functional plans. The difference is that the current functional plans deal with specific issues. He said that he has the impression that the framework plan proposed is a group of functional plans, or a single regional functional plan. In terms of a legal impact, it would have about the same status as the functional plans.

Jon Egge said that he sees it as being a little more direct.

Andy Cotugno said he thinks that functional plans are the better approach to be the linkage to local comprehensive plans than having a single framework plan being directly forced upon local plans. It is better to have a framework plan at the regional level being adopted by them. That level of detail is not necessarily wanted to be enforceable at the regional level.

Jon Egge said that level of detail is not being contemplated for the framework plan.

Jim Gardner said that he understands that the Future Vision talks about a bundling of local comprehensive plans.

Jon Egge said that part of the framework plan had been dropped because it was misunderstood.

Larry Derr asked if it would be fair to say that the work plan for phase two has not been finalized, so the steps to be undertaken and the specific end product are still to be laid out.

Andy Cotugno said yes. He said that one of the products of phase one is the evaluation criteria which is the

methodology to measure the alternatives.

Mary Tobias said that Region 2040 sounds like a Future Vision in terms of preserving quality of life and looking at urban form. It is taking where we are now and projecting it out and deciding where we want to be in 50 years. She said that the process being proposed does not fit the current Region 2040 process because of the special commission requirement. She said that the most workable, and easiest way to translate current action into continuous action, would be for the charter to make sure that the Future Vision is in sync with the current process.

Jim Gardner said that he agreed with that. He said that a statement in the charter mandating or strongly urging the regional government to conduct a type of Future Vision would be supportive of what is currently going forward. To the level of the charter spelling out how it would be done, there could be potential conflict.

3. Determination of charter treatment of the Future Vision

Bob Shoemaker said that there is a fundamental difference between what the Committee is calling for and what Region 2040 is set upon. The difference is what the Future Vision is to be and the legal effect. He said that the Committee's concept is that it is *a conceptual statement that indicates population levels and settlement patterns that the region and adjacent areas can accommodate*. It was to be a guide, not a plan. Region 2040 has much greater impact than that. It selects a preferred alternative and that will be the plan that everything else must adhere to. He said that is a very different end product between the two concepts. If the Committee thinks that their concept is more appropriate for Metro than where Metro is headed, then the process can be intercepted either at the beginning of phase two or half way through phase two at the point where they have completed the evaluation process. At that point, they have a lot of good information and have thought through the realistic alternatives and what they will cost. If the charter intercepts Region 2040 at either one of those points, the process will not be disrupted.

Larry Derr said that he agrees with everything Bob Shoemaker said after he said that the two concepts were different. He said that he understands that Metro has not clearly defined what the end product will be and how it will work, but he supports what Bob Shoemaker is saying. The Committee has the opportunity to have the process that goes into the charter be something that builds on what is being done with little or no chance that what is being done right now is going to be wasted or inconsistent with it, because Region 2040 is in a state of flux. The timing that the Committee described fits perfectly because the basic data gathering and generalized public input goes on for a year and then there are six months of analysis. By that time, the charter should be in place and the council under the charter will be in place and, if approved, the Future Vision commission would be in place. He said that the two concepts dovetail perfectly. He distributed a list of changes entitled *suggested changes to planning functions outline* which are a follow-up to last week's discussion and a meeting with Clackamas County officials. The changes to the Future Vision are an attempt to scale down the degree of detail specified in the charter to have a greater likelihood of not tying anyone's hands. The changes read: *(I.A.3.a) The governing body will appoint a broad-gauged commission. The commission will consider available data and public input and seek any additional information necessary to develop the proposed Future Vision within a timetable established by the governing body.* The commission could consider information from Region 2040. The Future Vision might depart from Region 2040 in the area of the commission being able to seek additional information because the commission may feel that there are some things that have not been looked at that should be. *(I.A.3.b) The governing body will adopt a Future Vision within 18 months after installation of the governing body.* There was a suggestion in earlier discussion to have the adoption be 24 months after installation, but that was when the process would be starting at ground zero. This actually provides for a three year process because the process has already started.

Charlie Hales said that, before getting into the question of meshing the two concepts, he would like to get into the concern that prompted the Committee to draft this portion of the charter. That is, the considerable gap

between Metro's planning powers that exist under state law and what has actually been done. The reasons for that need to be explored first before the Committee can agree on the powers which need to be strengthened. The question, of how much more should Metro do in planning than they have been doing and how explicitly should that be laid out in the charter to make sure that it actually happens, should be answered first. He said that his inclination is not to go too far in trying to conform what the Committee wants to see happen with what is already potentially happening under Metro's current power. It would be better for the Committee to stick with what they would like to see happen and let Metro figure out how to coordinate with that.

Ray Phelps said that there are two plans, solid waste and the regional transportation plan, and there would be more if the funding was available to do it. The reason they have not been done is not lack of will or desire on the part of the Council. The two plans that are in place are there because they are clearly defined functions of the government and were clearly funded by the government and the people. The rest of it is unclear with regard to what people want done and there is no money to do it.

Charlie Hales said that it is unclear in the statute because the statute does not say what a functional plan is.

Ray Phelps said that the point he is trying to make is that a lot can be done if the money is there.

Ron Cease said that he agrees with Charlie Hales. The Committee should not be overly concerned with whether the two concepts mesh. He asked for an explanation between the difference between functional plans and regional framework plan.

Frank Josselson said that the regional framework plan is defined as a land use plan that contains regional goals and objectives, functional plans, and benchmarks for performance as implementation tools. The definition incorporates the concept of functional plans, but the Committee has not decided that the regional framework plans be a cluster of functional plans. He said that is a decision that should be left to the regional government. The regional government should have a complete arsenal of tools that it can use and the regional goals and objectives, functional plans, and benchmarks for performance seem to be pretty all encompassing.

Ron Cease asked, in regard to Larry Derr's suggestion of *(I.A.4.) The Future Vision shall be reviewed and amended at such time as the regional governing body shall determine but not less frequently than once every 20 years, if 20 years is often enough.* He said that it might be better to say ten.

