

Sims



METRO

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Memorandum

Date: November 8, 1991

To: METRO Council, Executive, Interested Parties

From: Betsy Bergstein *BB*

Regarding: Summary of Charter Committee Meetings-
October 31 and November 7, 1991

The Committee has continued their discussion in the last two meetings on "regional planning powers and responsibilities." There are two basic parts to this discussion: (1) adoption of a **Future Vision** and (2) adoption of a **Regional Plan**.

The October 31 meeting focused exclusively on a discussion of the **Future Vision** concept. The definition of a **Future Vision** is:

Conceptual statement that establishes a population level and settlement pattern 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.

At the November 7 meeting the discussion began with the draft that is labeled Ron Cease's changes to the Future Vision section of the Discussion Draft Outline of Charter Provisions. (Attachment 1) In this later draft the Definition was changed slightly to read:

Conceptual statement that establishes population levels and settlement patterns that the region (Metro area) and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life.

A description of the concept, as adopted November 7, 1991, is included in this memo as Attachment 1. The key points of the discussion around the **Future Vision** concept are as follows:

- o Committee basically all agree that a "future vision" concept is needed to guide the regional plan. However, the Chair has stated that, at this stage, it is a "discussion document" which will be put out for public comment.
- o There was some discussion regarding point #5 under B. which was a new section in Ron Cease's November 7 draft. **Cost-effective** was deleted because it was regarded as potentially limiting in the vision (Egge) and it was acknowledged that government structure

- is a controversial issue which will "guarantee a hearing and discussion." (Cease) The word effective was left in.
- o Ray Phelps added that the vision should be viewed as "guideposts" and not a mandate on regional government. He suggested adding cost efficiency and the elimination of duplication.
 - o The motion to add B.5, which was a change from the previous week's draft, passed 11-3 with Myllenbeck, Regenstreif, Hales, Hennessee, Carnahan, Cease, Look, Shoemaker, Urbigkeit, Myers and Phelps voting "yes" and Meek, Egge, Josselson voting "no" and Tobias abstaining.
 - o Section C. point #1 was also new this week, expanded from "developed from a broad gauged commission" in the previous draft.
 - 60 days was changed to 90 days and "appointed by the regional government" was deleted.
 - The vote on the motion to strike appointed by the regional government and add developed by a broad based commission within 90 days was 11 "yes", 4 "no" (Yes votes: Carnahan, Egge, Hennessee, Tobias, Urbigkeit, Cease, Josselson, Hales, Meek, Shoemaker and Myers. No votes: Look, Myllenbeck, Regenstreif, Phelps)
 - How to chose the Future Vision Commission would be Metro's decision to decide, the Chair stated.
 - o No. 5 was added under C. Commission shall have independent staff. and the existing No. 5 "The commission shall confer and cooperate with the State Agency Council on Growth Issues...." was deleted.
 - o No. 7 was changed to read Adopted by the regional government within 18 months after selection of the Committee. Senator Shoemaker offered the amendment "adopted without amendment or rejected" which failed (Yes votes: Shoemaker, Urbigkeit, Egge, Carnahan, Josselson, Hales, Meek; No votes: Phelps, Look, Hennessee, Myllenbeck, Regenstreif, Tobias, Myers, Cease)
 - Vision document is important and elected body must have something to say about it (Cease).
 - Chair stated could put two options in the draft and get public input.
 - o C 1. was further amended to read adopted by the governing body of the regional government and passed 13-2 (Yes votes: Cease, Egge, Hennessee, Look, Myllenbeck, Regenstreif, Tobias, Carnahan, Hales, Josselson, Phelps, Urbigkeit, Myers. No votes: Meek, Shoemaker) This meant that adoption options, listed under C.8. was deleted.
 - o In the last section D, which covers review and amendment, it was changed to read Reviewed and amended as least every 10 years in the manner of its original adoption. (Josselson). The phrase "with time period determined by the regional governing body" was deleted. It passed with everyone voting "yes" except Tobias who voted no.

The Committee then turned to discuss the regional plan concept (Attachment 2 - begins on page 2., section II.)

