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September 20, 2012

VIA HAND DELIVERY

Chair Marilyn Worrix
Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301

Re: Proposed Revisions to GHG Scenario Planning Rules

Dear Chair Worrix and Members of the Commission:

On behalf of Metro I am enclosing proposed minor revisions to section 0045 of the proposed new Division 44 rules regarding scenario planning for the Portland metropolitan area. These are being offered for purposes of clarity and consistency regarding Metro's obligations to adopt functional plan amendments in order to implement preferred scenario planning, and do not propose substantive changes to the rule.

Thank you for your consideration of these proposed revisions.

Sincerely,

Roger A. Alfred
Senior Assistant Attorney
Office of Metro Attorney

Enclosure

OAR 660-044-0045
Adoption of Regional Functional Plan Amendments to Implement the Preferred Scenario

(1) Within one year of the commission's order approving Metro's amendments to the regional framework plan to select and incorporate a preferred land use and transportation scenario, Metro shall adopt [*or amend*] regional functional plan **amendments** to implement the framework plan amendments.

see OAR 660-044-0005 (7) DFN Functional Plan

(2) [*The*] ~~**Metro's**~~ [*regional*] functional plan[*s or*] amendments shall [*set*] **establish** requirements, deadlines and compliance procedures [*for local comprehensive plans, including*] for amendments to local comprehensive **plans,** [*and local*] transportation system plans, **and land use regulations** [*needed to carry out*] **as necessary to implement** the framework plan amendments. The functional plan amendments shall require [*that*] affected cities and counties **to** adopt implementing amendments to comprehensive plans and land use regulations within two years of acknowledgement of Metro's functional plan amendments or by a later date specified in the adopted functional plan.

(3) [*The*] ~~**Metro's**~~ [*regional*] functional plan[*s or*] amendments shall **include** requirements **that** local governments [*to*] amend local comprehensive plans, transportation system plans and land use regulations to:

(a) Use population, housing and employment allocations to specific areas and land use design types that are consistent with estimates in **the** framework plan including assumptions about densities, infill, and redevelopment;

(b) Apply comprehensive plan designations and zoning districts that are consistent with land use design type, [*including*] allowing uses and densities that are consistent with land use design type[,] and limiting uses that would be incompatible with the design type specified in the preferred scenario; and,

(c) Include other provisions needed to implement the amended framework plan.

(4) As part of its adoption **of functional plan amendments under this rule**, Metro shall adopt findings [which] demonstrat[*e*]**ing** that actions required by **the** functional plan[*s or*] amendments are consistent with and adequate to [*carry out*] **implement** the relevant portions of the preferred land use and transportation scenario set forth in the adopted framework plan amendments. The findings shall demonstrate that assumptions or allocations of housing and employment growth to specific areas are consistent with the estimates or assumptions in the framework plan amendments. In the event Metro's allocations or assumptions vary from those upon which the framework plan amendments are based, Metro shall demonstrate that the revised assumptions or allocations, in combination with other measures adopted as part of the functional plan[*s or amendments*] will meet the GHG reduction target in OAR 660-044-0020.

(5) Those portions of the preferred scenario in the framework plan that Metro chooses to implement by [*setting*] **establishing** requirements for city and county comprehensive plans and land use regulations shall be set forth in amendments to the [*appropriate*] functional plan. The amendments shall meet the following minimum planning standards:

(a) [*The Council shall follow the process set forth in the Metro Charter*] For adoption of amendments to the [*R*]regional [*F*]framework [*P*]plan, **the Metro Council shall follow the process set forth in the Metro Charter**;

(b) [*To adopt or amend a*] **For adoption of amendments to the** functional plan, the **Metro** Council shall follow the process set forth in the Metro Charter for adoption of ordinances;

(c) The **Metro** Council shall strive for flexibility when establishing new requirements for cities and counties, and shall consider offering optional compliance paths to cities and counties, such as adoption of a model ordinance developed by Metro;

(d) [*Metro shall make amendments to a functional plan that establish*] Metro shall make New requirements for cities and counties **included in the functional plan amendments adopted under this rule ~~shall be made~~** enforceable **by Metro** [in the functional plan] pursuant to ORS 268.390(6);

(6) When it adopts an updated regional transportation system plan required by OAR chapter 660, division 12, Metro shall demonstrate that the updated plan is consistent with framework plan amendments adopting a preferred scenario as provided in [*section*] **OAR 660-044-0040**(3). [*above*]