Larry Derr said that the original outline said ten years. The 20 years came out of a discussion with John Andersen, Gresham Manager of Strategic Planning, who indicated that the periodic review cycle for comprehensive plans is seven years, according to the LCDC rules. There is going to be a move by LCDC to get everyone in the region on to the same cycle. If the comprehensive plans are going to be reviewed every seven years, one line of thinking would be to get in step with that and have the vision revisited every seven years. He said that his thought for having a longer time period is to have more stability in the vision, since it is a longer term outlook than there is with the comprehensive plans which are a future outlook, but on a shorter perspective. If the comprehensive plans are going to be reviewed every seven years, it would seem like it is not a big deal to change the marching orders if you change the vision which could get you out of sync. It can be done more frequently if there is rapid change.

Ron Cease said that 20 years is a long time.

Ray Phelps said that 20 years is enough time to save enough money to do the Future Vision.

Frank Josselson said that he, Larry Derr, and Mimi Urbigkeit, met with representatives of RGC, City of Wilsonville, Clackamas County, and Washington County earlier and went through the rest of the planning functions. Larry Derr's work is an outgrowth of the consensus and complete agreement among the people at

the meeting.

Chair Myers asked if there were any revisions to the description of the Future Vision as tentatively adopted up to this point.

Frank Josselson suggested that the term *educational opportunity* be changed to something with a narrow reading to more accurately reflect the Committee's view.

Larry Derr said that he thought the essence of *educational opportunity* meant looking at educational opportunities as they exist as regional resources that have an impact on growth patterns.

Frank Josselson said that would be as opposed to planning an educational system.

Ron Cease said that what the Committee has accepted is broader than Region 2040. He said that he does not interpret *educational opportunity* as designing a system. It lays down an additional concern which is desirable to relate what Metro is doing with what the educational institutions are doing. He said that he felt the Committee viewed the Future Vision as bigger than land use.

Motion: Larry Derr moved, Frank Josselson seconded, to change the term *educational opportunity* to *educational resources* in Matters addressed by the Future Vision.

Larry Derr said that *educational resources* with *economic growth* helps to clarify because the Future Vision is not meant to be an economic development plan but to address the issue of economic growth. By *educational resources*, it does not mean the Future Vision will plan the educational system.

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Matt Hennessee and John Meek were absent. All presented voted aye and the motion passed.

Bob Shoemaker said that he understood Metro to say that Region 2040 is the development of what the Committee is calling the regional framework plan. In the course of that, they will be developing a Future Vision in a sense of a number of alternatives about what the land usage might be to accommodate anticipated growth. He asked if the Future Vision discussed by Metro is the same that the Committee is talking about. Maybe there is not a real difference between the Future Vision and the regional framework plan. The Future Vision, as the Committee described it, is a vision of how many people would be here and what kind of settlement patterns could accommodate those people. He said that is not quite the same as a regional framework land use plan—it is much more conceptual.

Larry Derr said that it does not make a difference if what Metro envisions as its Region 2040 process is different than the Future Vision because he does not think that Metro Council or staff is anticipating that the Region 2040 process, in two years, will have the detail that a regional framework plan has. He said that he is assuming that it will not get into mandating detailed changes in consistency of local plans simply due to time constraints. What Metro is doing is more like the Committee's view of a Future Vision than the Committee's view of a framework plan. The framework plan is the next step, the next level of detail, which does have the force of law like the Future Vision. The level of detail that the framework plan has should not be dictated in the charter. Metro has to work that out in consultation with local governments. It should, however, have enough detail to get the job done including a requirement that local plans and land use decisions be consistent with it. He said that is the concept that has been developed out of this process. He said that nothing that Metro is talking about quite fits either one. The first phase of Region 2040 is information gathering and alternatives

establishing process. By their own statement, they are not sure where that is going to take them as far as product. He said that he does not think that they have not taken a position as to whether or not they are going to do something by way of a land use plan that is going to be binding on local plans as a result of it.

Chair Myers asked the Committee to move on to the *development, adoption and review of the Future Vision*. He said that he was going to take the discussion based on the *Regional Government Powers and Functions Outline*. In regard to each of those questions, there is material in the *Discussion Outline of Powers and Functions* which was distributed to the public that offers answers to the questions. If Committee members have other approach, they may bring them up.

Larry Derr said that the recommendation he would make would be to replace everything under I.A.3. *Development, adoption and review of the Future Vision on the Discussion Outline of Powers and Functions* with the following provisions on his outline of suggested changes: I.A.3.a. *The governing body will appoint a broad-gauged commission. The commission will consider available data and public input and seek any additional information necessary to develop the proposed Future Vision within a timetable established by the governing body.* I.A.3.b. *The governing body will adopt a Future Vision within 18 months after installation of the governing body.* I.A.4. *The Future Vision shall be reviewed and amended at such times as the regional governing body shall determine but not less frequently than once every 20 years.* The effect of that would be to retain a commission to distill the data and public input and make a recommendation to the governing body, retain the idea of an adoption time limit of 18 months, and retain an outside limit for periodic review.

Motion:

Larry Derr moved, Frank Josselson seconded, to replace the following:

3. *Development, adoption and review of the Future Vision.*
 - a. *The Future Vision will be developed by a broad-gauged commission appointed within 90 days after installation of the governing body of the regional government.*
 - b. *The commission members will be selected by procedures to be established by the regional governing body.*
 - c. *The commission members shall represent private, public and academic sectors.*
 - d. *One or more commission members must reside outside the boundaries of the regional government.*
 - e. *The Future Vision shall be adopted by the regional governing body within 24 months of appointment of the commission.*
 - f. *The commission shall be served by independent staff.*
4. *The Future Vision shall be reviewed and amended in the manner of original adoption and at such times as the regional governing body shall determine, but not less frequently than once every 10 years.*

with the following:

3. *Development, adoption and review of the Future Vision.*
 - a. *The governing body will appoint a broad-gauged commission. The commission will consider available data and public input and seek any additional information necessary to develop the proposed Future Vision within a timetable established by the governing body.*
 - b. *The governing body will adopt a Future Vision within 18 months after the installation of the governing body.*
4. *The Future Vision shall be reviewed and amended at such times as the regional governing body shall determine but not less frequently than once every 20 years.*

Jon Egge asked if the statement *18 months after the installation of the governing body under I.A.3.b.* could extend the process to 24 or 32 months rather than 18 months from the first of the year. Phase one of Region 2040 will be done at the end of this year. Whether or not it dovetails exactly the Future Vision, it is work that is not going to have to be repeated. The governing body might have a phase in seating which would extend the process. A shorter time period or having the adoption happen after the adoption of the charter would not draw the process out.

