

DIVISION 44

METROPOLITAN GREENHOUSE GAS REDUCTION TARGETS **AND PORTLAND METROPOLITAN AREA**
SCENARIO PLANNING

660-044-0000

Purpose

(1) This division implements provisions of chapter 865, section 37 (6), Oregon Laws 2009, and chapter 85, section 5 (1), Oregon Laws 2010, that direct the Land Conservation and Development Commission (“commission”) to adopt rules setting targets for reducing greenhouse gas emissions from light vehicle travel for each of the state’s metropolitan areas for the year 2035 to aid in meeting the state goal in ORS 468A.205 to reduce the state’s greenhouse gas emissions in 2050 to 75 percent below 1990 levels.

(2) This division also 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. The commission’s intent and expectation is that the requirements set forth in this rule will be integrated into and addressed as part of existing procedures for coordinated regional planning in the Portland metropolitan area. The requirements set forth in this division for scenario planning apply only to the Portland metropolitan area. Nothing in this division is intended to require other metropolitan areas to conduct scenario planning, or provide for commission or department review or approval of scenario plans that other metropolitan areas may develop or adopt. While a preferred scenario may include assumptions about state or federal policies, programs, or actions that would be put in place to reduce greenhouse gas emissions, nothing in this division or commission approval of a preferred scenario is intended to grant authority to the commission, Metro or local governments to approve or require implementation of those policies, programs or actions.

(~~2~~ **3**) The targets in this division provide guidance to local governments in metropolitan areas on the level of reduction in greenhouse gas emissions to achieve as they conduct land use and transportation scenario planning. Land use and transportation scenario planning to meet the targets in this division is required of the Portland metropolitan area and is encouraged, but not required, in other metropolitan areas. Success in developing scenarios that meet the targets will depend in large part on the state funding for scenario planning; on the state developing strategies and actions that reduce greenhouse gas emissions from light vehicle travel within metropolitan areas; and on state and local governments jointly and actively engaging the public on the costs and benefits of reducing greenhouse gas emissions.

(~~3~~ **4**) Land use and transportation scenario planning is intended to be a means for local governments in metropolitan areas to explore ways that urban development patterns and transportation systems would need to be changed to achieve significant reductions in greenhouse gas emissions from light vehicle travel. Scenario planning is a means to address benefits and costs of different actions to accomplish reductions in ways that allow communities to assess how to meet other important needs, including accommodating economic development and housing needs, expanding transportation options and reducing transportation costs.

(~~4~~ **5**) The expected result of land use and transportation scenario planning is information on the extent of changes to land use patterns and transportation systems in metropolitan areas needed to significantly reduce greenhouse gas emissions from light vehicle travel in metropolitan areas, including information about the benefits and costs of achieving those reductions. The results of land use and transportation scenario planning are expected to inform local governments as they update their comprehensive plans,

and to inform the legislature, state agencies and the public as the state develops and implements an overall strategy to meet state goals to reduce greenhouse gas emissions.

~~(5)~~ **(6)** The greenhouse gas emissions reduction targets in this division are intended to guide an initial round of land use and transportation scenario planning over the next two to four years. The targets are based on available information and current estimates about key factors, including improvements in vehicle technologies and fuels. Pursuant to OAR 660-044-0035, the commission shall review the targets by June 1, 2015, based on the results of scenario planning, and updated information about expected changes in vehicle technologies and fuels, state policies and other factors.

~~(6)~~ **(7)** Success in meeting the targets will require a combination of local, regional and state actions. State actions include not only improvements in vehicle technology and fuels, but also other statewide efforts to reduce greenhouse gas emissions from light vehicle travel. These efforts—which are programs and actions to be implemented at the state level—are currently under review by the Oregon Department of Transportation as part of its Statewide Transportation Strategy to reduce greenhouse gas emissions. As metropolitan areas develop scenario plans to reduce greenhouse gas emissions and compare them to the targets in this division, it is incumbent that metropolitan areas and the state work as partners, with a shared responsibility of determining how local and statewide actions and programs can reach the targets.