The Committee worked through the outline beginning with A. Contents and getting through Section III. Regional Planning Responsibilities. The remainder of the outline, sections IV. through VII. will be completed next week. Key points are as follows:

- o Assume the "regional plan" must comply with statewide goals and describe its relationship to the "future vision."
- o Discussed that local plans of cities and counties (#6) are outside of the control of Metro but that there was a relationship between the regional and local plans.
- o Discussed whether the regional plan would be called "comprehensive."
- o In II B (1) changed "regional plan must be consistent with statewide goals and guidelines..." to "regional plan must describe its relationship to Future Vision."
- o Under III, "Regional Planning Responsibilities" discussed point A. Regional transportation and mass transit systems, questioning where transportation policy was lodged --- Metro or Tri-Met. Some discussion about not wanting to lose Tri-Met support for charter if a change was made to a regional agency for transit planning (Look).
- o Quite a lot of discussion on C. Urban reserves.
 - No mechanism to plan for the expansion of the urban growth boundary; concept of urban reserves is the only tool that might work (Hales). Must be done regionally.
- o LCDC rule making or legislative action?
 - Can Metro implement LCDC rule without legislative action?
- o Added to C. point #4 Procedure for determining which local government(s) shall assume jurisdiction over territory within the urban reserves.
- o Committee moved to point E. "Aspects of metropolitan significance...."
 - "Starting set of concepts that can be refined." (Myers)
 - Under III E. point 1a. "If more than one local jurisdiction is affected" was deleted.
- o Under "subject areas" III 2., additions of air quality and regional aspects of disaster planning was discussed and the latter was added (Cease).
- o Domestic sources of water was deleted and and storage of water was added to 2.a.
- o Urban was deleted from greenspaces (2.c.)
- o There was discussion regarding 2e. "Locations for commercial/industrial development having metropolitan significance," the main issue being that it pre-empted the planning authority of other jurisdictions.
- o There was a motion to strike "locations of" in both 2d and 2e and add "Planning for and provisions for siting of..."

which passed (Yes votes: Carnahan, Egge, Hales, Josselson, Regenstreif, Urbigkeit, Cease, Hennessee, Look, Shoemaker. No votes: Tobias, Phelps, Meek)

- o Ray Phelps raised the issues there was no mention, in this section, of sewers, zoo, criminal justice planning and other existing authorities.
- o The Chair stated that he did not want to engage that discussion at this point. There is a significant debate within this group...will pick up at a later date.

The meeting adjourned with the Chair stating that this topic absolutely will be finished at the next meeting; a fixed time will be devoted to finishing the discussion on the regional plan and the rest of the meeting will go on to another function. Urged the members to have specific amendments ready. Stated "no doubling back."

Ron Cease's changes to the Future Vision section of the Discussion Draft Outline of Charter Provisions.

The statements in bold are the statements in which he made changes.

I. Provision for adoption of Future Vision

A. Definition

1. Conceptual statement that establishes population levels and settlement patterns that the region (Metro area) and ~~adjoining~~ ^{adjacent} areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life
2. Planning tool only
3. Long-term, ^{at best} ~~25-45~~ 50 year, visionary outlook

B. Matters addressed

1. Use and preservation of regional land and natural resources and for what uses, for future generations
2. Areas best suited to accommodate future urban growth
3. Development of new communities and additions in a well-planned way
4. Economic growth and education opportunity
5. Appropriate regional and local government structures and financing to provide the necessary public services in an efficient, ~~best~~ effective, and accountable manner

C. Development and adoption

1. Developed by a broad-based ^{based} ~~gauged~~ commission ⁹⁰ appointed by the ~~regional government~~ within ~~60~~ days of charter adoption and adopted by the governing body of the regional government
2. Members selected in a procedure determined by the regional governing body
3. Members represent private, public, and academic sectors
4. One or more shall reside outside the region
5. Commission shall have independent staff.

deleted

~~5. The commission shall confer and cooperate with the State Agency Council on Growth Issues in the Portland Metropolitan and other appropriate bodies~~

6. Members serve without compensation

7. Adopted ~~within 18 months of Charter adoption~~ *by the regional government within 18 months after selection of the Committee*

8. Adoption options

a. Commission adopts Future Vision

b. Commission adopts Future Vision, but regional governing body maintains the authority to reject the document with option to reconvene the commission within a specified number of years to reconsider a Future Vision

c. Regional governing body has authority to adopt, reject and amend the Future Vision document

D. ~~Reviewed and amended at least once every 5 to 10 years, with time period determined by regional governing body~~ *in the manner of its original adoption.*

E. Legal effect; reviewability

1. Not a regulatory document

2. Not reviewable by LUBA or judicially, and not subject to LCDC acknowledgement or review

*deleted -
covered by
C. 1.*

DISCUSSION DRAFT
OUTLINE OF CHARTER PROVISIONS RE
REGIONAL PLANNING POWERS AND RESPONSIBILITIES
11/7/91

I. Provision for adoption of Future Vision

A. Definition

1. Conceptual statement that establishes a population level and settlement pattern 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
2. Planning tool only
3. Long-term, 100-year, visionary outlook