Friendly amendment to the motion:

Larry Derr and Frank Josselson accepted a friendly amendment to *I.A.3.b.* so that it reads: *The governing body will adopt a Future Vision within 18 months after the adoption of the charter.*

Ron Cease asked if, to amend the Future Vision, the commission process is the same as it is for the review every 20 years.

Larry Derr said that the charter, if it carries both of the concepts, would not mandate anything other than Council action which would be open to the Council to decide whether they want to appoint a commission or if there is another alternative.

Friendly amendment to the motion:

Bob Shoemaker suggested, Larry Derr and Frank Josselson approved, of amending *I.A.4.* to read: *The Future Vision shall be reviewed and amended at such times and in such manner as the regional governing body shall determine but not less frequently than once every 20 years.*

Ron Cease asked if it was Larry Derr's intent that there should be a total look and review of the vision at least once every 20 years by a commission.

Larry Derr said yes.

Chair Myers said that he understood that the last friendly amendment left the manner of the review of the vision to be left to the determination of the regional government.

Ron Cease said that there should be a distinction made between the amending of the Vision versus a complete review every 20 years. The broad-gauged commission would develop and adopt the Future Vision and the process should be the same for a review over a 20 year period. If there needed to be a simple amendment a few years after the Future Vision is accepted, the process could be easier.

Larry Derr said that he does not disagree with either way to do it--specifying the commission in every instance or saying that the Council would decide on amendments. He said that he hesitates to get into the level of complexity to try to differentiate between minor and major amendments in the charter.

Chair Myers said that when projecting out 20 years, there is virtue to leaving it up to the regional government and being less prescriptive as to how that will happen. There might conceivably be changes that would commend a different approach than a commission.

Ron Cease said that the whole notion of the broad-gauged commission was to have a group that is representative of the interests in the region work on the project and come to the Council for the Council to adopt it. In the process, there would be review of the commission when the Council looks at it and adopts it. There should be a provision stating that there will be a total review of the document once every 20 years by a commission and, in the meantime, amendments to the existing document can be made as the Council determines.

Frank Josselson said, from a legal point of view, Ron Cease's suggestion makes sense because if there is a Council that did not like the recommendation of the commission and felt politically compelled to accept it, it could defeat it by undertaking a comprehensive amendment of the Future Vision and substituting its decision for that of the commission. He suggested that the provision read *the Future Vision may be reviewed and amended in part at such times and in such manner as the regional governing body shall determine, and shall comprehensively be reviewed and revised in the manner of its original adoption not less frequently than once every 20 years.*

Friendly amendment to the motion:

Frank Josselson suggested, Larry Derr agreed, to amend I.A.4. to read: *the Future Vision may be reviewed and amended at such times and in such manner as the regional governing body shall determine and shall be completely reviewed and revised in manner of original adoption not less frequently than once every 20 years.*

Jon Egge said that 20 years is a long time. Fifteen years might be a better time period. If there is a local comprehensive periodic review every seven years, the Future Vision could catch two reviews theoretically or at least one.

Frank Josselson suggested the number be 14 so that the periodic review would fall in step with the review of the Future Vision.

Jon Egge said that 14 does not make sense because it would be a miracle to catch two reviews of the comprehensive plans, but there would be no guarantee because they are on different time schedules.

Ray Phelps said that 20 years does not put a strain on anything. If you can mechanically get them on the same schedule, it will take more than a few years. At some point, all the cities will probably need extensions so the reviews probably will not be exactly every seven years.

Jon Egge said that he chose 15 years because it would at least catch one change in the cycle.

Ray Phelps said that 20 years assures that there will be two complete reviews in the time period where 14 or 15 years may not.

Amendment to the Motion:

Jon Egge moved, Frank Josselson seconded, to change the reference to 20 years in I.A.4. to 15 years.

Mary Tobias asked if it makes a difference to tie the Future Vision to the comprehensive plans. If the Future Vision is not linked to the framework plan, then it does not matter what the comprehensive plans are doing. If it is a true vision and not a framework or functional plan, then it can be anything. If it is linked to the comprehensive plans, and is what the Region 2040 plan is described to be, then it should be dealt with. It needs to be one or the other, not parts of both.

Jon Egge said that his concern is the length of time—that 20 years is too long. He said that he is not trying to match it to anything else.

Charlie Hales said that he has trouble with 15 or 20 years. He asked if it would do any good to wait that long. It would not be a service to the people to wait that long. He said that 10 years seems fine.

Ned Look said that the provision reads that the review of the Future Vision must be every 20 years, but no more than that. The governing body could do it more often than that if they wish.

Vote on the amendment to the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Mary Tobias voted nay. Matt Hennessee and John Meek were absent. The vote was 13 ayes to 1 nay and the amendment to the motion passed.

Bob Shoemaker said that the friendly amendment to add *and shall be completely reviewed and revised in the manner of original adoption* to I.A.4. only refers to what the Council does. If a commission is wanted, then it should say *in the manner of original development and adoption*.

Friendly Amendment to the motion:

Bob Shoemaker suggested, Larry Derr and Frank Josselson approved, of amending I.A.4. to read: *the Future Vision may be reviewed and amended at such times and in such manner as the regional governing body shall determine and shall be completely reviewed and revised in the manner of original development and adoption not less frequently than once every 20 years.*

Mary Tobias asked what happens if the government does not do it after the requirement is in place.

Bob Shoemaker said that it would be mandamus.

Mary Tobias said that it has no effect of law. She said that, in the discussion draft, the Future Vision is not regulatory and not reviewable judicially.

Frank Josselson said that mandamus is not judicial review. It is compelling an agency to perform an administrative act. He said that it is implicit that the commission is unpaid and should be included in the charter.

Amendment to the motion:

Frank Josselson moved, Ray Phelps seconded, to amend I.A.3.a. of the motion to read: *The governing body will appoint a broad-gauged commission, to serve without compensation. The commission will consider available data and public input and seek any additional information necessary to develop the proposed Future Vision within a timetable established by the governing body.*

Judy Carnahan asked why the reference needed to be added.

Frank Josselson said that his original conception of the Commission was that it would consist of people such as Nohad Toulan, Bill Naito, John Grey and Pete Harvey. The Commission would be made up of high quality people in the community and would serve part time voluntarily.

Ray Phelps said that he supports the amendment because he sees the commission as a form of community service and the process should not be driven by financial benefit. Who constitutes it is a different issue.

Judy Carnahan said that she was concerned about putting such great detail into the charter.