~~(7)~~ **(8)** Nothing in this division is intended to amend statewide planning goals or administrative rules adopted to implement statewide planning goals.

Stat. Auth.: ORS 197.040; Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(6) and (8); Chapter 85 Oregon Laws 2010 Special Session (Senate Bill 1059) §5

Stats. Implemented: Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(6) and (8); Chapter 85 Oregon Laws 2010 Special Session (Senate Bill 1059) §5

Hist.:

660-044-0005

Definitions

For the purposes of this division, the definitions in ORS 197.015 and the statewide planning goals apply. In addition, the following definitions shall apply:

(1) “1990 baseline emissions” means the estimate of greenhouse gas emissions from light vehicle travel in each metropolitan area for the year 1990, as presented by the Department of Environmental Quality and the Oregon Department of Energy included in the Agencies’ Technical Report.

(2) “2005 emissions levels” means an estimate of greenhouse gas emissions from light vehicle travel in a metropolitan area for the year 2005.

(3) “2035 greenhouse gas emissions reduction goal” means the percentage reduction in greenhouse gas emissions from light vehicle travel in a metropolitan area needed by the year 2035 in order to meet the state goal of a 75 percent reduction in greenhouse gas emissions from 1990 levels by the year 2050 as recommended by the Department of Environmental Quality and the Oregon Department of Energy in the Agencies’ Technical Report.

(4) “Agencies’ Technical Report” means the report prepared by the Oregon Department of Transportation, the Department of Environmental Quality and the Oregon Department of Energy and

submitted to the commission on March 1, 2011, that provides information and estimates about vehicle technologies and vehicle fleet to support adoption of greenhouse gas reduction targets as required by chapter 865, section 37 (7), Oregon Laws 2009, and chapter 85, section 5 (2), Oregon Laws 2010.

(5) “Design type” means the conceptual areas described in the Metro Growth Concept text and map in Metro’s regional framework plan, including central city, regional centers, town centers, station communities, corridors, main streets, neighborhoods, industrial areas and employment areas.

(6) “Framework plan” or “regional framework plan” means the plan adopted by Metro as defined by ORS 197.015(16).

(7) “Functional plan” or “regional functional plan” means an ordinance adopted by Metro to implement the regional framework plan through city and county comprehensive plans and land use regulations.

~~(5~~ **8)** “Greenhouse gas” means any gas that contributes to anthropogenic global warming including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. ORS 468A.210(2). Greenhouse gases are generally measured in terms of CO₂ equivalents—CO₂e—which means the quantity of a given greenhouse gas multiplied by a global warming potential factor provided in a state-approved emissions reporting protocol.

~~(6~~ **9)** “Greenhouse gas emissions reduction target” or “target” means the percent reduction in greenhouse gas emissions from light vehicle travel within a metropolitan area from 2005 emissions levels that is to be met by the year 2035 through scenario planning. Greenhouse gas emissions reduction targets are expressed as a percentage reduction in emissions per capita, i.e., total emissions divided by the population of the metropolitan area. Targets represent additional reductions from 2005 emissions levels beyond reductions in vehicle emissions that are likely to result by 2035 from the use of improved vehicle technologies and fuels and changes to the vehicle fleet. When determining whether a scenario meets a target, the reduction per capita is to be calculated as a percentage of the emissions per capita assuming 2005 light vehicle travel per capita and 2035 baseline assumptions for light vehicle technologies, fuels and fleet as set forth in Tables 1 and 2 of OAR 660 044 0010. The combined effect of the baseline assumptions for light vehicle technologies, fuels and fleet from 1990 to 2035, estimated changes to light vehicle travel from 1990 to 2005, and scenario planning to meet targets from 2005 to 2035 is to meet the greenhouse gas emissions reduction goal from 1990 to 2035.

~~(7~~ **10)** “Greenhouse gas emissions reduction toolkit” means the toolkit prepared by the Oregon Department of Transportation and the department to assist local governments in developing and executing actions and programs to reduce greenhouse gas emissions from light vehicle travel in metropolitan areas as provided in chapter 85, section 4, Oregon Laws 2010.

