

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee MEETING 4



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Cody Meyer, DLCD Land Use and Transportation Planner
Bill Holmstrom, DLCD Land Use and Transportation Coordinator
Matt Crall, DLCD Planning Services Division Manager
SUBJECT: **RAC 5 Item 6: Proposed Amendments to Division 44**
DATE: March 22, 2021

Summary of Proposed Changes:

In order to meet the state's targets for Greenhouse Gas reduction, these proposed rule amendments would require regional scenario planning in the near term for the Eugene-Springfield and Salem-Keizer metropolitan areas and include a process for expanding requirements to the five other metropolitan areas. The state's five smaller metropolitan areas would be required to submit a monitoring report that uses a gap analysis to determine the difference between the region's adopted plans and regional goals from the Statewide Transportation Strategy on a schedule to be determined.

In preparing these draft rules for advisory committee review, staff suggest that the Rules Advisory Committee (RAC) members focus on the new rules listed below that are proposed additions to the existing rules. The draft rules also includes minor amendments in other rules, those changes are shown in underline and ~~striketrough~~. Staff appreciate RAC members review and discussion of these proposed updates to Division 44.

- 0000 – New purpose statement
- 0015 – Schedule for cities and counties to do scenario planning
- 0100 – Work programs for scenario planning
- 0110 – Required contents of a scenario plan
- 0120 – Department and commission review
- 0130 – Local plan amendments to implement the scenario plan
- 0140 – Reporting and Corrective Actions
- 0145 – Exemptions to Reporting Requirements
- 0150 – Enforcement
- 0200 – Interim Reporting Requirements Prior to Scenario Planning
- 0210 – Interim Report Contents

If RAC members would like to propose specific revisions to the text, please let staff know. Staff will provide a file in MS Word format so that RAC members can use the track changes feature to propose updates directly. Please send an email to DLCD.CFEC@state.or.us if you would like to comment in this way.

Oregon Administrative Rules
Chapter 660 – Land Conservation and Development Commission
Division 44 – Metropolitan Greenhouse Gas Reduction Targets

0000 Purpose

- (1) Consistent with EO 20-04 and the charge from the Land Conservation and Development Commission, the changes in this division implements Oregon Land Use Planning Goal 12 (Transportation), and the state goal in ORS 468A.205 to reduce greenhouse gas emissions. The purpose of this division is to significantly reduce climate pollutants that are causing increasing climate disruption as rapidly as possible. Cities, counties, metropolitan planning organizations, and Metropolitan Service District serving the Portland metro area (Metro) are encouraged to take actions beyond the minimum requirements of this division to make large reductions in pollution rapidly.

*This is a **new purpose statement** to entirely replace the existing purpose statement.*
- (2) Specifically this division requires cities, counties, and Metro to make changes to transportation and land use plans to significantly reduce pollution from light vehicles. This division places specific requirements on Metro in recognition of its unique status in the Portland region. This division also requires cities and counties within other metropolitan regions to work together to prepare a preferred land use and transportation scenario that describes a future set of aspirational transportation facilities and alternative future land use patterns that will reduce greenhouse gas pollution from light vehicles. This division requires the cities and counties within a metropolitan area to prepare a transportation and land use scenario plan that will define and implement a preferred scenario, identify performance measures for tracking progress, and work to not only to avoid or mitigate any impacts to historically marginalized communities, but to improve outcomes for these communities over time.
- (3) It is the purpose of this division to reduce inequities for historically marginalized communities. The land use and transportation scenario planning process and the local implementation process must prioritize historically marginalized communities so that the actions that reduce pollution also reduce the historic inequities from prior transportation and land use plans.

[Several **new definitions** added and small changes to some existing definitions. New text is underlined. Removed text is marked with ~~strikethrough~~.]

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:

(#) “Climate Friendly Area” means land uses designated under OAR 660-012-XXXX.

Climate Friendly Areas will be defined later in the TPR work.

(#) “Community-based conversations” means accessible and inclusive community meetings held for areas with above-average populations of historically marginalized community members.

This defines a process to strengthen the inclusion of community voices.

(1) “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.

