



METRO

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Jennifer
Memorandum

Date: September 16, 1991
To: Metro Council, Executive, Interested Parties
From: Betsy Bergstein *FB*
Regarding: Charter Committee Meeting - September 12, 1991

The Committee met at Tri-Met for their fourth background meeting before their retreat scheduled for Saturday, September 14 at Clackamas Community College.

They heard from Tom Walsh, Tri-Met General Manager, representatives of the Oregon City, Hillsboro and Gresham Chamber of Commerces, Steve Peterson, Director of the Oregon Economic Development Department, John Chandler and Mike Nelson of the Home Builders Association and received a presentation on the RUGGOS from Rich Carson, Ethan Seltzer and Larry Shaw. All Committee members were present except Judy Carnahan, Ray Phelps and Senator John Meek.

Highlights include:

Tom Walsh, General Manager, Tri-Met.

Active in the 1978 campaign to achieve Metro; biggest fan of Metro and its concept; sold on it.

Thirteen years old, very sound, headed towards adulthood.

Point of departure facing us in this region --- land use and transportation systems (Seattle operated 15 years ago as we do today, "last person out of town, please turn out the lights.")

Seattle no longer has the ability to solve their land use and transportation issues.

Control over liveability comes from (1) land use and (2) transportation. Strong supporter of the JPACT model.

Charter must deal with three concepts: (1) funding; (2) politics; (3) geography.

Funding. Instability a real issue. Enterprise functions. MERC concern re Metro interest to get revenue.

Political stability. Structure to make local governments "enthusiastic endorsers" of regional government; balance operations with consent.

Geography. Freeze the urban growth boundary.

Metro-Tri-Met relationship. Deal with evolution of in the charter.

(Myers) Change in authority?

(Walsh) Clarification. Regional government should plan and coordinate. Not a doing or implementing body; may be exceptions.

(Hales) Do we need improvement in current level of coordination?

(Walsh) Very strong coordination function thru JPACT. Eight other bodies implement. No major changes necessary.

(Cease) Comment further on Tri-Met merger.

(Walsh) Like Ken Rinke use to say "Raise one small piece of doubt..." Must address issue in charter. (The classic Ken Rinke ballot measure was "watch out for tricks in measure six"---if you are not sure vote no.) If you can create confusion or doubt, can engender a no vote.

If you carry Metro as a coordinating body to its extreme, why should it not be a cog?

(Walsh) Land use/transportation area more important; can't stumble. Crux in planning, not in implementation; more important than direct service provision.

(Shoemaker) Is the structure a key to success - separation of powers, council, etc.

(Walsh) No. Strong, powerful Metro will attract high quality people. Quality of individual more important than form.

(Hales) Should LCDC's periodic review function be transferred to Metro?

(Walsh) The closer you get to home, the more the impact of the decision is felt - implication, should stay at LCDC.

(Josselson) What are your objections to enterprise financing?

(Walsh) Drives public policy decisions.

Dee Vanderbeek, Oregon City Chamber of Commerce. New to chamber; gave overview of their interest and concern; specified End of Oregon Trail project. Likes working with region as opposed to state government.

Flo Rhea, Hillsboro Chamber of Commerce. Ask for opportunity for grassroots input to Committee. Feel disenfranchised; asked that an advisory committee be appointed from private sector.

Chair responded that advisory committee was in the Committee's by-laws.

Joan Pasco, Gresham Chamber of Commerce. Urged caution with language relating to growth. Don't lead public into "no growth mood." Infrastructure must keep pace with growth. "Gridlock, gridlock, gridlock leads to no growth."

Portland is a maturing city; not grown up yet; don't give kid anorexia by cutting off growth.

Regional leadership, sharing a vision necessary to create competency. UGB important; need to establish goals around.

Steve Peterson, OEDD. Identified three major issues: (1) liveability (lack of congestion, affordable housing, all types of employment opportunities); (2) affordable (land costs, utility costs, costs of doing business); (3) accessibility (airport, within region, international, transportation of goods, accessibility of work force.)

Challenges:

1. Transportation - within metro area and between the region and the rest of the state.
2. Relationship between people and jobs - a) geography; b) affordable housing.
3. Where one can afford to live (housing);
Where one works (job);
How to get there (transportation).
4. Land availability/land cost.
 - UGB
 - 10,000 industrial acres undeveloped
 - where marketplace wants to be (airport, Sunset Corridor)
5. Services
 - how to pay for;
 - ability to provide services, infrastructure, schools, parks
 - timing of when services will be delivered; (companies not willing to wait);
6. Employment side - what will those 500,000 people do;
 - other side of growth management is the employment side;

Metro has a strong role to play in urban management.
Economic development entity for Portland - not a good idea for Metro;
conflict between regulator and promoter.