Ray Phelps said that it should be in for clarifying purposes.

Ron Cease asked if the intent is that it is a citizens commission, whether it would not be composed of local government officials.

Larry Derr said that he would carry forward the conception of having private, public, and academic representation on the commission.

Chair Myers said that it would not preclude local government officials on it.

Larry Derr said that there are no restrictions.

Ray Phelps said that he would like to separate the issues.

Vote on the amendment to the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Matt Hennessee and John Meek were absent. All present voted aye and the motion passed.

Ray Phelps asked what was meant in *I.A.3.a.* by the statement *and seek any additional information necessary*. He said that the commission is suppose to be in and out of business in a short amount of time and it will have public input and available data. The ability to seek additional information could be a mischief maker.

Larry Derr said that the commission is limited in time by the time table and limited in resources by whatever the Council will provide to it.

Ray Phelps said that an argument can be made that this is more of a charter responsibility and the ability of the people to discharge their charter responsibilities is restricted to a fiscal process. For example, there are a number of tasks assigned to officers of the state by the Constitution. The Legislature is very careful and the constitutional officers are extremely pushy on how the constitutional responsibilities are budgeted so that there is not the appearance of restricting those constitutional responsibilities because of some fiscal thing.

Larry Derr said that if the concept is acceptable, those are the kinds of issues that get sorted out in the drafting process. He said that all he is addressing is the issue discussed earlier with Metro, that there will be a body of data available generated by Region 2040, but you do not necessarily stop there.

Bob Shoemaker said that he is uncomfortable giving the Council the authority to appoint a broad-gauged commission without any direction. He said that he liked the idea of having public, private, and academic representation and having one or more members reside outside of Metro's boundaries. He said that he thinks that is more important than having them be non-compensated.

Amendment to the Motion:

Bob Shoemaker moved, Judy Carnahan seconded, to amend the motion to include, in section *I.A.3.* the provisions that: *the commission members shall represent private, public and academic sectors and one or more commission members must reside outside the boundaries of the regional government.*

Ron Cease asked if the purpose of the motion was to make sure that it did not interfere with Region 2040.

Larry Derr said yes, up to a point by leaving latitude to the Council. However, since Region 2040 does not have a separate commission anyway, it would not fall into that category.

Chair Myers said that there is either a commission or there is not. As for the deviation for what we envision, it is just another addition in favor of a commission.

Vote on the amendment to the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Wes Myllenbeck and Mary Tobias voted nay. Matt Hennessee and John Meek were absent. The vote was 12 ayes to 2 nays and the motion passed.

Mary Tobias said that, in regards to having a commission or not, she cannot understand why a charter that gives the regional government the existing powers and more planning authority would preempt the citizen involvement of Region 2040, which will exceed 1,000 citizens, and replace them with a select handful of citizens to determine the direction that the region ought to go. The commission provision states that the select handful of citizens have better judgment than the 1,000 people. She said that makes no sense. She said that she has sat face to face with citizens in decision making processes and has not once presumed that a handful of creme de la creme have better judgment than those people who come and tell how the impacts of the decisions that the government is making affects their lives. The provision says the opposite of that—it states that the creme de la creme have a better sense of quality of life than the common folk. She said that she absolutely does not support the commission.

Bob Shoemaker said that the value of the commission is to spend lots of time sifting through all the information, distilling it, and presenting it to the governing body. The governing body will not have the time to do that. If there is not a commission to take over that responsibility, the Future Vision will be staff driven because there are not enough citizens who are intimately involved in the process to make citizen judgments. A citizens commission has agreed to take on the responsibility and to take the time that is needed. The Council cannot spend the time to do it because they have other things to do with their time. The commission does not need to be blue-blood.

Mary Tobias said that the entire RUGGO's process has involved multitudes of people—some government and some not. The process involves real people all the way through it. Regardless, the staff would produce the information because it is technical. The private sector has been actively involved in RUGGO's and will be with Region 2040. There will be a bigger, more active group involved in the Region 2040 process than with the charter conception.

Bob Shoemaker said that the task of thousands cannot be asked to synthesise the information—a smaller group has to do that. He asked, in Region 2040, who would be that group.

Mary Tobias said that it is the Metro technical advisory committees, RPAC, and JPACT. RPAC and JPACT also include citizen involvement. She said that does not count the public involvement section of the process.

Ray Phelps said that he has changed his mind on the Future Vision. He said that it is a good idea because it is not a regulatory document. It is staking a position for the horizon and can be taken at face value or not, which is healthy. It does not matter whether it is a cast of thousands or a cast of a handful as long as the process has credibility and respectability. It is the value of the plan that will or will not gather respect. It does not make any legal binding responsibility on anyone in the region. The functional plan and the other elements make more of an impact than the Vision will. He said that it is a soft statement of philosophy and does not deal with policy.

Mary Tobias said that it is poor policy to spend tax dollars on something that will just sit there.

Motion:

Frank Josselson moved, Jon Egge seconded, to terminate the debate on the motion as

amended immediately.

Vote on the motion: Judy Carnahan, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Ron Cease and Ray Phelps voted nay. Matt Hennessee and John Meek were absent. The vote was 12 ayes to 2 nays and the motion passed.

Restatement of the amended motion:

The motion is to include in the charter the following provisions regarding the Future Vision:

3. *Development, adoption and review of the Future Vision.*
 - a. *The governing body will appoint a broad-gauged commission to service without compensation. The commission will consider available data and public input and seek any additional information necessary to develop the proposed Future Vision within a timetable established by the governing body.*
 - (1) *The commission members shall represent private, public and academic sectors.*
 - (2) *One or more commission members must reside outside the boundaries of the regional government.*
 - b. *The governing body will adopt a Future Vision within 18 months after adoption of the charter.*
4. *The Future Vision may be reviewed and amended at such times and in such manner as the regional governing body shall determine and shall be completely reviewed and revised in the manner of its original development and adoption not less frequently than once every 15 years.*

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Mary Tobias voted nay. Matt Hennessee and John Meek were absent. The vote was 13 ayes and 1 nay and the motion passed.

Motion: Frank Josselson moved, Charlie Hales seconded, to include, in the charter, the following provisions regarding *legal effect; reviewability:*

5. *Legal effect; reviewability.*
 - a. *The Future Vision is not a regulatory document.*
 - b. *The Future Vision is not reviewable by LUBA or judicially, and is not subject to LCDC acknowledgement or review.*
 - c. *The Future Vision affects the Regional Framework Plan in the manner described below.*

Vote on the motion: Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Judy Carnahan, Matt Hennessee, John Meek, Wes Myllenbeck, and Mary Tobias were absent. All present voted aye and the motion passed.