(#) “Equitable outcomes” means outcomes including:

(a) Increased stability of historically marginalized communities, lowering the likelihood of displacement due to gentrification from public and private investments;

(b) More accessible, safe, affordable and equitable transportation choices with better connectivity to destinations people want to reach (e.g. education, jobs, services, shopping, places of worship, parks and open spaces, and community centers);

(c) Adequate housing with access to employment, education, and fresh food, goods, services, recreational and cultural opportunities, and social spaces;

(d) Increased safety for people in public spaces, transportation and community development;

(e) Equitable access to parks, nature, open spaces and public spaces;

(f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;

(g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed historically marginalized communities; and

(h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas.

This defines the RAC’s Equitable Outcomes to help operationalize the statement in this division. This list is consistent with Version 5 of the Equitable Outcomes Statement.

(2) "Framework plan" or "regional framework plan" means the plan adopted by Metro as defined by ORS 197.015(16).

(3) "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.

(4) "Greenhouse gas" has the meaning given in ORS 468A.210. Greenhouse gases are measured in terms of carbon dioxide equivalents, which means the quantity of a given greenhouse gas multiplied by a global warming potential factor consistent with a state-approved emissions reporting method.

(5) "Greenhouse gas emissions reduction target" or "target" means a reduction from 2005 emission levels of per capita greenhouse gas emissions from travel in light vehicles. Targets are the reductions beyond reductions in emissions that are likely to result from the use of improved vehicle technologies and fuels. Travel in light vehicles includes all travel by members of households or university group quarters living within a metropolitan area regardless of where the travel occurs, and local commercial vehicle travel that is a function of household labor or demand regardless of where the travel occurs. Examples include commuting to work, going to school, going shopping, traveling for recreation, delivery vehicles, service vehicles, travel to business meetings, and travel to jobsites.

(#) "Historically marginalized communities" means the following, with priority on Black, Indigenous and People of Color, including additional consideration of people with these additional characteristics and experiences:

- (a) Black and African American people;
- (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii Native);
- (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity populations);
- (d) Immigrants, including undocumented immigrants;
- (e) People with limited English proficiency;
- (f) People with/ disabilities;
- (g) People experiencing homelessness;
- (h) Low-income and low-wealth community members;
- (i) Low- and moderate-income renters and homeowners;
- (j) Single parents;
- (k) LGBTQIA+ community members; and
- (l) Youth and seniors.

This provides local governments with a definition of historically marginalized communities for increased outreach and inclusion. This list is consistent with Version 5 of the Equitable Outcomes Statement.

(6) “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 land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area [and an increase in outcomes for historically marginalized community members](#). Land use and transportation scenario planning may include preparation and evaluation of alternative scenarios that do not meet targets specified in this division.

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

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

(9) “Metropolitan planning area” or “metropolitan area” means lands within the planning area boundary of a metropolitan planning organization.

(10) “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). The Longview-Kelso-Rainier metropolitan planning organization and the Walla Walla Valley metropolitan planning organization are not metropolitan planning organizations for the purposes of this division.

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

(12) “Preferred land use and transportation scenario” means an [aspirational](#) plan for a 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 [and 660-0440-0025 as provided in OAR 660-044-0040 and 660-044-0110](#).

(13) “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.

0015 Applicability – Compliance Schedule

- (1) This division applies to Metro (OAR 660-044-0000 through OAR 660-044-0020 and OAR 660-044-0030 through OAR 660-044-0060), and to the cities and counties within Metro (OAR 660-044-0055).
- (2) This division (OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0210) applies to the cities and counties within the metropolitan planning area of the Central Lane Metropolitan Planning Organization as described in this section.
 - (a) These cities and counties must:
 - (A) Submit a work program as provided in OAR 660-044-0100) to the department for review under section (4) by December 31, 2022;
 - (B) prepare a land use and transportation scenario plan based provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by December 31, 2023 or other date in the approved work program;
 - (C) Adopt local amendments as provided in OAR 660-044-0130 by December 31, 2024, or other date in the approved work program.
 - (b) These cities and counties may use the preferred scenario submitted to the commission and legislature in 2015 as required by Chapter 865, Oregon Laws 2010 as the basis for the land use and transportation scenario plan. If these cities and counties use the preferred scenario from 2015, then:
 - (A) These cities and counties are not required to redo the prior work that produced the preferred scenario, and not required to comply with requirements of OAR 660-044-0110 specific to the preferred scenario.
 - (B) These cities and counties are required to produce the additional elements that build on the preferred scenario to prepare a complete transportation and land use scenario plan, including OAR 660-044-0110(4)(d) and 660-044-0110(8) through (13).