Questions from Committee:

Coordinating efforts between ECDD and Metro?
Need for a regional coordinating entity - private, non-profit including city/county/private sector (Peterson).

Control of UGB?

Fairness and consistency issues; where do you adjust and where do you not; Don't see need to redraw boundary to provide 1000 more acres.

Coordinating efforts Washington and Oregon?

In the local area yes between PDC and Vancouver.

Have not done on a state to state basis.

Northwest region is considered a single entity by business.

Artificial boundary; rivalry with local tax bases.

Charles Cameron, Connie Fessler, Walt Johnson, Metro Managers.

The managers were represented by Charles Cameron, Washington County Administrator, who made himself available to the Committee to answer questions.

The Committee requested input from the managers on the question of "which services lend themselves to more consolidation and coordination?"

On, "structure of regional government so it functions with the cities rather than to the cities or on the cities; council to include local officials?"

Commented on Focus and the Regional Governance Committee (Ned Look).

Charlie Hales asked whether their constituency was more confused, less confused or had the same level of confusion re levels of government. (Answer: same level). Requested any data, surveys or anecdotal material Committee could use on which services are best candidates for regional delivery.

Jon Chandler, Mike Nelson, Home Builders Association.

Began remarks (Chandler) by focusing on Metro's tools. More than a coordinating issue, a government issue. "Metro's ability to manage the urban growth boundary has not been tested yet."

-Need a process for amending the boundary;

-Rules now are significantly better than when we started;

-If Metro is not given tools necessary to have real regional planning authority, then it should quit and let LCDC do it.

Metro must be able to make changes in plans where necessary.

It is easier to deal with one unit of government (for Home Builders) than twenty-seven but it shouldn't be a "marshmallow/cottonball."

(Cease) Define "marshmallow."

(Chandler) They can make decisions. They have the statutory authority. But the way they do it is to get everybody together and then it turns into a marshmallow.

(Cease) Boundary hasn't changed much at all. What do you mean? How can you ever make land-use nonpolitical?

(Chandler) Fear of not knowing where the end of the rope is; need additional tools to facilitate development within the UGB.

Metro doesn't know who its constituents are - Metro must feel strong enough to assert its authority.

Specific charter suggestion: Tell them it is OK. They have all the authority they need. Don't need more from charter.

(Myllenbeck) Gross disrespect for land outside the UGB. Metro can't do anything about. Should Metro's boundary be expanded to include all three counties?

(Chandler) Reviewed past legislative session where urban reserve zoning passed both houses four times and never got out of the House.

(Josselson) Do the RUGGOs give Metro authority to do anything in the urban reserves?

(Chandler) Identified as places where future urban use can occur.

(Josselson) Should the urban reserves be extended beyond Metro's boundary?

(Chandler) Yes.

Mike Nelson, former president (1985) of Benjamin Franklin Development gave an overview of his experiences which included a denial of a request to amend the urban growth boundary. He requested Metro to send him a letter specifying the criteria which must be met to amend the boundary, which they did. He was denied again because the hearings officer said "we don't need any more industrial parks."

It is like trying to define "love or need or blue" he concluded.

Metro manages the boundary fairly. Developers are scared to death of uncertainty. We have a real challenge ahead because growth will occur here faster than in the rest of the country. Must give Metro teeth, he concluded.

Metro should be a "benevolent dictator." City's are scared but the buck has got to stop someplace. From a developer's standpoint, not looking for a boundary like "swiss cheese."

Key point: Clarity of process -- tell us what the rules are.

Freezing the boundary ignores the marketplace; other ways of accomplishing.

We are the lab --- no one else is doing.

Give guidance to Metro in Charter on standards --- the tool kit to construct the vision.

Planning inside boundary more important than intraboundary.

Rich Carson, Ethan Seltzer, Larry Shaw, RUGGO.

This overview of the planning process was well presented and received by the Committee.

There was some question from one of the committee members (Hales) that there was "authority left on the table, not picked up by Metro" which Larry Shaw said was "partially valid" depending on the interpretation of the statute.

The tension between groups wanting Metro to be more aggressive (1000 Friends) and those believing Metro was too aggressive (local governments) was described and the process was characterized as "bringing everyone to the table to argue those issues" ending up with a "consensus document."

The RUGGOs were characterized as a "building code" and the 2040 project described as the piece to add the "vision."

The Committee dissent came from Mary Tobias and Frank Josselson, the former claiming "local governments don't buy into the document" and this was the "wrong time because of the Charter process."

The Committee briefly discussed the idea to ask the Council to hold off on the RUGGOs until they had completed the charter and decided not to take that action.

Attachments.

