

**Draft Outline Portland Metro Scenario Planning Rule
March 14, 2012**

Rule Concept	Explanation/ Comments
Title	
Revise title of Division 44 to add “Portland Metropolitan area scenario planning” <u>Metropolitan Greenhouse Gas Reduction Targets and Portland Metropolitan Area Scenario Planning</u>	Division 44 adopted in May 2011 includes GHG reduction targets and guidance on measuring and achieving targets.
Purpose	
This division implements provisions of Oregon Laws 2009, chapter 865, Section 38 regarding land use and transportation scenario planning to reduce greenhouse gas emissions in the Portland metropolitan area.	May want to also express intent of rule to integrate requirements for scenario planning into existing regional planning processes and framework.
Definitions	
<p>“Preferred land use and transportation scenario” includes:</p> <ul style="list-style-type: none"> • land use and transportation concept map; • an estimate of expected population and employment growth by jurisdiction and land use design types • land use and transportation policies and programs and investments needed to achieve the scenario 	<p>Key new term, not directly defined in statute Relevant parts of HB 2001 require:</p> <ul style="list-style-type: none"> - Metro adoption as part of framework plan - Accommodating planned population and employment growth - Achieving GHG reduction targets - Regional and local implementation through comp plans and TSPs
Other New Terms	
<ul style="list-style-type: none"> • Land use design type - Adapted from Metro “design type” • Metropolitan travelshed – area surrounding the metropolitan area that generates a significant amount of commuting travel into the metropolitan area; • Planning period – 2035 for initial scenario planning; plan updates will address other periods, i.e. 2040, 2045 etc. • Performance measures – to be specified in preferred scenario, used to monitor implementation • Reference case scenario – used to estimate outcome of existing plans in 2035 (end of planning period) 	New terms added rulemaking; not currently used in statute or other rules
Existing Terms	
<ul style="list-style-type: none"> • Functional plan - • Growth Concept - • Metro - • Regional framework plan – • Statewide transportation strategy – • 	Terms proposed for use in this rule that are currently defined in statute or existing rules; or in Metro plans and ordinances

Process for Cooperative Selection of a Preferred Scenario; Initial Adoption

HB 2001, Section 37

(8) [The rules shall] 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) of this section ...

(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.

(8)(c) [The rules shall] Establish a cycle for initial adoption... of the transportation and land use scenario...

<p>(1) Metro shall by December 31, 2014, amend the regional framework plan and the regional growth concept to include a preferred land use and transportation scenario that meets targets in OAR 660-044-0020 consistent with the requirements of this division.</p>	<p>December 2014 is based on Metro's current schedule.</p>
<p>(2) In preparing and selecting a preferred land use and transportation scenario Metro shall:</p> <ul style="list-style-type: none"> (a) Consult with affected local governments (b) Consider adopted comprehensive plans and local aspirations for growth in developing and selecting a preferred land use and transportation scenario (c) Use evaluation methods and analysis tools for estimating greenhouse gas emissions that are: <ul style="list-style-type: none"> i. Consistent with the provisions of this division ii. Reflect best available information and practices iii. Coordinated with ODOT (d) Coordinate assumptions about state and federal policies and programs expected to be in effect in over the planning period, including the Statewide Transportation Strategy, with affected state agencies (e) Evaluate a reference case scenario that reflects implementation of existing adopted comprehensive plans and transportation plans (f) Evaluate at least three alternative land use and transportation scenarios for meeting GHG reduction targets (g) Develop and apply evaluation criteria that assess how alternative land use and transportation scenarios compare with the reference case in achieving important regional goals or outcomes, including but not limited to: <ul style="list-style-type: none"> i. Public health ii. Air quality iii. Household spending on 	<p>Sets standards to guide Metro in the development and selection of a preferred scenario</p> <ul style="list-style-type: none"> a) Should we say more about other stakeholders and citizens, or call for broad public engagement, coordination with surrounding areas (i.e. within the metropolitan travelshed) b) Intent is to encourage that scenarios reflect existing adopted plans and community aspirations as much as possible c) Rule does not specify particular methods (e.g. GreenSTEP), only that methods used be consistent with this division, which includes targets, base year for measurement, etc d) Coordination with state agencies assumes they will estimate corresponding federal policies and programs (i.e. DEQ for EPA) e) reference case for 2035 using existing plans with assumptions about state policies and programs – may want to add this to definition f) three alternatives g) list here is general. Should more specific evaluation criteria be specified?

