

## HB 2001 Direction on Metro Scenario Planning Rulemaking

HB 2001 Provisions	Comments / Initial Thoughts
<b>Rule scope and deadline</b>	
<p>(8) On or before January 1, 2013, the Land Conservation and Development Commission, in consultation with the Oregon Transportation Commission, shall adopt rules that establish a process for cooperatively selecting a land use and transportation scenario for each metropolitan service district to achieve the greenhouse gas emissions reductions identified in the rules adopted pursuant to subsection (6)<sup>1</sup> of this section <b>and</b> a process for the adoption of regional or local plans to implement the scenario.</p> <p><b>The rules shall:</b></p>	<ol style="list-style-type: none"> <li>1. LCDC will consult with OTC, through ODOT representation on the RAC and briefings to OTC</li> <li>2. “Cooperative selection” likely means adoption by Metro following coordination with affected local governments. (Term “cooperative selection” is an artifact of early versions of HB 2001 that would have applied to other metropolitan areas.)</li> <li>3. “Land use and transportation scenario” not defined. May include: <ul style="list-style-type: none"> <li>- land use and transportation concept map</li> <li>- allocation of expected growth to land use design types</li> <li>- transportation policies/programs and investments needed to achieve the scenario.</li> </ul> </li> <li>4. Process for adoption of regional or local plans through adoption as part of Regional Framework Plan with requirements for local implementation – use/piggyback scenario implementation on existing regional-local process.</li> </ol>
<b>Minimum planning standards for comprehensive plans/ TSPs</b>	
<p>(8)(a) Identify minimum planning standards for achieving reductions in greenhouse gas emissions through comprehensive plans and transportation system plans;</p>	<p>“Minimum planning standards” for achieve ghg reductions is not defined. Presumably basic <i>standard</i> is to make adopted plans consistent with the selected land use and transportation scenario. May also include:</p> <ul style="list-style-type: none"> <li>- adoption of land use design types</li> <li>- allocation of housing and employment growth to land use design types</li> <li>- authorize planned transportation facilities and services in TSP</li> </ul>
<b>Planning assumptions and approaches</b>	
<p>(8)(b) Identify planning assumptions and approaches to meet minimum planning standards identified in paragraph (a) of this subsection that ensure the Department of Land Conservation and Development can approve the changes to the regional framework plan, comprehensive plans and land use regulations implementing the comprehensive plans;</p>	<p>Planning assumptions and approaches:</p> <ul style="list-style-type: none"> <li>- Assumptions in target rule about vehicle technology, fuels and fleet</li> <li>- Assumptions about state and federal policies and other factors (i.e. price of gas)</li> <li>- Analysis methods (GreenSTEP)</li> </ul>
<b>Cycle for adoption &amp; update</b>	
<p>(8)(c) Establish a cycle for initial adoption and updating of the transportation and land use scenario</p>	<p>Initial adoption – June 2014 (per Metro Climate Smart Communities timeline)</p>

<sup>1</sup> Subsection (6) is the requirement for LCDC to adopt a GHG reduction target for the Portland Metropolitan area. The adopted target calls for a 20% reduction in GHG emissions from light vehicle travel by the year 2035.

<p>required by this section, including planning periods beyond 2035, relating the cycle to periodic review under ORS 197.628 to 197.650 and to urban growth boundary planning under ORS 197.296 or 197.298; and</p>	<p>Updating tied to either:  - RTP/TSP Update  - Periodic review  - UGB review</p>
<p><b>Ensure standards and criteria are included in regional and local plans and land use regulations</b></p>	
<p>(8)(d) Ensure that local standards and criteria for land uses and for land development and transportation plans that implement the scenarios selected under subsection (2)(b) of this section:  (A) Are contained in the amendments to regional framework plans, functional plans, comprehensive plans and land use regulations required by subsections (3) of this section; and  (B) Do not have the effect of preventing, discouraging or delaying the implementation of the scenarios, except as necessary to protect the public health and safety.</p>	<p>Rules must require that:  RFP, comprehensive plans, functional plans and land use regulations include “standards and criteria” to implement the selected scenario.</p>
<p><b>Discretion to delay rule adoption 90 days</b></p>	
<p>(9) The Land Conservation and Development Commission may extend the deadline for adoption of the rules required under subsection (6) of this section for up to 90 days if the commission determines that the extension will not delay a metropolitan service district’s completion of land use and transportation scenarios as described in subsection (2) of this section.</p>	<p>Deadline in subsection 6 is January 1, 2013  Extension would allow to April 1, 2013  (Note: current Metro schedule for adoption is June 2014)</p>
<p><b>Metro selection of preferred scenario as part of Regional Framework Plan</b></p>	
<p>(2) (b) A metropolitan service district, in accordance with rules adopted under subsection (8) of this section, shall select, after public review and comment on the scenarios and in consultation with local governments within the jurisdiction of the metropolitan service district, one scenario described in paragraph (a) of this subsection as a part of its planning responsibilities under ORS 268.390.</p>	<p>This subsection relates to LCDC rulemaking but is directed to Metro.  Metro selection is pursuant to ORS 268.390 which includes reference to the Regional Framework Plan.</p>
<p><b>Local government implementation through plan and land use regulation amendments</b></p>	
<p>(3) Except as provided in subsection (5) of this section, a local government within the jurisdiction of the metropolitan service district shall amend its comprehensive plan and land use regulations implementing the plan to be consistent with the scenario adopted by a metropolitan service district in a manner provided by rules adopted under subsection (8) of this section.</p>	<p>This section relates to LCDC rulemaking but is directed to local governments</p>
<p><b>Sunset</b></p>	
<p>SECTION 39. Sections 37, 38 and 38a of this 2009 Act are repealed on January 2, 2016.</p>	<p>Rulemaking and initial scenario planning are to be completed before 2016, but obligations in statute to conduct scenario planning extend beyond 2016 – (for example, rule must specify update cycle)</p>