B. Matters addressed

1. Use and preservation of regional land and natural resources and for what uses, for future generations
2. Areas best suited to accommodate future urban growth
3. Development of new communities and additions in a well-planned way
4. Economic growth and educational opportunity

C. Development and adoption

1. Developed by a broad-gauged commission
2. Members selected in a procedure determined by the regional governing body
3. Members represent private, public and academic sectors

4. One or more shall reside outside region
5. Members serve without compensation
6. Adopted within 13 months of Charter adoption
7. Adoption options
 - a. Commission adopts Future Vision
 - b. Commission adopts Future Vision, but regional governing body maintains the authority to reject the document with option to reconvene the commission within a specified number of years to reconsider a Future Vision
 - c. Regional governing body has authority to adopt, reject and amend the Future Vision document
- D. Reviewed and amended at least once every 10 years, with time period determined by regional governing body
- E. Legal effect; reviewability
 1. Not a regulatory document
 2. Not reviewable by LUBA or judicially, and not subject to LCDC acknowledgement or review

II. Provision for adoption of a regional plan

- A. Contents
 1. Regional goals and objectives
 2. Functional plans
 3. Benchmarks for performance
 4. Urban growth boundary
 5. Urban reserves
 6. Local plans of individual cities and counties

B. Relationship of regional plan to statewide goals and guidelines, and to Future Vision

1. Regional plan must be ~~consistent with statewide goals and guidelines and to Future Vision~~ *describe its relationship to*
2. Metro statements of regional plan compliance with Future Vision may be overcome only by a showing of nonconformity beyond a reasonable doubt

III. Regional planning responsibilities

A. Regional transportation and mass transit systems

B. Urban growth boundary

1. Management
2. Amendment

C. Urban reserves

1. Designation
2. Control of boundary changes
3. Control of land use activities in area, including

land division, wells and septic tank placement

4. *Procedure for determining which local government(s) shall assume jurisdiction over territory with urban reserves*
- D. Federal and state mandated functions

E. Aspects of metropolitan significance of certain subject areas

1. Definition of metropolitan significance

- Delete* [a. ~~If more than one local jurisdiction is affected~~]
- b. If a function of one jurisdiction will interfere with another jurisdiction's local plan

c. If a function interferes with a provision of the regional plan

2. Subject areas

a. ~~Domestic water~~ Sources of supply and storage of water.

b. Housing densities

c. ~~Urban~~ greenspaces

d. ~~Locations~~ of significant, high density, *Planning for and provisions for siting of*

mixed use urban development

e. ~~Locations~~ for commercial/industrial *Planning for and provisions for siting of*

development having metropolitan significance

f. Solid waste disposal, reuse and recycling

g. Regional exposition, recreation, cultural,

and convention facilities

D.g. air quality

h. regional aspects of disaster planning

IV. Procedure by which planning responsibility for subject areas not initially assigned by Charter to regional plan and having metropolitan significance may be brought into regional plan.

V. Provision that responsibilities not included in regional plan under III and IV are reserved to local plans

VI. Adoption, review and amendment process

A. Regional plan elements other than local plans

1. Adoption

a. Time period within 30 months after approval

of Charter

- b. Procedure (options for Charter Committee discussion)
- (1) Metro adopts a regional plan without local involvement
 - (2) Charter mandates local government involvement, short of giving them a vote on the plan
 - (3) Local government units have some numerical authority in voting on the plan
 - (a) A majority of the counties with lands in the region
 - (b) A double majority of the region's cities in each county
 - (c) A majority of the counties with lands in the region plus a double majority of the region's cities in each county
 - (4) Plan is taken directly to the voters for acceptance or rejection
 - (5) Metro ratifies a plan put together by local governments
 - (6) Metro adopts a plan subject to LCDC review with standards taking local comprehensive plans into account

(7) Metro adopts a plan with the option of referral to the voters or referendum by petition from the voters

2. Periodic review: every 2 years

B. Local plans

1. Must be consistent with Future Vision and regional plan

2. Must be brought into compliance with regional plan and Future Vision at time for periodic review, i.e., on a regular basis and every 10 years maximum

3. Review and acknowledgement by Metro; LCDC out of acknowledgement process

4. Issue of compliance with statewide goals and guidelines appealable to Court of Appeals

VII. Mandate Metro development of recommended model standards and procedures for local land use decision making.

**METRO
CHARTER
COMMITTEE**

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AGENDA

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

6:00 Call meeting to order.

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

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

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

9:00 Adjourn meeting.

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