MEMORANDUM TO METRO CHARTER COMMITTEE

FROM: Jon Chandler, Staff Attorney
Common Ground: The Urban Land Council of Oregon

Mike Nelson
Home Builders Association of Metropolitan Portland

It is likely if not certain that this Charter Committee has heard numerous dissertations on political theory and practice, and on the local equivalent of the separation of powers, and on grand visions of urban governance. While I have my views on the subject, I will keep them to myself and instead confine my remarks to one of the areas within Metro's jurisdiction -- the management of the Urban Growth Boundary.

You are all no doubt familiar with the history and concept of an urban growth boundary. You are also undoubtedly aware that the Portland area UGB contains 24 cities and portions of three counties, as well as untold numbers of school, water, fire, and other special districts. Metro is charged with the management of this boundary; I would submit to you that this management function is one of the most important duties which Metro has. I would also submit to you that Metro has not done a particularly good job in its role as manager of the UGB.

This is not a slam against Metro staff; I work closely with them and have a great deal of regard for them. Nor is it a criticism of Metro per se; we support regional government and a regional approach to urban planning. The problems which we have observed are primarily the result of Metro's identity crisis and Metro's lack both of a clear understanding of its role and the courage to carry it out. It is our hope that the Charter process will address these problems.

MANAGEMENT OF THE UGB IS NOT A PASSIVE ACTIVITY

Urban growth boundaries were adopted to accomplish several purposes. They give form to the urban area; they direct growth in logical, agreed-upon-by-the-community directions; they encourage efficiencies of service by providing (in theory) for planning and coordination between local governments and service providers. None of this happens by itself, however; if the UGB is to be anything other than a relatively inconsequential line on a map, Metro has to make certain that the UGB is performing as it was intended. This has not happened.

In fairness, the UGB has only recently been tested; it was adopted with a good supply of land, and the economy has only been in a growth mode for a short period of time. Metro's passivity, though, does not give us confidence that it will be able to handle the pressures which will be presented.

For example: suppose it is evident that the UGB should be expanded into an area adjacent to a city which does not want more growth. Will Metro compel the city to take the additional land? Or will it allow the UGB to expand in another less appropriate, but also less controversial, area? The region has several dozen water districts, each providing the same service within a discrete area with the resulting inefficiencies of scale: if regional water problems begin to affect growth, as is likely, will Metro be able to force efficient operation or consolidation? State law requires that cities, counties, and special districts enter into agreements for the provision of service and division of duties, yet very few jurisdictions have done so. Will Metro be able to require such agreements?

The short answer, under current law and Metro practice, is "no" to all the above. Unfortunately, unless Metro is empowered and is willing to take such steps, it will not be able to do its job of managing the UGB.

MANAGEMENT OF THE UGB CANNOT BE POLITICIZED AND SHOULD BE KEPT SIMPLE

Decisions as to where, when, and how much to expand the UGB should be made on the basis of objective evidence and established policy, and should involve a relatively simple process. Metro's few encounters with boundary expansion petitions, however, have been expensive, protracted and non-productive free-for-alls.

Metro is just now rewriting its rules for boundary expansion, and the result is a significant improvement. The rules' effectiveness, though, will be directly related to Metro's pro-activity in the management of the UGB and the degree to which politics -- whether city vs. Metro or neighbors vs. growth -- can be kept out of the process. Metro's difficulties in this regard can again be attributed to a lack of direction and the absence of a clear policy mandate.

We agree with the testimony you heard last week: Metro has plenty of regulations. What is lacking is a clearly discernable regional plan and vision.

METRO'S JOB IS TOO IMPORTANT TO BE DONE HALF-WAY

Urban Growth Boundaries are the centerpiece of our land use planning system. If Metro cannot do what it takes to effectively and efficiently manage the boundary -- whether due to a failure of political will or weak policy direction -- then the answer is simple: it should abandon its duties in this regard in favor of LCDC.