<ul style="list-style-type: none"> iv. transportation or energy v. Cost of infrastructure vi. Access to parks and open space Equity <p>(h) If the preferred scenario relies on new investments or funding sources to achieve the targets, evaluate the feasibility of the investments or funding sources including:</p> <ul style="list-style-type: none"> o a general estimate of the amount of additional funding needed; o identification of potential/likely funding mechanisms for key actions, including local or regional funding mechanisms; and, o coordination of estimates of potential state and federal funding sources with relevant state agencies (i.e. ODOT for transportation funding) <p>(i) Evaluate effects of alternative scenarios on development and travel patterns in the metropolitan travelshed (i.e. whether proposed policies will cause change in development or increased light vehicle travel between metropolitan area and surrounding communities compared to reference case)</p>	<p>h) RAC members expressed interest that economic feasibility of alternatives be addressed.</p> <p>i) RAC members suggested:</p> <ul style="list-style-type: none"> - Policies should encourage similar actions by surrounding areas, jurisdictions - Region should evaluate whether policies will push development or increase travel (and emissions) from other communities
<p>(3) The preferred land use and transportation scenario shall:</p> <p>(a) Describe proposed changes to regional and local land use and transportation plans and other regional or local programs or actions needed to implement the preferred scenario in a manner that achieves the targets, including amendments to regional functional plans and local comprehensive plans and transportation system plans.</p> <p>(b) Adopt performance measures and performance targets to be used to monitor and guide implementation of the preferred land use and transportation scenario, including carry out key actions called for in the preferred scenario.</p> <p>(c) Make recommendations for state or federal policies or actions to support the preferred scenario</p>	<p>(b) Should the rule specify some performance measures such as:</p> <ul style="list-style-type: none"> - vmt per capita - ghg emissions per capita from light vehicle travel - transit revenue hours of service per capita - mode split
<p>(4) Metro shall adopt findings demonstrating that implementation of the preferred land use and transportation scenario can reasonably be expected to achieve the GHG emission reductions as set forth in the target in OAR 660-044-0020. Metro's findings shall:</p>	

<ul style="list-style-type: none"> (a) Demonstrate Metro’s process for cooperative selection of a preferred alternative meets the requirements in (2)(a)-(i) (b) Explain how the expected pattern of land use development in combination with land use and transportation policies, programs, actions set forth in the preferred scenario will result in levels of GHG emissions from light vehicle travel that achieve the target in 660-044-0020. (c) Explain how the preferred scenario and other provisions of the Regional Framework Plan are consistent with each other. 	
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Commission Review (of Framework Plan and Functional Plan Amendments)

ORS 197.274(2)

With the prior consent of the Land Conservation and Development Commission, Metro may submit to the Department of Land Conservation and Development an amendment to the Metro regional framework plan or to a component of the regional framework plan in the manner provided for periodic review under ORS 197.628 to 197.650 if the amendment implements a program to meet the requirements of a land use planning statute, a statewide land use planning goal or an administrative rule corresponding to a statute or goal.

<ul style="list-style-type: none"> (1) The commission shall review Metro’s preferred land use and transportation scenario and amendments to functional plans to implement the preferred land use and transportation scenario in the manner provided for periodic review under ORS 197.628 to 197.650. (2) The commission’s review of preferred land use and transportation scenario shall determine whether the preferred scenario can reasonably be expected to achieve GHG emission reductions as set forth in the targets in OAR 660-044-0020, other requirements of this division, and any applicable statewide planning goals. (3) The commission’s review of amendments to functional plans shall determine whether the adopted functional plans are consistent with and adequate to carry out relevant portions of the preferred land use and transportation scenario. (4) The Commission may conduct review in conjunction with review of a UGB update or an update to the regional transportation system plan. 	<ul style="list-style-type: none"> (1) Proposes LCDC will review Metro framework and functional plan amendments “in the manner of periodic review” (2) and (3) propose LCDC’s standard of review for the preferred scenario and implementation through functional plan amendments
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Process for Adoption of Regional or Local Plans to Implement the Preferred Scenario

HB 2001, Section 37

(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 the adoption of regional or local plans to implement the scenario.

(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

<p><u>use regulations implementing the plan to be consistent with the scenario</u> adopted by a metropolitan service district in a manner provided by rules adopted under subsection (8) of this section.</p>	
<p>(1) Within one year of LCDC's approval of Metro's preferred land use and transportation scenario, Metro shall adopt or amend regional functional plans to implement the preferred land use and transportation scenario.</p> <p>(2) The regional functional plans or amendments shall set requirements and deadlines for amendments to local comprehensive and local transportation system plans needed to carry out the preferred land use and transportation scenario.</p> <p>(3) As part of its adoption, Metro shall adopt findings which demonstrate that actions required by functional plans or amendments are consistent with and adequate to carry out the preferred land use and transportation scenario.</p>	<ul style="list-style-type: none"> - 1 year for Metro to amend functional plans to carry out preferred scenario - Uses existing regional process for regional and local implementation of the framework plan and growth concept – Metro amendments to regional functional plans will define specific actions locals need to implement through comprehensive plans and TSPs.
<p>Planning Standards, Assumptions and Approaches HB 2001, Section 37</p> <p>(8)(a)) [The rules shall] <u>Identify minimum planning standards</u> for achieving reductions in greenhouse gas emissions through comprehensive plans and transportation system plans;</p> <p>(8)(b)) [The rules shall] <u>Identify planning assumptions and approaches</u> 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>(1) Local governments shall amend comprehensive plans, and use regulations, and transportation system plans to be consistent with and implement relevant portions of the preferred land use and transportation scenario consistent with the standards set forth in (2)-(4) below.</p>	<p>Timing for local compliance is not specified. Would be a date specified by Metro in its adoption or amendment of functional plans.</p>
<p><u>(2) Implementation through Comprehensive Plan Updates</u> In adopting an update to a comprehensive plan including comprehensive plan or land use regulation amendments to implement or be consistent with the preferred land use and transportation scenario, local governments shall demonstrate that the update or amendment:</p> <p>(a) Uses population, housing and employment allocations to specific areas and land use design types that are consistent with estimates in the preferred scenario, including assumptions about densities, infill, and redevelopment.</p> <p>(b) Applies comprehensive plan designations and zoning districts that are consistent with land use design type – including allowing uses and</p>	