~~(8~~ **11)** “Land use and transportation scenario planning” means the preparation and evaluation by local governments of two or more land use and transportation scenarios and the cooperative selection of a preferred scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area. Land use and transportation scenario planning may include preparation and evaluation of alternative scenarios that do not meet targets specified in this division.

~~(9~~ **12)** “Light vehicles” means motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

~~(10~~ **13)** “Light vehicle travel within a metropolitan area” means trips made by light vehicles that begin and end within the same metropolitan planning area, and that portion of other trips made by light

vehicles that occurs within the metropolitan planning area, including a portion of through trips (i.e., trips that pass through the metropolitan planning area but do not begin or end there) and that portion within the metropolitan planning area of other light vehicle trips that begin or end within the metropolitan planning area. Trips and portions of trips that are within the metropolitan planning area are illustrated by solid lines as shown in Figure 1.

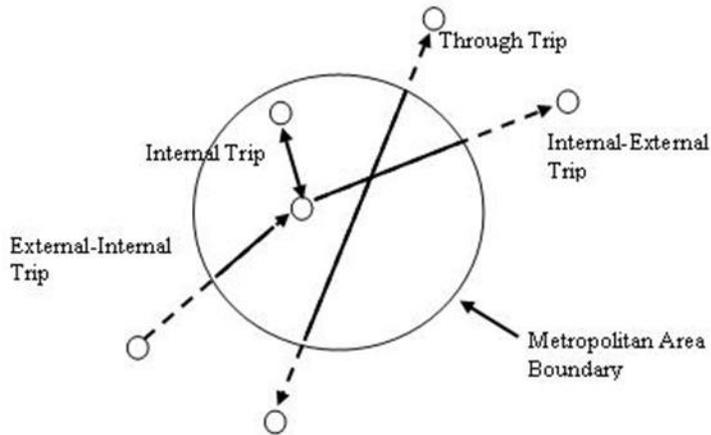


Figure 1. Light vehicle travel within a metropolitan area. Circles indicate trip origins and destinations. Arrows indicate the direction of travel. Solid lines indicate the portion of each type of trip that is considered travel within a metropolitan area for purposes of this definition.

(14) “Metro” means the metropolitan service district organized for the Portland metropolitan area under ORS chapter 268.

~~(11)~~ **15** “Metropolitan planning area” or “metropolitan area” means lands within the boundary of a metropolitan planning organization as of the effective date of this division.

~~(12)~~ **16** “Metropolitan planning organization” means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 U.S.C. 5303(c). ORS 197.629(7). Included are metropolitan planning organizations for the following areas: the Portland metropolitan area, the Bend metropolitan area, the Corvallis metropolitan area, the Eugene-Springfield metropolitan area, the Salem-Keizer metropolitan area and the Rogue Valley metropolitan area.

(17) “Planning period” means the period of time over which the expected outcomes of a scenario plan are estimated, measured from a base year, typically 2005, to a future year that corresponds with greenhouse gas emission targets set forth in this division.

(18) “Preferred land use and transportation scenario” means a generalized plan for the Portland metropolitan area adopted by Metro through amendments to the regional framework plan that achieves the targets for reducing greenhouse gas emissions set forth in OAR 660-044-0020 as provided in OAR 660-044-0040.

~~(13)~~ **19** “Scenario planning guidelines” means the guidelines established by the Oregon Department of Transportation and the department to assist local governments in conducting land use and

transportation scenario planning to reduce greenhouse gas emissions from light vehicle travel in metropolitan areas as provided in chapter 85, section 3, Oregon Laws 2010.

~~(14 20)~~“Statewide Transportation Strategy” means the statewide strategy adopted by the Oregon Transportation Commission as part of the state transportation policy to aid in achieving the greenhouse gas emissions reduction goals set forth in ORS 468A.205 as provided in chapter 85, section 2, Oregon Laws 2010.