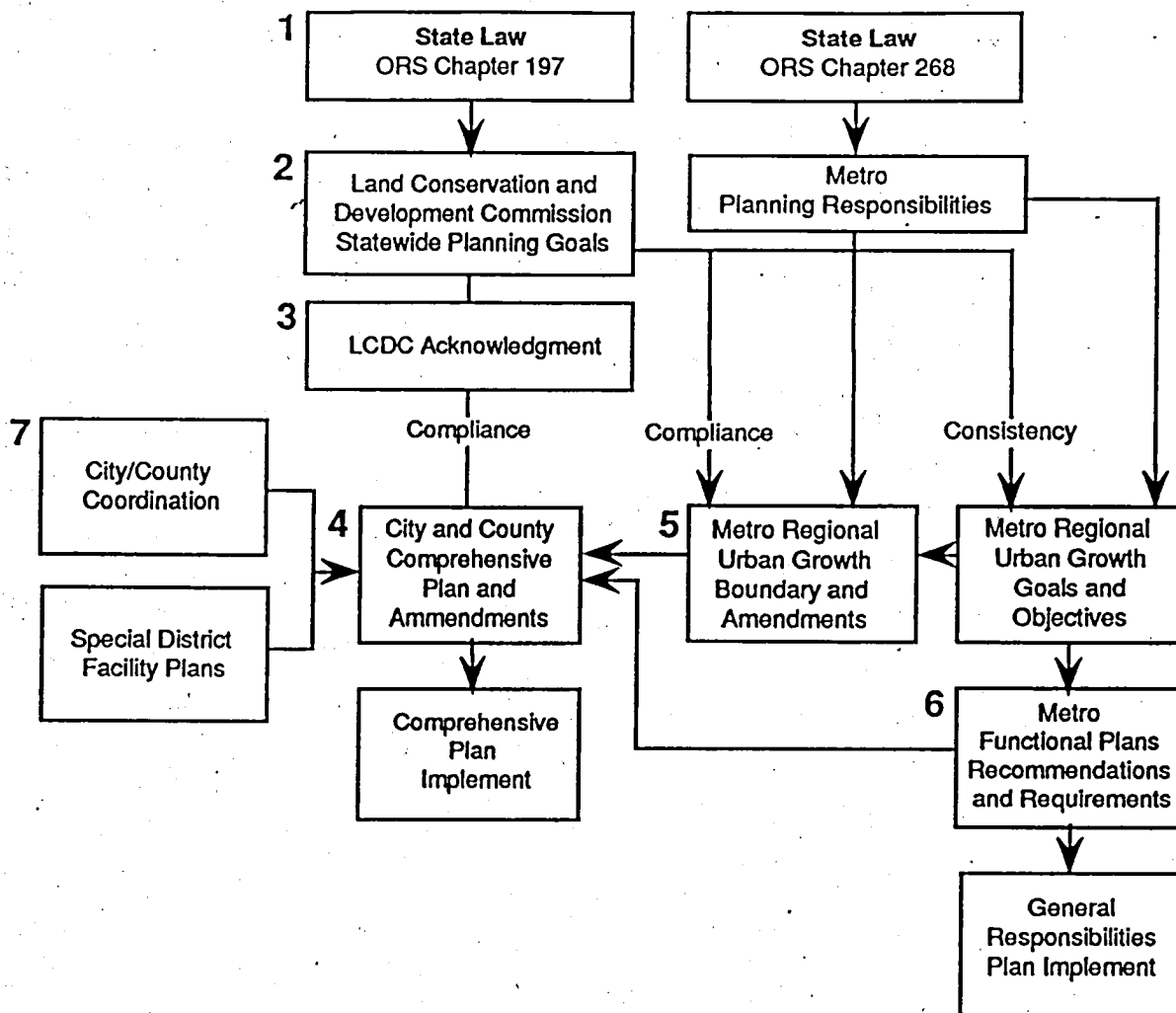
This would not be our first preference, but unless Metro is provided with the necessary tools and the necessary political backing to use them, they will not be able to do the job. And the job needs to be done.

What does all this have to do with the Charter process?

Quite simply, it is our belief that in politics as in engineering, form should follow function. Management of the UGB requires a specific set of tools; for Metro to do the work properly, it will be necessary for the Charter to provide them with the toolkit. Rhetoric about government theory and the varying shades of local control notwithstanding, it is our hope that this Commission will be very practical and pragmatic in formulating the Metro charter.

If regional government is going to amount to anything, the charter will have to specifically empower Metro to act like a government. Whether Metro is a creature of the legislature or of the voters, and regardless of Metro's structure, unless Metro is given real regional planning authority, its management of the UGB will continue to fall short. We look forward to this Commission doing just that, and to working with the "new and improved" Metro in the future.

Statewide Land-Use Planning Laws



- 1 State laws preempt city, county, Metro home rule enactments that conflict with state land-use laws.
- 2 LCDC interprets and administers state land-use law in statewide goals and rulemaking.
- 3 LCDC acknowledges city and county comprehensive plans and Metro's urban growth boundary for compliance with statewide land-use goals. Metro's Regional Urban Growth Goals and Objectives may be reviewed by LCDC for consistency with goals.
- 4 Metro's acknowledged urban growth boundary operates as a provision of the area's city and county comprehensive plans.
- 5 Metro's Regional Urban Growth Goals and Objectives must be consistent with statewide goals and functional plans must be consistent with the RUGGOs.
- 6 City and county comprehensive plans receive functional plan recommendations as input that usually leads to conforming comprehensive plan amendments. These can become requirements by subsequent Metro Council action.
- 7 Coordination agreements between cities and counties and special district plan are input into each comprehensive plan, usually leading to conforming comprehensive plans.