<p>densities that are consistent with land use design type; and limiting uses that would be incompatible with the design type specified in the scenario plan.</p>	
<p>(3) Implementation through TSP Updates In adopting a TSP update, including a TSP amendment or land use regulation amendment to implement the preferred land use and transportation scenario, local governments shall demonstrate that the proposed transportation system plan update or amendment:</p> <p>(a) Uses population, housing and employment allocations to specific areas and land use design types that are consistent with estimates in the preferred scenario, including assumptions about densities, infill, and redevelopment.</p> <p>(b) Implements regional requirements for:</p> <ul style="list-style-type: none"> - street connectivity – standards and local circulation plans - street design standards - parking management measures; including reduced minimum parking requirements - siting of major transit stops - sidewalk and bikeway improvements - transportation demand management programs 	
<p>(4) Other Plan Amendments In adopting an amendment to a comprehensive plan or TSP (other than a comprehensive plan or TSP update or amendment to implement the preferred scenario) a local government shall demonstrate that the proposed comprehensive plan amendment is consistent with the preferred land use and transportation scenario.</p>	<p>May want to add– within one year of Metro’s adoption of a preferred scenario.</p>
<p>Monitoring ORS 197.301 (1)A metropolitan service district organized under ORS chapter 268 shall compile and report to the Department of Land Conservation and Development on performance measures described in this section at least once every two years. The information shall be reported in a manner prescribed by the department.</p>	
<p>(1) Metro shall as part of reports required by ORS 197.301¹ prepare a report monitoring progress in</p>	<p>Several RAC members indicated that given newness and uncertainty surrounding</p>

¹ ORS 197.301(1) “A metropolitan service district organized under ORS chapter 268 shall compile and report to the Department of Land Conservation and Development on performance measures described in this section at least once every two years. The information shall be reported in a manner prescribed by the department.” The adopted Regional Framework Plan includes policies which list performance measures,

<p>implementing the preferred scenario including status of performance measures and performance targets adopted as part of the preferred scenario.</p> <p>(2) Metro’s report shall assess whether region is making satisfactory progress in implementing the preferred scenario; identify reasons for lack of progress, and identify possible corrective actions to make satisfactory progress.</p> <p>(3) The commission shall review the report and shall either find Metro is making satisfactory progress or provide recommendations for corrective actions to be considered or implemented by Metro prior to or as part of the next scheduled update of the preferred scenario.</p>	<p>scenario planning, that Metro should closely monitor implementation, at more frequent intervals that required updates.</p>
<p>Update Cycle HB 2001, Section 37 (8)(c)) [The rules shall] <u>Establish a cycle for initial adoption and updating of the transportation and land use scenario</u> 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. ORS 197.299(1) [Metro] shall complete the inventory, determination and analysis required under ORS 197.296(3) <u>not later than five years after</u> the completion of the previous, inventory determination and analysis.</p>	
<p>(1) Metro shall update the preferred land use and transportation scenario to meet the requirements of this division in conjunction with a scheduled UGB update.</p>	<p>This would combine update of the preferred scenario with the existing process for UGB review and expansion under ORS 197.298. Scenario planning and UGB expansion address closely related issues about how the region can best accommodate expected population, housing and employment growth.</p>
<p>(2) Unless otherwise approved or directed by the Commission, Metro’s update of the preferred scenario shall:</p> <p>(a) be for a planning period corresponds with a target year specified in this division,</p> <p>(b) assess whether additional programs, investments or actions would enable the adopted and approved preferred scenario to meet the target for the updated planning period, i.e. with minimal changes to the growth concept map and land use design types in the previously adopted and preferred scenario.</p>	<p>(a) LCDC is expected to periodically amend Division 44 to set GHG reduction targets for subsequent planning periods. (i.e. 2040, 2045, 2050)</p> <p>(b) Update would on consideration of new actions, programs or measures to achieve the preferred scenario, rather than repeating the entire scenario planning process. Broader reassessment of the underlying land use concept approved in the preferred scenario should only be needed if these other measures are not sufficient to meet targets.</p>

calls for measures to be completed every two years and directs that corrective action be taken if anticipated progress is found lacking. (Framework Plan, Policy 7.8.)

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