4. Charter treatment of the Regional Framework Plan.

Chair Myers said that the Committee dealt with the Regional Framework Plan definition at the last meeting. He asked the Committee to begin with the matters to be addressed in the Regional Framework Plan.

Larry Derr said that his suggestions for the Regional Framework Plan evolved from the Clackamas County meeting. He said that the RGC has not agreed to everything that is suggested. Some of the issues go beyond what the RGC has addressed. He said that the matters addressed in the Regional Framework Plan break down into two categories. The first, *I.B.2.a-d.* in the discussion draft, are issues that are, by nature, issues of regional concern. If they were to remain on the list, the regional government would be expected to do all aspects of them. Item *I.B.2.e.*, *Matters of metropolitan concern within certain designated subject areas*, are issues where there is more likely to be a breaking out of local aspects and regional aspects. He suggested that *I.B.2.a. Regional transportation and mass transit systems, I.B.2.b. Urban growth boundary, I.B.2.b.i. Management, and I.B.2.b.ii. Amendment* would remain as it is in the discussion draft. He said that the *urban reserves* provisions are not on the suggested list because they are more of a planning tool in the concept of the urban growth boundary and would be subsumed in the management of the urban growth boundary. The concept of urban reserves is to make the urban growth boundary more effective than it has been by looking beyond the protected areas. On the other hand, the charter would not get into the level of detail that the discussion draft suggested and would probably open up areas that probably should be left to the planning process.

Motion: Larry Derr moved, Jon Egge seconded, to replace the following:

2. *Matters addressed in the Regional Framework Plan.*
 - a. *Regional transportation and mass transit systems.*
 - b. *Urban growth boundary.*
 - i. *Management.*
 - ii. *Amendment.*
 - c. *Urban reserves.*
 - i. *Designation.*
 - ii. *Control of boundaries.*
 - iii. *Control of land use activities in area, including land division, wells and septic tank placement.*
 - iv. *Procedure for determining which local government(s) will assume jurisdiction of territory within urban reserves.*
 - d. *Federal and state mandated planning functions.*

with the following:

2. *Matters addressed in the Regional Framework Plan.*
 - a. *Regional transportation and mass transit systems.*
 - b. *Urban growth boundary.*
 - (1) *Management.*
 - (2) *Amendment.*
 - c. *Federal and state mandated planning functions.*

Chair Myers said that there had previously been concern about the use of the term *urban growth boundary* in the charter, and whether a more generic term would be better. He asked if that issue had been discussed.

Frank Josselson said that the point that was made was that the charter is a long term document and the urban growth boundary may be abandoned as an urban growth management tool at some point. Therefore, it would be inappropriate to spell out the urban growth boundary as one area for one planning device. That objection is cured by the authority given to the regional government together with the RPAC, or the vote of the people, to

add or delete planning functions. Through the process, the urban growth boundary provision could be deleted from the charter.

Larry Derr said that the UGB is unique to the various things that the LCDC goals call for in that it is a very explicit requirement.

Ron Cease asked for the reason of taking out the urban reserves provisions.

Larry Derr said that the urban growth boundary is a tool of urban growth management that has been around for a while. Urban reserves is another urban growth management tool but it is a new concept and may or may not be selected as a way to deal with growth. When getting into details, we are charting unknown territory, which is inappropriate for a charter and ought to be left to the regional planning process. The urban growth boundary concept could be broad enough to include urban reserves. It would not be sending a message that urban reserves should not be used, but it would not mandate the use of urban reserves.

Ron Cease said that by leaving it out, it could be viewed as a responsibility of local governments. When talking about expanding the urban growth boundary at some point and the relationship to the urban reserves to the growth patterns, it is a regional issue. There needs to be a clear understanding of who in the region is responsible for the urban reserves areas.

Larry Derr said that urban reserves may come into existence in areas that are outside of the Metro boundary which would lead to management outside of Metro's authority. There is no problem in expecting Metro to look outside its boundary during the Future Vision process. The Regional Framework Plan, however, is regulatory and if the charter imposes requirements that extend beyond the legal jurisdiction of Metro, there could be conflict.

Ron Cease said that the concept of urban reserves is to control the development outside the UGB. In order to effectively do that, Metro needs to be government in the region involved and not the local governments. He said that he is troubled by leaving the section out because it leaves a lot of questions to be answered.

Larry Derr said, from a policy standpoint, he agrees. He said that it is yet to be worked out if Metro is going to do it, how it is going to get the authority to regulate outside of its boundary or if it will bring that area inside the boundary.

Charlie Hales said that the charter is just providing instructions to plan in these ways. He said that he does not think the Committee is jumping the gun by requiring urban reserves in the charter. It could be a state mandated planning function, but he would like to see Metro do it even if the state does not.

Ron Cease said that it would be a mistake to leave it out.

Frank Josselson said that the danger of putting urban reserves in the charter is that it appears to mandate that the government use it as an urban growth management tool. If control of development on the urban fringe is the goal, that should be said, rather than urban reserves, because no one really knows if the term is going anywhere at LCDC. A provision for the management and amendment of the urban growth boundary would enable the regional government to utilize urban reserves as they determine appropriate. If the goal is to manage or control development on the urban fringe, he would prefer to call it out in that way.

Ron Cease said that, in the discussion-draft, there was a provision calling for a process to determine which local government will assume jurisdiction of territory within the urban reserves. If the urban reserve provisions are left out, there is a strong likelihood that the local governments will argue over who has the jurisdiction. He said that there cannot be effective control of the urban growth boundary if the regional government does not have some say over urban reserves.

Frank Josselson said that the urban reserve area is going to be little nodules on the urban growth boundary. He said if the goal is to control development on the urban fringe, it should be called out that way. If, on the other hand, you want to prescribe a way of expanding the urban growth boundary through the urban reserves, that authority exists in the language that Larry Derr suggested.

Larry Derr said that one way to solve the problem of not losing site of the issue and not knowing exactly how to address it at this early stage is to move it to *I.B.2.d.* under *Matters addressed in the Regional Framework Plan*. The effect would be to say that it is an item that must be addressed in the Regional Framework Plan, but the method and way of addressing it is left open to the regional government in consultation with RPAC.

