

**METRO CHARTER COMMITTEE**

**SUMMARY AND OUTLINE DESCRIPTION  
OF PROPOSED CHARTER CONTENT  
ON REGIONAL GOVERNMENT POWERS AND FUNCTIONS**

**FOR PUBLIC DISCUSSION AND RESPONSE**

The summary and outline that follow are the result of initial work by the Metro Charter Committee on the content of a proposed charter for regional government in the Portland metropolitan area. Except where noted, the provisions have the initial support of at least a majority of the Committee. They represent a first effort to distill a desirable framework of regional government from the multitude of ideas and philosophies presented to the Committee.

The Committee solicits written comments on these provisions to assist it in the next phase of deliberation which is to refine the content and develop specific charter language. Persons choosing to comment should be aware that these provisions are open to change as a result of comment and have not been finally adopted.

## OUTLINE OF PROPOSED CHARTER PROVISIONS

### POWERS AND FUNCTIONS

#### I. Planning Powers and Responsibilities.

*The regional government's planning and growth management responsibilities shall include the establishment of a Future Vision conceptual statement and the creation of a Regional Plan consisting of a Framework Plan addressing certain specified matters of metropolitan concern, together with the coordinated local plans of the cities and counties.*

##### A. Future Vision.

###### 1. Definition of the Future Vision.

- a. The Future Vision is a conceptual statement that indicates preferred population levels and settlement patterns that the region and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life.
- b. The Future Vision is a long-term, at least 50-year, visionary outlook.

###### 2. Matters addressed by the Future Vision will include, but are not limited to:

- a. The use, restoration and preservation of regional land and natural resources for the benefit of present and future generations.
- b. How and where to accommodate the population growth

for the region while sustaining and maintaining its livability and quality of life.

- c. Means of developing new communities and additions to the existing urban area in well planned ways.
- d. Economic growth and educational opportunity.
- e. Appropriate regional and local government structures and financing to provide the necessary public services in an efficient, effective and accountable manner.

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.

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.

**B. Regional Plan.**

*There shall be a Regional Plan consisting of a Regional Framework Plan adopted by the regional governing body and the existing local plans of the cities and counties within the region as modified over time by those cities and counties to be consistent with the Regional Framework Plan.*

1. Definition of Regional Framework Plan.

a. The Regional Framework Plan establishes and is limited to plans and policies for the matters addressed in 2 and 3 below, and provides the basis for coordination of local city and county plans.

- b. The Regional Framework Plan must be consistent with State-wide Planning Goals and describe its relationship to the Future Vision.
  - c. The Regional Framework Plan will include regional goals and objectives, functional plans and benchmarks for performance as implementation tools.
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.
  - e. Matters of metropolitan concern within certain designated subject areas.
    - i. Planning within the following subject areas for those aspects having metropolitan concern.

- A. Water sources and storage.
- B. Housing densities.
- C. Greenspaces.
- D. Planning and provisions for siting of significant, high density, mixed use urban development.
- E. Planning and provisions for siting of commercial/industrial development.
- F. Solid waste disposal, reuse and recycling.
- G. Regional exposition, recreation, cultural and convention facilities.
- H. Regional disasters.
- I. Energy.
- ii. Definition of "metropolitan concern".
  - A. A land use decision or action of one jurisdiction that will substantially interfere with another jurisdiction's local plan; or
  - B. A land use decision or action of a jurisdiction that will substantially interfere with a provision of the Regional Framework Plan.

*The above provisions reflect only the Committee's initial consideration of this definition. The Committee recognizes the*

*definition is incomplete and welcomes public comment on appropriate elements of the definition.*

3. Procedure for addressing additional matters in the Regional Framework Plan.

*The Charter will include a procedure by which planning responsibility for subject areas having metropolitan concern and not specified in the Charter may be incorporated into the Regional Framework Plan subsequent to Plan adoption. The procedure has not yet been established.*

4. Matters excluded from the Regional Framework Plan.

All planning responsibilities not authorized under 2 or 3 above are reserved to city and county plans.

5. Procedures for development, adoption and review of the Regional Framework Plan.

- a. The Regional Framework Plan will be adopted, within 36 months after installation of the governing body of the regional government.

- b. Adoption alternatives for discussion and input:

- i. Alternative 1: Regional government adoption of the Regional Framework Plan with a charter mandate for local



government involvement short of requiring local government approval.

ii. Alternative 2: Regional government adoption of the Regional Framework Plan with local government having some numerical authority in the voting.

c. Periodic LCDC review of the Regional Framework Plan for State-wide Goal compliance will occur on a schedule established by LCDC.

d. The Regional Framework Plan may be amended on a schedule to be determined by the regional governing body.

C. City and County (Local) Plans.

1. Definition of local plans.

Existing city and county plans, amended by the cities and counties as necessary to become consistent with the Regional Framework Plan.

2. Matters addressed in local plans.

All matters within the authority of local governments pursuant to state statute and local charters to the extent not dealt with by the Regional Framework Plan.

3. Adoption and review of local plans.

a. Local plans will continue to be adopted and amended based on local plan procedures,

except that local plans must be made consistent with the Regional Framework Plan at the next local plan periodic review following adoption of the Regional Framework Plan.

- b. The issue of consistency with the Regional Framework plan is appealable as provided by law.
- c. State-wide Goal compliance review alternatives for discussion and input:
  - i. Alternative 1: By LCDC.
  - ii. Alternative 2: By regional governing body.
  - iii. Alternative 3: Regional governing body reviews for compliance with Regional Framework Plan and incorporates the local plans as a part of the regional plan. Only the regional plan is reviewed for compliance with State-wide Goals.
- d. Require that discretionary city and county land use decisions governing the approval and denial of land uses be based on standards and criteria which are included in the local development ordinances and are so clear and objective that they lead to

reasonable and predictable decisions. Any standards and criteria for such decisions which do not meet this requirement shall be void and unenforceable.

D. The Regional Plan (which is a combination of the Regional Framework Plan and the local plans of cities and counties when made consistent with the Regional Framework Plan) must satisfy all State-wide Goals applicable to the region.

E. Development by regional government of recommended model standards and procedures for local land use decision making that may be adopted by local governments.

## II. Operational and service delivery powers and responsibilities

### A. Solid and liquid waste.

1. The regional governing body may:

- a. Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the region.
- b. Sell or dispose of the products or by-products of the regional government's facilities.

- c. Require any person or class of persons who generate solid or liquid wastes to use the disposal, transfer or resource recovery sites or facilities of or designated by the regional government.
- d. Require any person or class of persons who pick up, collect, or transport solid or liquid wastes to use the disposal, transfer or resource recovery sites or facilities of or designated by the regional government.
- e. Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain, and amend rates charged by disposal, transfer and resource recovery sites or facilities; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the boundaries of the regional government. Licenses or franchises granted by the regional government may be exclusive.
- f. Prescribe a procedure for issuance, administration, renewal or denial of contracts, licenses or franchises granted under Subsection e.

- g. Regulate the service or services provided by contract, license or franchise and order modification, additions or extensions to the equipment, facilities, plan or services deemed to be in the public interest.
  - h. Receive, accept, process, recycle, reuse and transport solid and liquid waste.
  - i. Provide for the disposal of solid waste from Clackamas, Multnomah or Washington County at a disposal site or sites other than the site selected by the Environmental Quality Commission.
2. Establishment, modification or extension of any public or private disposal, transfer or resource recovery site or facility will be prohibited within the boundaries of the regional government without the prior approval of the governing body of the regional government.
3. If the regional governing body sends solid waste generated within its boundaries to a regional disposal site, the regional governing body shall:
- a. At least semiannually operate or cause to be operated a collection system or site for receiving household hazardous waste.
  - b. Provide residential recycling containers as a pilot project.

c. Provide an education program to increase participation in recycling and household hazardous materials collection programs.

B. Zoo and other regional public facilities.

The regional government may acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities and other regional cultural, convention, exhibition, sports and entertainment facilities.

C. Sources and storage of water.

1. The regional government may acquire or develop sources of water for domestic, industrial, agricultural or recreational use.
2. The regional government may acquire, develop, construct, alter, maintain and operate reservoirs or other water collection and storage facilities for domestic, industrial, agricultural or recreation use.

D. Sewerage.

*The Committee has not preliminarily determined what provisions, if any, the Charter should contain relating to sewerage.*

E. Transportation.

The regional government may order transfer of the transit system of Tri-Met to the regional government, but any transfer must include

continuation of a transit board of directors.

F. Parks and open spaces.

The regional government may acquire, develop and operate regional parks, open space and recreational facilities.

G. Boundary commissions.

The exercise of any boundary review functions presently performed by the local government boundary commission is a matter of metropolitan concern.

*The Committee has yet to determine if the functions of the local boundary commission should continue under the charter.*

H. Marketing of geographic data.

The regional government may impose and collect reasonable fees, based on market prices or competitive bids, for geographic data that are developed with a significant expenditure of public funds and that are an entire formula, device, technique, process, data base or system.

I. Miscellaneous.

1. The regional government may contract with any public entity or any private entity or individual to operate all or part of any facility the regional government is authorized to operate; or to perform all or part of any other function the

regional government is authorized to perform.

2. The regional government may exercise police power for the purposes of the authorized functions of the regional government and, in so doing, may adopt ordinances for the proper functioning of the regional government.
3. To the extent necessary to carry out any function the regional government is authorized to perform, the regional government may acquire real or personal property within or outside the area of the regional government, including property of other public corporations, by purchase, condemnation, gift or grant.

J. Additional functions.

1. Unless the function is reserved by the charter to local government, the regional government may assume any other function of metropolitan concern by vote of the electors of the regional government.
2. The regional government may assume the local aspects of authorized functions of metropolitan concern only on the basis of agreements between the regional government and other public corporations, cities, or counties.

K. Additional matters.

*The Committee agreed to send forward for comment*



*the following proposals for additional regional government authority in regard to solid and liquid waste disposal. They are not included in this outline's initial discussion of solid and liquid waste because committee members lacked sufficient time to consider them.*

1. Reduction of solid waste stream.

The regional government should have authority to impose source reduction measures.

2. Additional flow control authority.

The regional government's flow control authority should be extended to include the flow of recyclable materials collected at curbside, and other source-separated systems, to assure, among other things, that recyclables get recycled and not trashed.

3. Environmental cleanup of regional solid waste sites.

The regional government should have authority to conduct cleanup activities on closed or abandoned solid or liquid waste sites and illegal dumps.

4. Policing to keep system crime free.

The regional government should have responsibility to police all aspects of the solid and liquid waste system, from

collectors to haulers to disposal sites, in order to maintain a clean, honest system free of corruption and corrupting influences.