*This is a **new rule** that expands the scenario planning requirement to cities and counties beyond the Portland metropolitan area.*

The cities and counties in the Eugene-Springfield metropolitan area conducted regional scenario planning in 2011-2015. The [preferred scenario](#) which resulted from that work will be used as the foundation for meeting the new requirements in this section.

This section is significantly changed from the January 2021 draft.

- (3) This division (OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0210) applies to the cities and counties within the metropolitan planning area of the Salem-Keizer Area Transportation Study. These cities and counties must:
- (a) Submit a work program as provided in OAR 660-044-0100 to the department by June 30, 2023;
 - (b) Submit an Interim Report prior to scenario planning as provided in OAR 660-044-0200 and 660-044-0210 to the department by June 30, 2023;
 - (c) Prepare a land use and transportation scenario plan as provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by June 30, 2025, or other date in the approved work program; and
 - (d) Adopt local amendments as provided in OAR 660-044-0130 by June 30, 2026, or other date in the approved work program.
- (4) Cities and counties may request, and the director or commission may approve, applying this division (OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0210) to the cities and counties within a metropolitan area and establishing compliance schedule under the following procedures.
- (a) Cities and counties within a metropolitan area may jointly submit a proposed work program or resubmit a revised work program as provided in OAR 660-044-0110.
 - (b) The department shall consult with the Oregon Department of Transportation to review a proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.
 - (c) If the director refers a proposed work program to the commission under subsection (b), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program based on OAR 660-044-0100 or remand the work program with required revisions.
- (5) The commission may issue an order applying this division (OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0210) to cities and counties within a metropolitan area and establishing compliance deadlines using the procedures below.

This section provides target dates in the Salem-Keizer metropolitan area. The cities and counties in this region have yet undertaken scenario planning as described in this division.

The target dates in this section are moved back one year from the schedule previously shared in the January 2021 draft. An interim report has been added.

This section allows for other regions to voluntarily opt into the regional scenario planning program.

This section provides a process for requiring scenario planning in the Albany, Bend, Corvallis, Grants Pass, and Rogue Valley metropolitan areas.

- (a) The department will provide the cities and counties a draft order with compliance schedule prior to a commission hearing.
- (b) The commission will hold a hearing and consider any revised or alternate order proposed by cities or counties, and any public testimony.
- (c) When considering whether to issue an order, the commission shall consider the following factors using the best available data:
 - (A) Greenhouse gas emissions including actual measurements, model estimates, recent trends, and future projections under current adopted plans;
 - (B) Local transportation and land use actions that influence greenhouse gas emissions and more equitable outcomes, including adopted plans, recent actions by cities and counties, and development trends;
 - (C) Population growth including recent trends and future projections;
 - (D) Presence or absence of regional cooperation on greenhouse gas emissions reduction;
 - (E) Vehicles miles travelled per capita by residents of the metropolitan area, including actual measurements, model estimates, recent trends, and future projections under current adopted plans; and
 - (F) State and local funding available for scenario planning.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0020 Greenhouse Gas Emissions Reduction Target for the Portland Metropolitan Area

(1) Metro shall use the greenhouse gas emissions reduction targets in this rule as it develops, reviews, and updates a ~~two or more alternative~~ land use and transportation scenarios that accommodate s planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area as required by OAR 660-044-0040 through 660-044-0060.

(2) This rule only applies to the Portland metropolitan area.

(3) The greenhouse gas emissions reduction target is a 20 percent reduction in the year 2035.

(4) Targets for the years 2040 and beyond through ~~2050~~ are:

- (a) By 2040, a 25 percent reduction.
- (b) By 2041, a 26 percent reduction.
- (c) By 2042, a 27 percent reduction.
- (d) By 2043, a 28 percent reduction.
- (e) By 2044, a 29 percent reduction.
- (f) By 2045, a 30 percent reduction.
- (g) By 2046, a 31 percent reduction.

Extending horizon year to incorporate any planning work that goes beyond 2050.

- (h) By 2047, a 32 percent reduction.
- (i) By 2048, a 33 percent reduction.
- (j) By 2049, a 34 percent reduction.
- (k) By 2050 and beyond, a 35 percent reduction.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0025 Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas

(1) Purpose and effect of targets

~~(a)~~ Local governments in metropolitan planning areas not covered by OAR 660-044-0020 ~~may shall~~ use the ~~relevant~~ targets set forth in section (2) of this rule as they conduct land use and transportation scenario planning to reduce greenhouse gas emissions.

As the state has not been meeting its greenhouse gas reduction targets, this change makes the targets mandatory

~~(b) This rule does not require that local governments or metropolitan planning organizations conduct land use and transportation scenario planning. This rule does not require that local governments or metropolitan planning organizations that choose to conduct land use or transportation scenario planning develop or adopt a preferred land use and transportation scenario plan to meet targets in section (2) of this rule.~~

(2) Targets by for the years 2040 and beyond through 2050 are:

- (a) By 2040 or earlier, a 20 percent reduction.
- (b) By 2041, a 21 percent reduction.
- (c) By 2042, a 22 percent reduction.
- (d) By 2043, a 23 percent reduction.
- (e) By 2044, a 24 percent reduction.
- (f) By 2045, a 25 percent reduction.
- (g) By 2046, a 26 percent reduction.
- (h) By 2047, a 27 percent reduction.
- (i) By 2048, a 28 percent reduction.
- (j) By 2049, a 29 percent reduction.
- (k) By 2050 and beyond, a 30 percent reduction.

Extending horizon year to incorporate any planning work that goes beyond 2050.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0030 Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions

(1) Applicability: When # local governments within a metropolitan area are conducting land use and transportation scenario planning to demonstrate that their plans would meet the greenhouse gas emissions reductions targets established in this division, then they shall use the provisions and options in this rule to project future emissions.

(2) Projected Emission Rates: Projections of greenhouse gas emissions must use the emission rates specified in subsection (a) or the flexible option described in subsection (b).

(a) Projections of greenhouse gas emissions may use the emission rates listed below, which are based on the Statewide Transportation Strategy and reflect reductions likely to result by the use of improved vehicle technologies and fuels. Rates are measured in grams of carbon dioxide equivalent per vehicle mile.

(A) In 2040, 140 grams per mile.

(B) In 2041, 134 grams per mile.

(C) In 2042, 128 grams per mile.

(D) In 2043, 123 grams per mile.

(E) In 2044, 117 grams per mile.

(F) In 2045, 112 grams per mile.

(G) In 2046, 108 grams per mile.

(H) In 2047, 103 grams per mile.

(I) In 2048, 99 grams per mile.

(J) In 2049, 94 grams per mile.

(K) In 2050, 90 grams per mile.

(b) Projections of greenhouse gas emissions may use emission rates lower than differ from the rates in subsection (a) if local or regional programs or actions can be demonstrated to result in changes to vehicle fleet, technologies, or fuels above and beyond the assumption in the Statewide Transportation Strategy, or agreed to by ODOT and DLC. One example would be a program to add public charging stations that is estimated to result in use of hybrid or electric vehicles greater than the statewide assumption in the Statewide Transportation Strategy.

(3) Actions in the Statewide Transportation Strategy: Projections of greenhouse gas emissions may assume state actions specified in subsection (a), and may use the flexibility for local and regional actions described in subsection (b).

(a) State Actions: Projections of greenhouse gas emissions may include reductions projected to result from state actions, programs, and associated interactions up to, but not exceeding, the levels identified in the Statewide Transportation Strategy.

(b) Local and Regional Actions: Projections of greenhouse gas emissions may include local or regional actions similar to actions in the Statewide Transportation Strategy if the local [or regional](#) governments have authority to and have adopted plans that would implement the actions.

[No changes in this rule.]

0035 Review and Evaluation of Greenhouse Gas Reduction Targets

(1) The commission shall by June 1, 2021, and at four year intervals thereafter, conduct a review of the greenhouse gas emissions reduction targets in OAR 660-044-0020 and 660-044-0025.

(2) The review by the commission shall evaluate whether revisions to the targets established in this division are warranted considering the following factors:

- (a) Results of land use and transportation scenario planning conducted within metropolitan planning areas to reduce greenhouse gas emissions from light vehicles;
- (b) New or revised federal and state laws or programs established to reduce greenhouse gas emissions from light vehicles;
- (c) State plans or policies establishing or allocating greenhouse gas emissions reduction goals to specific sectors or subsectors;
- (d) Policies and recommendations in the Statewide Transportation Strategy adopted by the Oregon Transportation Commission;
- (e) Additional studies or analysis conducted by the Oregon Department of Transportation, the Department of Environmental Quality, the Oregon Department of Energy or other agencies regarding greenhouse gas emissions from light vehicle travel, including but not limited to changes to vehicle technologies, fuels and the vehicle fleet;
- (f) Changes in population growth rates, metropolitan planning area boundaries, land use or development patterns in metropolitan planning areas that affect light vehicle travel;
- (g) Efforts by local governments in metropolitan areas to reduce greenhouse gas emissions from all sources;
- (h) Input from affected local governments and metropolitan planning organizations;
- (i) Land use feasibility and economic studies regarding land use densities; and
- (j) State funding and support for scenario planning and public engagement.

(3) The department shall, in consultation and collaboration with affected local governments, metropolitan planning organizations and other state agencies, prepare a report addressing factors listed in section (2) of this rule to aid the commission in determining whether revisions to targets established in this division are warranted.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0040 ~~Cooperative Selection of a~~ Preferred Scenario in the Portland Metropolitan Area; Initial Adoption

(1) Within one year of adoption or amendment of a preferred scenario, Metro shall 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.

The Metro region has already selected and adopted a preferred scenario by way of their Climate Smart Communities program. This change is to support any future amendments needed to the plan.

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

- (a) Consult with affected local governments, representatives of historically marginalized communities, 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 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) Evaluate if the preferred scenario relies on new investments or funding sources to achieve the target, 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 660-044-0030;
 - (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 a local Transportation Systems Plan, or comprehensive plan, local governments 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. The findings shall [demonstrate](#):

- (a) 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 660-044-0025;

(b) The preferred scenario Advances equitable outcomes for historically marginalized communities; and

~~(c) Explain how t~~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, specifically impact promoting equitable outcomes for ~~on~~ historically marginalized communities.

(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.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0045 ~~Adoption of~~ Regional Plans to Implement the Preferred Scenario in the Portland Metropolitan Area

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

Metro has moved beyond the adoption phase and is in the implementation phase.

(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 660-044-0040(3).

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0050 Commission Review of Regional Plans in the Portland Metropolitan Area

(1) The commission shall review Metro's framework plan amendments adopting or amending 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.

Extends commission review to amendment of the regional plan.

(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.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0055 Adoption of Local Plans to Implement the Preferred Scenario in the Portland Metropolitan Area

(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.

Specifies a process for Metro. Proposes a parallel process for other metropolitan areas in rule 0130.

(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.

[Small specific changes in this rule. New text is underlined. Removed text is marked with ~~strikethrough~~.]

0060 Monitoring and Reporting in the Portland Metropolitan Area

(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 as part of regular updates to the Regional Transportation Plan and preparation of Urban Growth Reports.

Specifies a process for Metro. A parallel process for other metropolitan areas is proposed in rule 0140.

(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. Metro may update and revise the preferred scenario as necessary to ensure that performance targets are being met.

(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 update of the preferred scenario.