Chair Myers asked how it would be described in the charter provisions.

Larry Derr said that it would be described as *urban reserves*.

Ron Cease asked if the regional government would consult RPAC but not have to get approval from them.

Larry Derr said yes.

Mary Tobias asked if there is any benefit to changing *I.B.2.b. urban growth boundary* to read *urban growth management* and deleting *I.B.2.b.i* and *I.B.2.b.ii*. She said that this would allow the regional government to deal with urban growth management regardless of what the terms used are.

Charlie Hales said that the Committee is dealing with two handicaps. First, urban reserves is a term of art and terms of art should probably not be in the charter. Second, it is an outline and not charter language. He said that urban growth management is not specific enough. The two concepts that the Committee wants in the charter are Metro's power to draw and amend an urban growth boundary and the ability to have some extraterritorial authority over land use outside of the Metro boundary. He suggested leaving it the way it is and adding another provision for management of development and land use outside of the boundary which would strongly affect the management and amendment of the urban growth boundary.

Mary Tobias said that even though the term urban growth boundary is widely accepted, it is a term of art. It may not mean anything 50 years from now. If the Committee talks generically about urban growth management, it will give the charter a longer life without committing this government to something that may or may not stick around. It is a concept on how to look at the issues of putting people in space and what the region wants. If the Committee is broad rather than narrow, it gives the regional government more flexibility and lets them do more things.

Bob Shoemaker said that urban growth management is a larger concept and encompasses all the regional plans that Metro deals with including the list of things under *matters addressed*. To use it as a sub-set would be unfortunate and confusing. Urban growth boundary should be the term used for the reasons that Charlie Hales mentioned. Urban growth boundary is a legal term and is used in the statutes. If it is changed someday in the statutes, the charter can be changed. Urban reserves is not to that point yet and should be described in a more generic way.

Charlie Hales suggested replacing *I.B.2.b.*, *I.B.2.b.i.*, and *I.B.2.b.ii.* with *policies and regulations including an urban growth boundary which will separate urban from rural development and preserve certain rural areas for future urban development*. He said that the statement says that there is an urban growth boundary and includes other powers to regulate land use and preserve the viability of the separation of urban and rural land down the line.

Ron Cease asked if there are clearly rural areas.

Charlie Hales said that if it is outside the urban growth boundary, it is rural.

Frank Josselson said that the words Charlie Hales used, *separate urban from rural development*, is the definition of the urban growth boundary. He said that he did not think Charlie Hales' suggestion went as far as Charlie Hales wanted. He suggested leaving *I.B.2.b*, *I.B.2.b.i.*, and *I.B.2.b.ii.* the way they are and adding *I.B.2.b.iii.* which would state *control of development on the urban fringe for natural resource, future urban, or other uses.*

Ron Cease said that he prefers Frank Josselson's suggestion because it maintains the language that is already there and the concept of the urban growth boundary. He said that it gets to the point better.

Bob Shoemaker asked what is meant by *natural resource*.

Frank Josselson said farm or forest use or protection of wetlands.

Charlie Hales said that the language would be based on land use goals.

Amendment to the Motion: Frank Josselson moved, Ron Cease seconded, to amend the motion to include, as *I.B.2.b.iii.*, *protection of lands outside the urban growth boundary for natural resource, future urban, or other use.*

Chair Myers asked if the amendment was being made as a third subdivision under *urban growth boundary*.

Frank Josselson said yes. He said that the first subdivision was *management* and the second was *amendment*.

Ron Cease said that the *urban reserve* section is not part of the motion because it is a subsequent part.

Jon Egge asked if the motion would amend Larry Derr's motion.

Chair Myers said that the amendment to the motion makes more sense as a separate provision. Provision *I.B.2.b.* would be *urban growth boundary* and *I.B.2.c.* would be *land outside of the urban growth boundary*.

Friendly amendment to the amendment to the motion: Chair Myers suggested, Frank Josselson and Ron Cease agreed, to amend the amendment to the main motion to include, as *I.B.2.c.*, *protection of lands outside the urban growth boundary for natural resource, future urban, or other use.*

Larry Derr said that he supports the amendment. He said that he expects that it will be one area where there is a lot of public input.

Vote on the amendment to the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Ray Phelps voted nay. Matt Hennessee and John Meek were absent. The vote was 13 ayes and 1 nay and the motion passed.

Restatement of the Main Motion: The main motion is to replace the following:

2. *Matters addressed in the Regional Framework Plan.*

- a. *Regional transportation and mass transit systems.*
- b. *Urban growth boundary.*
 - i. *Management.*
 - ii. *Amendment.*
- c. *Urban reserves.*
 - i. *Designation.*
 - ii. *Control of boundaries.*
 - iii. *Control of land use activities in area, including land division, wells and septic tank placement.*
 - iv. *Procedure for determining which local government(s) will assume jurisdiction of territory within urban reserves.*
- d. *Federal and state mandated planning functions.*

with the following:

- 2. *Matters addressed in the Regional Framework Plan.*
 - a. *Regional transportation and mass transit systems.*
 - b. *Urban growth boundary.*
 - (1) *Management.*
 - (2) *Amendment.*
 - c. *Protection of lands outside the urban growth boundary for natural resource, future urban or other use.*
 - d. *Federal and state mandated planning functions.*

Vote on the main motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Matt Hennessee and John Meek were absent. All present voted aye and the motion passed.

Motion:

- Larry Derr moved, Frank Josselson seconded, to include, in the charter as *I.B.2.e.i.*, the following:
- e. *The following matters to the extent determined through the described process.*
 - i. *The governing body, with the advice and consultation of the RPAC, will determine the aspects of the matters in (ii.) below that are of metropolitan concern and that will benefit from regional planning. The determination will include prioritizing matters as necessary in relation to available funding and recognition of completed and ongoing planning activities. The determination will describe the respective roles of metropolitan and local governments and management of the planning process with respect to various elements of each matter.*

