

INFORMATION FROM REGIONAL GOVERNANCE COMMITTEE
TO CHARTER COMMITTEE
REGARDING LAND USE ISSUES

October 10, 1991

The Regional Governance Committee (RGC) would like to offer the following thoughts regarding land use issues for the consideration of the Charter Committee.

For each major functional issue the Charter Committee addresses the RGC will use two matrices to organize and summarize our information. The first matrix simply describes the current system as we understand it. We tried to describe the current system as the law requires it; common practice is sometimes different. Given the complexity of these issues we believe it is particularly critical that everyone have a clear, common and accurate picture of the status quo.

The second matrix describes our current thinking on what the future system should be. Time for analysis and deliberations is short. We expect to work with the Charter Committee to respond to questions and concerns about this information and are willing to take these recommendations back to the full RGC for further consideration as the process continues and the issues become more focused.

Along the horizontal axis we have organized the two land use matrices according to the three types of growth management issues identified by the Charter Committee: (1) Regional limits between urban and rural lands; (2) Allocation and management of growth within the region; and (3) Defining the nature of growth within a local area. We have organized the major growth management tools (i.e. urban growth boundaries, zoning codes, etc.) into these three categories. While we believe that using the Committee's three categories will help to facilitate communication we would like to point out that many growth management tools fall within more than one category. For instance, we have placed the state's new transportation rule in the second category (allocation) because it affects comprehensive plans. However, it also requires changes to development regulations, which falls in the third category (nature of growth).

Partnership: Along the vertical axis we have identified a number of types of functions, from "approval authority" to "service delivery". In all cases we have identified the lead entity. However, we want to stress, particularly for the second matrix which summarizes our recommendations for the future, that in all cases we are looking for a strong partnership between Metro and local governments. In cases where this partnership is particularly critical we have listed two jurisdictions (e.g. Metro/Local Governments), with the first jurisdiction retaining the lead role, but only with very active involvement of the other. The partnership we are after can not be captured in a simple matrix identifying the lead agency, but it is fundamental to our support for a strong regional role in certain planning areas. It is our understanding that the details of this partnership are scheduled to be addressed by the Charter Committee later in its process.

Existing examples of effective partnerships include JPACT for transportation planning, the cooperative relationship between regional and local governments when the region's urban growth boundary was originally established, and the recent process developing the RUGGOs.

We have used a coding system for the matrix describing the recommended future which allows us to identify certain areas where we do not have a firm recommendation at this point, but think an issue warrants further study. The odd numbers (1,3,5) indicate it is relatively clear to us who should have the lead role (local government, Metro, State respectively). The even numbers (2,4,6) indicate that more study is needed before making a final determination.

The highlights of the matrix describing the recommended future system are briefly described below. We would be happy to provide additional detail or verbal testimony if the opportunity can be provided.

Urban Reserves: We know this is an issue some Committee members have an interest in pursuing. It is an issue addressed in the adopted RUGGOs. We believe it is an issue which has merit and we support it. However, while we support the concept, there are important details to be resolved. This is the reason for the asterisk (*) in the matrix. Just one example of these details involves the theoretical possibility of an urban reserve which is non-contiguous to the urban growth boundary. Who will be responsible for planning to provide services to this area? Will local governments' public facilities planning be required to plan for the urban reserves? Who will be required to provide service when the urban reserves are developed? Who will have the authority to compel the provision of this service? We believe that resolving these issues regarding roles early in the process will make it easier to work out remaining details to everyone's satisfaction.

Functional Plans: Functional plans and the urban growth boundary are Metro's current primary growth management tools. We believe these are strong tools if properly implemented, and are much preferable to some form of regional comprehensive plan. We support the use of functional plans so long as they are developed and implemented in a partnership with local governments and with an extensive citizen involvement process. However, the relationship between functional plans and the state's land use planning goals currently is not clear. We believe it needs to be made clear and that the state should make a positive determination (acknowledgement, if you will) that a functional plan satisfies all state planning goals.

The assessment of how a functional plan impacts all state planning goals is important to preserve the overall integrity of the planning process. Local government comprehensive plans must be written to satisfy all state goals. The trend of preparing functional plans which analyze a specific issue from a regional standpoint is positive. However, functional plans take precedence if local comprehensive plans are in conflict with them. This creates the theoretical possibility that a functional plan which has not been analyzed for consistency with all state planning goals could compel a change in a local comprehensive plan which would make that plan inconsistent with state goals. This clearly is not a circumstance anyone would advocate. The best remedy is to tie the functional plans to state planning goals, and require acknowledgement by LCDC.

Our preferences for the future include an important integration of functional planning with local government Comprehensive Plans and development regulations. In order for functional plans to work properly they must be integrated with local plans and development regulations. We are recommending a pro-active approach from the regional government in identifying these interrelationships and informing local governments in advance of what general regional standards must be met by Comprehensive Plans and development regulations. That is why Metro is listed as having a role in the "Information Gathering/Support" column for local Comprehensive Planning issues. While it is important to know ahead of time what those standards are, it is equally important that the local governments retain the flexibility to determine how best to meet those standards for their communities.