Stat. Auth.: ORS 197.040; Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(6) and (8); Chapter 85 Oregon Laws 2010 Special Session (Senate Bill 1059) §5

Stats. Implemented: Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(6) and (8); Chapter 85 Oregon Laws 2010 Special Session (Senate Bill 1059) §5

Hist.:

660-044-0040

Cooperative Selection of a Preferred Scenario; Initial Adoption

(1) Metro shall by December 31, 2014, amend the regional framework plan and the regional growth concept to select and incorporate a preferred land use and transportation scenario that meets targets in OAR 660-044-0020 consistent with the requirements of this division.

(2) In preparing and selecting a preferred land use and transportation scenario Metro shall:

(a) Consult with affected local governments, the Port of Portland, TriMet, and the Oregon Department of Transportation;

(b) Consider adopted comprehensive plans and local aspirations for growth in developing and selecting a preferred land use and transportation scenario;

(c) Use assumptions about population, housing and employment growth consistent with the coordinated population and employment projections for the metropolitan area for the planning period;

(d) Use evaluation methods and analysis tools for estimating greenhouse gas emissions that are:

(A) Consistent with the provisions of this division;

(B) Reflect best available information and practices; and,

(C) Coordinated with the Oregon Department of Transportation.

(e) Make assumptions about state and federal policies and programs expected to be in effect in over the planning period, including the Statewide Transportation Strategy, in coordination with the responsible state agencies;

(f) Evaluate a reference case scenario that reflects implementation of existing adopted comprehensive plans and transportation plans;

(g) Evaluate at least two alternative land use and transportation scenarios for meeting greenhouse gas reduction targets and identify types of amendments to comprehensive plans and land use regulations likely to be necessary to implement each alternative scenario;

(h) 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;

(i) If the preferred scenario relies on new investments or funding sources to achieve the target, evaluate the feasibility of the investments or funding sources including:

- (A) A general estimate of the amount of additional funding needed;
- (B) Identification of potential/likely funding mechanisms for key actions, including local or regional funding mechanisms; and,
- (C) Coordination of estimates of potential state and federal funding sources with relevant state agencies (i.e. the Oregon Department of Transportation for transportation funding); and,
- (D) Consider effects of alternative scenarios on development and travel patterns in the surrounding area (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)
- (3) The preferred land use and transportation scenario shall include:
 - (a) A description of the land use and transportation growth concept providing for land use design types;
 - (b) A concept map showing the land use design types;
 - (c) Policies and strategies intended to achieve the target reductions in greenhouse gas emissions in OAR 660-044-0020;
 - (d) Planning assumptions upon which the preferred scenario relies including:
 - (A) Assumptions about state and federal policies and programs;
 - (B) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0010;
 - (C) Assumptions or estimates of expected housing and employment growth by jurisdiction and land use design type; and
 - (D) Assumptions about proposed regional programs or actions other than those that set requirements for city and county comprehensive plans and land use regulations, such as investments and incentives;
 - (e) Performance measures and targets to monitor and guide implementation of the preferred scenario. Performance measures and targets shall be related to key elements, actions and expected outcomes from the preferred scenario. The performance measures shall include performance measures adopted to meet requirements of OAR 660-012-0035(5); and
 - (f) Recommendations for state or federal policies or actions to support the preferred scenario.
- (4) When amending the regional framework plan, Metro shall adopt findings demonstrating that implementation of the preferred land use and transportation scenario meets the requirements of this division and can reasonably be expected to achieve the greenhouse gas emission reductions as set forth in the target in OAR 660-044-0020. Metro's findings shall:
 - (a) Demonstrate Metro's process for cooperative selection of a preferred alternative meets the requirements in subsections (2)(a)-(j);
 - (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 greenhouse gas emissions from light vehicle travel that achieve the target in OAR 660-044-0020;
 - (c) Explain how the framework plan amendments are consistent with and adequate to carry out the preferred scenario, and are consistent with other provisions of the Regional Framework Plan; and,
 - (d) Explain how the preferred scenario is or will be made consistent with other applicable statewide planning goals or rules.
- (5) Guidance on evaluation criteria and performance measures.

(a) The purpose of evaluation criteria referred to in subsection (2)(h) is to encourage Metro to select a preferred scenario that achieves greenhouse gas emissions reductions in a way that maximizes attainment of other community goals and benefits. This rule does not require the use of specific evaluation criteria. The following are examples of categories of evaluation criteria that Metro might use:

(A) Public health;

(B) Air quality;

(C) Household spending on energy or transportation;

(D) Implementation costs;

(E) Economic development;

(F) Access to parks and open space; and,

(G) Equity

(b) The purpose of performance measures and targets referred to in subsection (3)(e) is to enable Metro and area local governments to monitor and assess whether key elements or actions that make up the preferred scenario are being implemented, and whether the preferred scenario is achieving the expected outcomes. This rule does not establish or require use of particular performance measures or targets. The following are examples of types of performance measures that Metro might establish:

(A) Transit service revenue hours;

(B) Mode share;

(C) People per acre by 2040 Growth Concept design type;

(D) Percent of workforce participating in employee commute options programs; and,

(E) Percent of households and jobs within one-quarter mile of transit

Stat. Auth.: ORS 197.040; Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

Stats. Implemented: Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

Hist.:

OAR 660-044-0045

Adoption of Regional Plans 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 regional functional plan amendments to implement the framework plan amendments.

(2) Functional plan amendments shall establish requirements, deadlines and compliance procedures for amendments to local comprehensive plans, transportation system plans and land use regulations as necessary to implement the framework plan amendments. The functional plan amendments shall require 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) Functional plan amendments shall include requirements that local governments 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, 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 demonstrating that actions required by the functional plan amendments are consistent with and adequate to 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 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 establishing requirements for city and county comprehensive plans and land use regulations shall be set forth in amendments to the functional plan. The amendments shall meet the following minimum planning standards:

(a) For adoption of amendments to the regional framework plan, the Metro Council shall follow the process set forth in the Metro Charter;

(b) 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 new requirements for cities and counties included in the functional plan amendments adopted under this rule enforceable by Metro 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 OAR 660-044-0040(3).

Stat. Auth.: ORS 197.040; Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

Stats. Implemented: Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

OAR 660-044-0050

Commission Review of Regional Plans

(1) The commission shall review Metro's framework plan amendments adopting a preferred land use and transportation scenario and amendments to functional plans to implement the framework plan amendments in the manner provided for periodic review under ORS 197.628 to 197.650.

(2) The commission’s review of framework plan amendments adopting a preferred land use and transportation scenario shall determine whether the preferred scenario can reasonably be expected to achieve greenhouse gas 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 framework plan amendments.

(4) The commission may conduct review of Metro’s framework plan amendments adopting a preferred scenario in conjunction with review of a UGB update or an update to the regional transportation system plan.

Stat. Auth.: ORS 197.040; ORS 197.274(2); Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)
Stats. Implemented: ORS 197.274(2); Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

OAR 660-044-0055

Adoption of Local Plans to Implement the Preferred Scenario

(1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the preferred land use and transportation scenario as set forth in Metro’s functional plans or amendments. “Consistent” for the purpose of this section means city and county comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

(2) Beginning one year from Metro’s adoption of a preferred scenario, local governments in the Portland metropolitan area shall, in adopting an amendment to a comprehensive plan or transportation system plan, other than a comprehensive plan or transportation system plan update or amendment to implement the preferred scenario, demonstrate that the proposed amendment is consistent with the preferred land use and transportation scenario.

Stat. Auth.: ORS 197.040; ORS 197.274(2); Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)
Stats. Implemented: ORS 197.274(2); Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

OAR 660-044-0060

Monitoring

(1) Metro shall as part of reports required by ORS 197.301 prepare a report monitoring progress in implementing the preferred scenario including status of performance measures and performance targets adopted as part of the preferred scenario.

(2) Metro’s report shall assess whether the 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.

(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.

Stat. Auth.: ORS 197.040; ORS 197.301; ORS 197.274(2); Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)

Stats. Implemented: ORS 197.301, Chapter 865 Oregon Laws 2009 (House Bill 2001) §37(8)