Larry Derr said that the list in the discussion draft that the process grew out of had a list of A-I which were a series of specific references to items that would go into the Regional Framework Plan. The only real qualification to being on the list was that it was limited to those aspects having metropolitan concern. He said that is implicit for everything in the charter. More pertinent to the proposed change is that this item created a lot of discussion between planners, lawyers, and local officials wondering what it means and how it will affect the carrying out of activities of planning and land use decision making. Some of the issues get into things that the local governments are doing, some are not so clear, and some, such as *regional disasters and energy*, were not considered to be a part of land use planning at all. In talking through those concerns, it became apparent

that there are a lot of complex issues that go into planning for these areas, such as initially determining what parts might have regional significance and deciding if there is a benefit to planning for those resources at the regional level. Water is one that raises that concern immediately. Even though there are regional aspects to planning for water sources and storage, is it being done? If it is going to be done, then there is a lot of detail that should be worked out, as to how it is going to be done, between the local and regional partnership. The question of what aspects the regional government and the local government are going to do needs to be answered. How is the planning effort going to be managed and financed, assuming that it is split between a couple different agencies. The overriding issue is getting people to agree that a list should be spelled out. The conclusion was that if there was a way to work through the issues--such as a mandate in the charter stating that these issues had to be addressed in the plan, calling out a procedure to look at all the steps, and the conclusions to be in the framework plan--for which the Metro governing body could be responsible for without having its hands tied as to how it does it, except to require RPAC consultation as to what it is doing, you could expect to come up with something, such as Greenspaces, where, by that partnership, you would decide how to go forth with the issues. If the Committee wants to call out all the areas specifically, we would not be able to get to all the issues and do a good job of it. With respect to each of the items, local governments have not signed off that this process is enough to make them comfortable with having the list in the charter. He said that he believes that they will be willing to work in that direction.

Chair Myers asked if Larry Derr defined metropolitan government as the regional government in the statement *respective roles of metropolitan and local governments*.

Larry Derr said yes.

Chair Myers asked what respective roles he was referring to.

Larry Derr said that it was referring to planning. He said that everything on the list is planning for and not doing.

Ron Cease said that it would clarify it to add planning.

Chair Myers suggested changing the wording in the last sentence to read: *The determination will describe the respective roles of regional and local governments in the planning process with respect to various elements of each matter*. He said that it was a clarification of the roles in the planning process.

Larry Derr said that it drops out the two elements of management and roles that are there. He said that the language is out of some similar material drafted by the RGC. Roles refer to planning activity and management is the management of the planning activity. He said that he sees it, and RGC sees it, as two separate roles. He said that there are really three elements: financing, who does what, and how it is going to be done.

Friendly amendment to the motion:

Larry Derr and Frank Josselson accepted the suggestions to amend the motion to read:

- e. *The following matters to the extent determined through the described process.*
 - i. *The governing body, with the advice and consultation of the RPAC, will determine the aspects of the matters in (ii.) below that are of metropolitan concern and that will benefit from regional planning. The determination will include prioritizing matters as necessary in relation to available funding and recognition of completed and ongoing planning activities. The determination will describe the respective planning roles of regional and local governments and management of the planning process with respect to various elements*

of each matter.

Ray Phelps said that, if read literally, the motion states that if the governing body does not seek the advice of the RPAC, the governing body may not do these things.

Larry Derr said yes.

Ron Cease said that they do not have to have a vote.

Larry Derr said that once they get the advice, they can do the contrary.

Ray Phelps said that the elected persons may not do anything unless the appointed body gives them permission.

Larry Derr said that is not true. He said that they have to get RPAC consultation but RPAC does not have to give them permission.

Ray Phelps said that his concern is that the Committee is creating a council of governments which is what the voters repealed in 1978. It is being disguised in the form of an elected government. He said the creation of a COG is his problem with this provision and all the provisions which track along with a non-elected body being required to intervene in the discretion of an elected body. He said that the Committee should be aware of that so that the voters are aware that they will be reversing the 1978 decision.

Larry Derr said that he understands Ray Phelps' concern and, if he agreed, he would not have proposed the motion. He said that the last thing that he wants to see is a COG, because the planning things that need to get done will not get done. An impasse will be reached at some point along the way. The governing body has to have the authority to make the ultimate decision. He said that he assumes that Ray Phelps is drawing the conclusion that the political pressure will be such that if the RPAC says no, the Council's hands are tied.

Ray Phelps said that the board should have the flexibility not to go to the RPAC.

Larry Derr said that, in those areas where local governments have an active and important role, unless the local government role is not recognized, they are going to continue to look at the regional government with distrust and suspicion and the regional government is going to find it just as difficult to get things done as it has in the past. The regional government only has two functional plans only partly because of funding. The other part is, in order to do anything more, in the past it would have been an uphill battle against the desires of local governments because of their fear and distrust of what it would do to cooperation at the local level. Now, we are seeing a recognition by local government that growth management must be done on the regional level and there is a willingness to participate and to hand over the ultimate decision making and control to the regional government. He said that is a big step and the only way to make it work is to give everyone a role to play.

Ray Phelps said that said that he disagrees because it is tracking with his contention that a COG is being created and disguised. It tracks the thread that began last week with the adoption of the elected officials being required to first do something with unelected people.

Ron Cease said that several committee members met earlier in the day to discuss this issue. There is a concern, which he shares to some extent. But the Committee has already made the judgment that the RPAC would play a role in the determination of additional functions. Here, the Committee is talking about the planning part only. Metro would take the issue of respective roles and pieces of the management of these functions to the RPAC for advice and consultation. It does not say that they have to have a vote. Metro is given more authority than it currently has in reference to the regional aspects of planning functions. There is also a forum that does not exist now. He said that he agrees with Ray Phelps of having an RPAC when dealing with the operation of a function that is now under the authority of Metro. When talking about new functions, either for operation or planning,

there is a role for RPAC.

Ned Look said that he agrees with Ron Cease and does not think that a COG is being created. He said that it does not come near giving RPAC the same kind of authority to cause a conflict. On the politics of it, he cannot visualize that they will not want to check with RPAC out of courtesy. They would run into real suspicion of local governments.

Ray Phelps said that it is not his purpose to say that the process should not go on. He said that the part he finds offensive is that elected persons must. He has problems with the threshold mandate.

Vote on the main motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Ray Phelps voted nay. Matt Hennessee and John Meek were absent. The vote was 13 ayes to 1 nay and the motion passed.