Nature of Growth: There is a great deal of interest in the region at this time about the "nature" of growth. To the extent that there are true regional issues affecting the nature of growth, as indicated above, they should be clearly identified through the functional plans and local development regulations should be responsive to them. Air quality and transportation issues are good examples. However, it is very important to retain local government's ability to establish community identity and develop and implement regulations to achieve that identity. It is a bad idea for a regional government to get in the business of writing local subdivision, zoning and design review standards, for example. It is appropriate that clear and objective regional standards from

the functional plans be identified; but local governments must retain the flexibility to determine how best to meet those standards given their local circumstances. To regionalize development standards would impose a degree of uniformity on the region which would detract from, not improve our quality of life. Wide diversity exists among the cities and counties in this region and should be encouraged rather than eliminated.

Uniform regional development standards would also substantially increase the consequences of mistakes. If a regional development standard is later found to be flawed, the entire region will have implemented the mistake, not just a few local areas.

One important role for a regional entity on these issues is in the area of information sharing and support services. Regionalized support services can provide economies of scale not available at the local level. For example, it is useful for local governments to have a means to keep apprised of new concepts being implemented elsewhere in the country and to share information among themselves about what is working and not working within the metropolitan area. Regulatory authority is not needed, however, to execute this valuable educational and support function.

We appreciate the opportunity to provide these comments and look forward to working with you on the important growth management issue.

LAND USE

MATRIX A: SUMMARY OF CURRENT SYSTEM

	APPROVAL AUTHORITY	PLANNING LEAD	COORDINATION LEAD	INFO. GATHERING/ SUPPORT	SERVICE DEL. LEAD
REGIONAL LIMITS BETWEEN URBAN AND RURAL LANDS <ul style="list-style-type: none"> • Urban Growth Boundary 	State	Metro/Local Govt.	Metro	Metro/Local Govt.	Metro/Local Govt.
ALLOCATION AND MANAGEMENT OF GROWTH WITHIN REGION <ul style="list-style-type: none"> • Comprehensive Plans <ul style="list-style-type: none"> - CIP - Service Boundaries - Zoning - Metro Area Housing Rule - Transportation Rule (new) • RUGGOS • 2040 Study (Regional Vision) • Functional Plans 	State State State State State State/Metro Metro Metro Metro	Local Govt. Local Govt. Local Govt. Local Govt. Local Govt. State/Metro/LG Metro Metro Metro	Local Govt. Local Govt. Local Govt. Local Govt. Local Govt. Metro Metro Metro Metro	Local Govt. Local Govt. Local Govt. Local Govt. Local Govt. Metro/Local Govt. Metro Metro Metro	Local Govt. Local Govt. Boundary Comm. Local Govt. Local Govt. St/Tri-Met/LG Metro Local Govt. Metro/Local Govt.
DEFINING NATURE OF GROWTH WITHIN A LOCAL AREA <ul style="list-style-type: none"> • Development Regulations 	State	Local Govt.	Local Govt.	Local Govt.	Local Govt.

(October 10, 1991 RGC FINAL)

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MATRIX B: SUMMARY OF PREFERRED FUTURE SYSTEM

	APPROVAL AUTHORITY	PLANNING LEAD	COORDINATION LEAD	INFO. GATHERING/ SUPPORT	SERVICE DEL. LEAD
REGIONAL LIMITS BETWEEN URBAN AND RURAL LANDS					
• Urban Growth Boundary	(5) State	(3/1) Metro/LG	(3) Metro	(3/1) Metro/LG	(3/1) Metro/LG
• Urban Reserves* (see narrative)	(5) State	(3/1) Metro/LG	(3) Metro	(3/1) Metro/LG	(3/1) Metro/LG
ALLOCATION AND MANAGEMENT OF GROWTH WITHIN REGION					
• Comprehensive Plans	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- CIP	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- Service Boundaries	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1/3) LG/Metro
- Zoning	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- Metro Area Housing Rule	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.
- Transportation Rule (new)	(5/3) State/Met	(5/3/1) St/M/LG	(3) Metro	(3/1) Metro/LG	(5/1) St/T-M/LG
• RUGGOS	(3) Metro	(3) Metro	(3) Metro	(3) Metro	(3) Metro
• 2040 Study (Vision)	(3) Metro	(3/1) Metro/LG	(3) Metro	(3/1) Metro/LG	(1) Local Govt.
• Functional Plans	(5/3) State/Met	(3) Metro	(3) Metro	(3/1) Metro/LG	(3/1) Metro/LG
DEFINING NATURE OF GROWTH WITHIN A LOCAL AREA					
• Development Regulations	(5) State	(1) Local Govt.	(1) Local Govt.	(1/3) LG/Metro	(1) Local Govt.

KEY FOR COMPLETING MATRIX:

- 1 = Local Govt. lead preferred
- 2 = Local Govt. lead possibly best in future, more research and analysis needed before final decision
- 3 = METRO lead preferred
- 4 = METRO lead possibly best in future, more research and analysis needed before final decision
- 5 = State lead preferred
- 6 = State lead possibly best, more research and analysis needed before final decision