0100 Scenario Planning Work Programs

As used in this division, a work plan must include:

- (1) A governance structure for regional cooperation: a proposed mechanism for regional cooperation. The governance structure may be an existing metropolitan planning organization, a new regional inter-governmental entity, an intergovernmental agreement for collaboration among local governments, or other mechanism. The governance structure must describe how the entity or entities will make decisions and complete tasks. The governance structure must, at a minimum, include cities and counties and describe how transit providers will be involved in the planning process.
- (2) A scope of work: A list of tasks to develop scenarios, analyze scenarios, select a preferred scenario, assemble a land use and transportation scenario plan, and amend local plans consistent with the land use and transportation scenario plan.
- (3) A community engagement plan: A community engagement plan with a focus on outreach to and inclusion of historically marginalized communities including community-based conversations.
- (4) A funding estimate: A general estimate of needs for state funding for regional entities to for develop and select scenarios and for each city and county to adopt local amendments to implement the selected scenario. The funding estimate must include a schedule of requested amounts in current and future budget periods.
- (5) A schedule: The work plan must include the schedule for submitting the land use and transportation scenario plan and for adopting local amendments to implement the approved preferred land use and transportation scenario.

*This is a **new rule** that describes the process for scenario planning in cities and counties beyond the Portland metropolitan area. A work program is the first step in the process. The work program provides the basic framework for doing conducting the greenhouse gas reduction scenario planning.*

0110 Land use and Transportation Scenario Plan Contents

As used in this division, a land use and transportation scenario plan must include:

- (1) A horizon year at least 20 years in the future.
- (2) Lists and maps of transportation projects, including:
 - (a) Assessment of transportation needs of historically marginalized communities;
 - (b) Projects reasonably likely to be funded through the horizon year;
 - (c) Projects that would require additional funding
 - (d) General estimates of the amount of additional funding required; and
 - (e) Potential sources of additional funding.

*This **new rule** lists the elements of a scenario plan. The core element is a preferred scenario that would meet the pollution reduction targets. The scenario plan includes additional elements to implement the preferred scenario, to track progress and to report on the planning process.*

- (3) Projections of land uses at the horizon year including:
 - (a) Assessment of housing needs of historically marginalized communities;
 - (b) Residential densities;
 - (c) Employment densities;
 - (d) A minimum of 30 percent of households living in a Climate Friendly Area as designated under OAR 660-012-XXXX; and
 - (e) Total regional population consistent with forecasts under OAR 660-032-0020.
- (4) Analysis of local development regulations to identify any changes needed to enable development of the projected land uses, including:
 - (a) Comparison of zoning maps with projected densities;
 - (b) Parking requirements; and
 - (c) Electric vehicle charging requirements.
- (5) Projection of future greenhouse gas emissions at the horizon year using methods described in OAR 660-044-0030 using a preferred land use and transportation scenario to meet the targets in OAR 660-044-0025.
- (6) Assumptions used to project future greenhouse gas emissions 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 660-044-0030; and
 - (c) Assumptions about proposed regional programs or actions such as investments and incentives not already included in the list of transportation projects and projections of future land uses.
- (7) Methodologies for performance measures that cities and counties will use to report on implementation of the preferred land use and transportation scenario, including:
 - (a) Regional outcome performance measures to determine whether outcomes are progressing to achieve the projected reductions in greenhouse gas emissions. The regional outcome performance measures must include actual performance for the data elements used to project greenhouse gas emissions as described in OAR 660-044-0030.
 - (b) Local action performance measures to determine whether cities and counties are taking the actions necessary to implement the preferred land use and transportation scenario.
 - (c) Equity performance measures to determine whether implementation of the preferred land use and transportation scenario is improving equitable outcomes for historically marginalized communities.
- (8) The performance measures in section (7) must include:
 - (a) A set of performance measures including methods, details, and assumptions to calculate the value;

This adds a requirement for regional scenario plans to identify land uses that meet the land use goals in the STS.

Division 12 (Transportation Planning Rules, or TPR) will define "Climate Friendly Area."

These sections specify how cities and counties will report and monitor plan implementation, actions taken, and on equitable outcomes.

- (b) Baseline current data, or historical data, for each performance measure;
 - (c) A reporting schedule repeating every four or five years through the horizon year;
 - (d) A target for each performance measure for each reporting point; and
 - (e) Best available demographic information for historically marginalized communities.
- (9) Report on community-based conversations and other efforts to solicit input from historically marginalized communities.
- (10) An assessment of benefits and burdens of the scenario on historically marginalized community members compared to the population as a whole.

0120 Commission Review of a Land Use and Transportation Scenario Plan

- (1) Cities and counties shall submit a land use and transportation scenario plan to the director.
- (2) Upon receipt of a land use and transportation scenario plan, the director shall determine whether the submittal is complete based on the applicable criteria in this division.
 - (a) If there is any missing information, the director must inform the cities and counties with sufficient specificity to allow the cities to provide missing information.
 - (A) The cities and counties must supply additional information within 30 days of the director's notification. If the cities and counties do not supply additional information, the director shall review the original submission as provided in subsection (b).
 - (B) If the director does not send a notice of missing information within 30 days of submittal, the submittal shall be deemed complete.
- (b) Upon completeness, the department shall:
 - (A) Post the complete land use and transportation scenario plan on the department's website; and
 - (B) Provide notice to persons described under ORS 197.615 (3).
 - (C) The notice provided shall describe;
 - (i) How and where the land use and transportation scenario plan may be freely obtained; and
 - (ii) That objections to the land use and transportation scenario plan may be submitted to the Department within 14 days of the notice.
 - (c) Review the submittal for compliance with the rules within this division and either:
 - (A) Issue an order approving the submittal, with responses to any objections submitted; or

*This **new rule** describes the review process for scenario plans in cities and counties beyond the Portland metropolitan area. Before the formal review, state and local staff will collaborate on the plan and resolve most questions. If there are no remaining issues, the cities and counties will formally submit the plan and the DLCD Director will approve it. If there are unresolved questions, the process goes to the commission for a public hearing and decision.*

- (B) Refer the submittal to the commission for review and action under section (5).
- (d) If the director does not issue an order approving the submittal or make a referral to the commission within 60 days of completeness, the submittal shall be deemed approved, and an order sent under section (3).
- (3) The director shall send an approval order to the cities and counties, post on a public website using the Internet or a similar electronic method, and provide a copy of the order to the commission at its next regular meeting. The approval order must include information on the process to appeal the director's order as described in this rule.
- (4) A person who has filed an objection may appeal a director's approval order to the commission. An appeal must be submitted within 30 days of the date of the commission meeting(s) at which the commission received the order. An appeal must clearly identify an alleged deficiency in the submittal based the requirements of this division.
- (5) The commission shall hold a hearing on a submittal referred by the director under section (2), or appealed under section (4).
- (a) The commission will consider the contents of the land use and transportation scenario plan, the director's staff report, testimony from the city or county that submitted the plan, and testimony from any persons who filed objections to the plan.
- (b) The commission may:
- (A) Remand the submittal with specific directions for needed changes consistent with the requirements of this division; or
- (B) Approve the submittal.
- (6) The director shall issue an order of the commission's decision to the cities and counties and to all participants in the hearing.
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0130 Local Amendments to Implement Approved Land use and Transportation Scenario Plan

- (1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the land use and transportation scenario plan approved by an order under OAR 660-044-0120. "Consistent" for the purpose of this rule means city and county comprehensive plans and implementing ordinances, on the whole, conform to the purposes of the performance standards in the approved land use and transportation scenario plan.
- (2) Cities and counties with an approved land use and transportation scenario plan under OAR 660-044-0120 may only adopt amendments to a comprehensive plan, land use regulation, or transportation system plan that are consistent with the approved land use and transportation scenario plan.

*This **new rule** describes the process for local governments outside of the Portland metropolitan area to individually implement the regional scenario plan they jointly developed.*

0140 Reporting and Corrective Actions

- (1) Cities and counties must submit a progress reports for each reporting year specified in an approved scenario plan.
- (2) Cities and counties must submit within six months of the end of the report period.
- (3) The report must include:
 - (a) Actual data for each performance measure with a comparison to the target;
 - (b) Corrective actions to improve performance for any performance measure that does not meet the target;
 - (c) An assessment of whether the reporting city or county has implemented the approved scenario plan;
 - (d) A narrative on the actions taken to reduce climate pollution;
 - (e) Corrective actions for any lack of implementation; and
 - (f) Status of any corrective actions identified in prior reports.

*This **new rule** describes the reporting and corrective actions for local governments in cities and counties beyond the Portland metropolitan area. This rule has been added after RAC 3 This rule has been added after the January 2021 draft.*

- (4) The department shall review the report.
 - (a) If the director finds that the cities and counties have met the performance targets and have implemented the approved scenario, the director will report the findings as an update to the commission.
 - (b) If the director finds that the corrective actions are adequate to address any performance targets that were not met and adequate to implement the approved scenario plan, the director will report the findings as an update to the commission.
 - (c) If the director finds that corrective actions are inadequate, the director shall refer the report to the commission for a compliance hearing as provided in OAR 660-044-0150.

The performance targets include all of the performance measures listed in 0110(7):

- (a) Regional outcome performance measures*
- (b) Local action performance measures*
- (c) Equity performance measures*

0150 Enforcement

- (1) The commission will hold a compliance hearing in response to a request from the director, in response to a request submitted to the department, or on its own motion.
- (2) At the hearing the commission shall hear from any party alleging non-compliance, and from the cities or counties alleged to be not in compliance.

*This is a **new rule** that describes the enforcement process for local governments in cities and counties beyond the Portland metropolitan area. This rule has been added after the January 2021 draft.*

- (3) Compliance includes, but is not limited to, meeting deadlines established in OAR 660-044-0015, submitting reports as provided in OAR 660-044-0140, or implementing corrective actions as provided in OAR 660-044-0140.
- (4) The commission may evaluate the compliance the cities and counties within a metropolitan area in a collective evaluation, or the commission may evaluate the compliance of an individual city or county separately.
- (5) If the commission finds a city, a county, or a collection of cities and counties out of compliance with the requirements of this division, the commission may use any authority granted to commission, including but not limited to the actions below.
 - (a) *[To be determined at a later date in rulemaking]*
- (6) A city must meet all applicable requirements of this division in order to expand an urban growth boundary under OAR 660-024-0020(1) or OAR 660-038-0020(13).
- (7) A city or county must meet all applicable requirements of this division to make findings under OAR 660-012-0060(1). If a city or county has not met all applicable requirements of this division, the city or county must, in addition to all applicable requirements of OAR 660-012-0060, make additional findings that the proposed amendment to an acknowledged comprehensive plan or land use regulation (including a zoning map) would advance each of the purposes of this division in OAR 660-044-0000.

Enforcement actions remain under legal review.

0200 Interim Reporting Requirements Prior to Scenario Planning

- (1) Cities and counties that do not have an approved work program as provided in OAR 660-044-0100 shall submit an interim report no later than June 30, 2023.
- (2) The department shall review the report.
 - (a) If the director finds that the city or county has met the reporting requirement, the director will report the findings as an update to the commission.
 - (b) If the director finds that a report is inadequate, the director shall refer the report to the commission for a compliance hearing as provided in OAR 660-044-0150.

*This **new rule** that describes the interim scenario planning process for cities and counties beyond the Portland metropolitan area that have not undertaken the scenario planning work. This rule sets up a regional monitoring and reporting framework that will track regional progress towards STS Vision and used to help set benchmarks for local performance measures.*

This rule has been added after the January 2021 draft.

0210 Interim Report Contents

As used in this division, an interim scenario planning report must include:

- (1) A schedule for future interim reports every four to five years.
- (2) A planning horizon year at least 20 years in the future.
- (3) Current land uses and projections of land uses at the horizon year including:
 - (a) Residential densities; and
 - (b) Employment densities.
- (4) Data from the implementation of adopted local and regional transportation and land use plans that measures progress towards meeting the Statewide Transportation Strategy 2050 Vision including but not limited to:
 - (a) Compact, mixed-use development;
 - (b) Electric vehicle charging availability;
 - (c) Urban design supporting multi-modal/walkability;
 - (d) Transportation demand management program implementation;
 - (e) Transit service;
 - (f) Parking costs and management;
 - (g) Road growth and management; and
 - (h) Alternative and renewable fuels for transit and commercial fleets.

*This is a **new rule** that describes the contents of report for cities and counties beyond the Portland metropolitan area that have not undertaken the scenario planning work.*

The data required by sections (2) and (3) is already produced by metropolitan planning organizations as part of Regional Transportation Plans. Section (4) requires data that the department will use to measure whether local actions are close to or far from the assumptions used in the Statewide Transportation Strategy.

This rule has been added after the January 2021 draft.