Motion:

Larry Derr moved, Frank Josselson seconded, to include in the charter, as I.B.2.e.ii., the following:

- (2) *Matters addressed.*
 - (1) *Water sources and storage.*
 - (2) *Housing densities.*
 - (3) *Greenspaces.*
 - (4) *Siting of significant land use developments.*
 - (5) *Solid waste disposal, reuse and recycling.*
 - (6) *Siting and operation of public exposition, recreation, cultural and convention facilities.*

Larry Derr went through the changes between his motion and the list in the discussion draft. He said that *siting of significant land use developments* in his motion is a combination of *planning and provision for siting of significant, high density, mixed use urban development* and *planning and provisions for siting of commercial/industrial development* on the discussion draft. He said that they are aspects of the same kinds of things. The process will identify the specifics. It is unnecessary to call out each category because they are based on the broader category of land use developments. He said that *solid waste disposal, reuse and recycling* might promote some feedback in the area of recycling. He said that, on the face, it does fall under the category of something that the local and regional governments are planning for. *Siting and operation of public exposition, recreation, cultural and convention facilities* is a rewording of the discussion draft provision of *regional exposition, recreation, cultural and convention facilities* in order to keep the concept comparable to the siting of land use developments. It is the planning for the siting and operation. *Regional disasters* and *energy* were removed from the list because they are being planned for in other ways, not because they should not be planned for. *Regional disasters* are covered by federal programs. He said the interesting one, as far as turf battles, is *water resources and storage*. There is a lot of planning going on and there are a lot of special districts and cities who have something at stake. If the feedback says that this is an acceptable process, it would be a real litmus test as to whether it is a good process from the local government perspective. The alternative would be no mandated regional planning for water. It pulls apart views that could be brought together through the process. He said that he thinks that, even if nothing is done, regional planning for water should be looked at.

Janet Whitfield said that the Committee before said that the Regional Framework Plan is limited to discussion of these matters. She asked if that means that Metro cannot do functional plans on anything else. She asked if Metro's functional planning areas are limited to these subjects.

Larry Derr said yes, without using the process for adding planing functions.

Janet Whitfield said that previous language says that the regional framework plan is limited to matters discussed in it. If it is limited, then you would have to have a charter amendment to add anything.

Larry Derr said that the Committee has already approved a process for adding planning functions. The process is that if there is a majority vote of the Council and RPAC, then a planning process would be added.

Janet Whitfield said that it should be added to the *matters addressed* as the process for adding new functions because it seems that the charter would have to be changed to add another planning function to be featured in the Regional Framework Plan.

Chair Myers said that it would be picked up under the acquisition of additional matters.

Janet Whitfield said that the Regional Framework Plan is restricted by definition and the process for adding additional functions is not connected to it. The definition is *the Regional Framework Plan establishes and is limited to plans and policies for the matters addressed in 2 and 3 below*. If the process for adding additional functions relates to the Regional Framework Plan, it should be cited or addressed in 2 and 3.

Larry Derr said that 3 is the process.

Janet Whitfield said that does not connect to the Framework Plan.

Chair Myers said that there will be a description of matters which are authorized to be addressed, some of which will require a consultation of RPAC.

Janet Whitfield said that she was looking for a bridge between the two to add to the *matters addressed*.

Bob Shoemaker asked that, if you add a function via RPAC, how do you deal with the new function in the Regional Framework Plan when it has been limited to those that are listed.

Chair Myers said that is only the initial scope of the contents of the Regional Framework Plan. The further process allows that to be supplemented.

Larry Derr said that what Bob Shoemaker is pointing out is that the Committee has dealt with service functions and planning functions separately. If a service function is added, it is theoretically possible that they will not add a corollary planning function.

Bob Shoemaker said that you would not want to be in the situation of having someone say that you cannot add a new function to the framework plan without a charter amendment because the charter states that the matters addressed in the framework plan are, only those that are specifically listed.

Chair Myers said that it will be ultimately clear in the draft that the supplementation process will allow that to be augmented. He said that it is made less clear because the Committee first dealt with the addition of matters and now is going back to formulate what the initial authority is.

Ron Cease said that he is troubled by the exclusion of *regional disasters* in the list. He asked if the planning for disasters, such as earthquakes, is adequate without the regional government holding that discussion.

Larry Derr said that he took it off the list, based on what he was told by the local governments, which is the extent of his knowledge. He said that more information may be needed.

Bob Shoemaker said that if it is part of the list, there is still room to exclude it later through the part of the process which states that *the determination will include prioritizing matters as necessary in relation to available funding and recognition of completed and ongoing planning activities*. There is room there to drop something, but not to add anything.

Amendment to the motion: Ron Cease moved, Norm Wyers seconded, to amend the motion to include to the list of *matters addressed*, as item I.B.2.e.ii.(7)., *regional disasters*.

Larry Derr said that it should not be left in if the Committee is ultimately satisfied, before the process is finished, that it is not necessary because it will require time and money. He said that it is an open issue that could be decided after there is more information.

Ron Cease said that if it is determined that it is being done adequately by the local governments, the Committee could return to the issue.

Vote on the amendment to the motion: Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Norm Wyers, and Chair Myers voted aye. Frank Josselson and Mary Tobias voted nay. Larry Derr and Mimi Urbigkeit abstained. Matt Hennessee and John Meek were absent. The vote was 10 ayes, 2 nays, and 2 abstentions and the motion to amend passed.

Ray Phelps asked why *energy* was not included on the list.

Larry Derr said that there was a feeling that energy planning was being done by other services and facilities and the process would be overloaded to include it.

Vote on the main motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Matt Hennessee and John Meek were absent. All presented voted aye and the motion passed.

5. Additional business

Chair Myers said that he would like to finish all of the powers and functions at the next meeting. He asked the members to review Larry Derr's proposal and compare it to the original outline. If any members have a different approach, he asked them to be ready to bring them up at that time. He said that the second half of the meeting will be set aside for the review and approval of the finance subcommittee proposal for public comment. He said that the overall work plan calls for the Committee to have the approval of the charter drafting instructions done on April 9, which is the date that was projected in August. He said that he is determined to get the Committee to meet that date. There is no meeting scheduled for March 26, but that is contingent based on how much work the Committee can get done between now and then.

Jon Egge asked if the Committee had arranged for someone to draft the charter.

Chair Myers said that he is working on it.

Charlie Hales asked that staff prepare an engrossed version of the discussion draft which incorporates the changes.

Chair Myers said that the ongoing decisions that are being made will be accumulated as a separate document. He asked if the finance subcommittee report had been distributed.

Bob Shoemaker said yes. He said that the opening line should read *...the Finance Subcommittee adopted its recommendations for regional government financing powers...*

Chair Myers asked the Committee to carefully review the report for next week. If any changes need to be made, he asked that members come prepared to make those changes.

Chair Myers adjourned the meeting at 10:05 p.m.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator