

## ISSUES DETERMINED BY COMMITTEE

(as of 3/19)

- I. Legal capacity *(2/13,p.7)*
  - A. The regional government is a municipal corporation of the state.
  - B. The regional government may have and use a seal.
  - C. The regional government has perpetual succession.
- II. Regional government functions.
  - A. In a form yet to be determined the charter will authorize the government to continue the functions and services it is now performing. *(2/13,p.11)*
  - B. Functions not initially authorized in the charter.
    1. The regional government will be authorized to undertake additional functions, determined to be a matter of metropolitan concern, in accord with a process defined in the charter. *(2/13,p.17)*
    2. The charter will mandate the creation of a Regional Policy Advisory Committee (RPAC) or other body. *(2/20,p.5)*
      - a. Membership representation and function are yet to be determined.
      - b. Membership is continuing, with length of service yet to be determined.
    3. If the regional government is to undertake an additional function, it must provide a statement indicating why the proposal has metropolitan significance and why it would be appropriate for the regional government to take on the function. *(2/27,p.12)*
  - C. Undertaking service functions of metropolitan concern that are presently being performed by one or more local governments.
    1. Proposal under consideration must come from the regional governing body. *(2/20,p.9)*
    2. Approval authority. *(2/20,p.9)*
      - a. Majority vote of RPAC body, or
      - b. Vote of the people.
  - D. Federally mandated functions, not currently performed by another government, will be undertaken as a decision of the regional government. *(2/20,p.14)*

E. Undertaking service functions of metropolitan concern that are not currently being performed by any local government.

1. Must refer decision to RPAC for advice and consultation before the government makes a decision to undertake it. *(2/27,p.5)*
2. Approval authority. *(2/27,p.5)*
  - a. Council ordinance sufficient, or
  - b. Vote of the people.

F. Undertaking or deleting planning functions of metropolitan concern.

1. Approval authority. *(2/27,p.9)*
  - a. Majority vote of RPAC, or
  - b. Vote of the people.

### III. Functions required by the charter.

A. The charter will require the regional government to adopt a regional Future Vision. *(2/27,p.14)*

1. Definition of the Future Vision. *(2/27,p.17)*
  - a. The Future Vision is a conceptual statement that indicates 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: *(2/27,p.19)*
  - 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 resources. *(3/5,p.11)*

3. **Development, adoption and review of the Future Vision. (3/5,p.18)**
  - a. **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.**
    - (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. (3/5,p.18)**
5. **Legal effect; reviewability. (3/5,p.18)**
  - 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. The charter will call for a Regional Framework Plan. (2/27,P.22)**

1. **Preamble of the Regional Framework Plan. (2/27,p.23)**

**There shall be a Regional Framework Plan adopted by the regional governing body. The existing local plans of the cities and counties within the region shall be modified over time by those cities and counties in order to be consistent with the Regional Framework Plan.**
2. **Definition of the Regional Framework Plan. (2/27,p.23)**
  - a. **The Regional Framework Plan establishes and is limited to plans and policies for the matters addressed in 3 and 4 below, and provides the basis for coordination of local city and county plans.**
  - b. **The Regional Framework Plan must be consistent with Oregon's Statewide 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.
3. Matters addressed in the Regional Framework Plan. (3/5,p.23)
- 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.
  - e. The following matters to the extent determined through the process described below:
    - (1) The governing body, with the advice and consultation of the RPAC, will determine the aspects of the matters in (2) 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.
    - (2) Matters addressed. (3/5,p.26)
      - (a) Water sources and storage.
      - (b) Housing densities.
      - (c) Greenspaces.
      - (d) Siting of significant land use developments.
      - (e) Solid waste disposal, reuse and recycling.
      - (f) Siting and operation of public exposition, recreation, cultural and convention facilities.
      - (g) Regional disasters. (3/5,p.28)
    - (3) The Regional Framework Plan may address other matters, determined in the process described in II.F. (3/12,p.1)

4. Procedures for development, adoption and review of the Regional Framework Plan. *(3/12,p.2)*
  - a. The Regional Framework Plan will be adopted within 42 months after installation of the governing body.
  - b. The governing body, with the advice and consultation of the RPAC, will adopt the Regional Framework Plan.
  - c. Periodic LCDC review of the Regional Framework Plan for Statewide 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. *(3/12,p.2)*

1. The charter will address city and county plans as part of the Regional Framework Plan. *(3/12,p.2)*
2. The charter will provide that all existing regional planning documents remain in effect following charter adoption and must be reviewed and updated within a specified amount of time. *(3/12,p.3)*
3. Local plans must be made consistent with the Regional Framework Plan by the next periodic review, or within three years after adoption of the Regional Framework Plan, whichever is longer. Prior to a determination of consistency by the governing body of the regional government, a local government shall make findings in connection with each land use action demonstrating that the action is consistent with the Regional Framework Plan. *(3/12,p.4)*
  - a. The issue of consistency with the Regional Framework Plan is appealable as provided by law. *(3/12,p.5)*
  - b. Upon delegation by LCDC, the regional government is expressly authorized to prepare and submit an acknowledgement report, with respect to local plans, directly to LCDC, in lieu of a report to DLCD. *(3/12,p.7)*
  - c. The regional government will have authority to review local government land use decisions, to determine if decisions are being made that are inconsistent with the Regional Framework Plan, and to require changes to local government standards and procedures, if necessary to reverse a pattern or practice of inconsistent decisions. (This authority is not in limitation of implicit authority to contest individual decisions allegedly inconsistent with the Regional Framework Plan.) *(3/12,p.9)*
  - d. The regional government will develop recommended model standards and procedures for local land use decision making that may be adopted by local governments. *(3/12,p.13)*

**IV. Operational and service delivery powers and responsibilities.**

- A. The regional government is authorized to deliver solid and liquid waste functions as provided in Oregon laws. (3/12,p.16)**
- B. The regional government is authorized to own and operate a metropolitan zoo, and public cultural, trade, convention, exhibition, sports entertainment, and other spectator facilities. (3/12,p.15)**
- C. The regional governing body may initiate assumption of Tri-Met functions. (3/19,p.12)**
  - 1. Advice and consultation of JPACT, in its current configuration, required. (3/19,p.12)**
  - 2. Incumbent Tri-Met board would be continued, with successor appointments to be made by the regional government. (3/19,p.12)**
  - 3. Merger could take place by ordinance, subject to referendum, with a prohibition of an emergency clause. (3/19,p.12)**
- D. The regional government is authorized to acquire regional greenspaces. (3/12,p.16)**
- E. 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. (3/19,p.23)**
- F. Miscellaneous.**
  - 1. Contracts.**
    - a. 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. (3/19,p.27)**
    - b. The regional government shall not enter into an agreement which would limit its ability to subcontract for services. (3/19,p.27)**
  - 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. (3/19,p.27)**
  - 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. (3/19,p.27)**