

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 5



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: RAC Meeting 5 Summary
DATE: May 5, 2021

Meeting 5 Summary – March 29th 2021

Attendees

RAC: Aimee Okotie-Oyekan, Al Johnson, Alex Georgevitch, Alex Phan and alt (Kyle Macadam), Bandana Shrestha and alt Patricia Selinger, Bill Graupp, Candice Jimenez, Cassie Lacy, Chelsea Clinton, Emma Newman, Francisco Ibarra, Jairaj Singh, Jana Jarvis, Kaitlin La Bonte and alt Jonathan Harker, Julie Warncke, Karen Swirsky, Kari Schlosshauer, Ken Anderton, Lee Helfend, LeeAnn O’Neill and alt Elisa Cheng, Lisa Anderson-Ogilvie, Mallorie Roberts, Margi Bradway, Mari Valencia, Mary Kyle McCurdy, Nancy Evenson, Noel Johnson, Paige West, Paul Bilotta, Paul Thompson, Rebecca Descombes, Rebecca Lewis, Ron Irish, Sara Wright , Sarah Adams-Schoen, Shane Witham, Simeon Jacob, Steve Lee, Sushmita Poddar, Wade Elliott - alt for (Bradley Clark)

LCDC Liaisons: Commissioners Nick Lelack and Stuart Warren

Staff: Casaria Taylor, Ingrid Caudel, Bill Holmstrom, Cody Meyer, Kevin Young, Matt Crall, Kirstin Greene, Brian Hurley, Evan Manvel

Facilitators: Sylvia Ciborowski and Bianca Valdez

Agenda

Welcome, Opening Remarks, and Agenda Review

Sylvia Ciborowski, facilitator, opened the meeting.

Land Conservation and Development Commissioner Stuart Warren provided opening remarks and welcomed the participants to the meeting. He shared his appreciation for the RAC member’s time and noted the wealth of diversity of knowledge and lived experience of the RAC makeup and shared that he is confident their contributions will greatly improve the proposed rules and other components of DLCD’s work to reduce climate pollution and improve equitable outcomes for Oregon’s priority populations. Commissioner Warren provided a brief meeting overview and then offered a note of reflection on the recent violence against the Asian-American and Pacific Islander community and emphasized this

highlights the importance of the work being done to lift all community members up and to continue to reach for equality for all.

Sylvia provided a deeper overview of the meeting agenda, noting four key topics. The key topics include a review of the Statewide Transportation Strategy (STS) and what it would take to meet the goals, review and discussion of guidance received regarding Monitoring and Reporting, review of Division 44 draft rules, and review and discussion of Equity Mapping. She then offered participation and meeting logistic tips as well as committee discussion guidelines to ensure the RAC operates in a collaborative fashion.

Kevin Young, Department of Land Conservation and Development (DLCD), provided the RAC with a few brief updates. He noted a schedule change and explained that the initial schedule anticipated the first Land Conservation and Development Commission hearing to consider proposed rules in November and the second hearing in December; however more time is needed. The schedule change will move the first hearing to January of 2022 and the second hearing to March, 2022. This will allow additional time for community conversations in the fall of 2021. DLCD will be holding the second round of community conversations in October 2020. He noted that it takes time to review and finalize the rules prior to the meeting and coordination with other agencies is also an important component. Kevin also noted that between now and the next RAC meeting in July, DLCD will be holding community conversations, summarizing guidance and feedback, and working with the performance measures workgroup. DLCD will be adding a RAC meeting in November in place of the cancelled meeting in June. Kevin shared that as they are about to embark on their first round of community conversations, they encourage all RAC members to sign up for at least one. These meetings are open to all interested people. Additionally, DLCD will be holding a green infrastructure webinar on May 6th where there will be a panel of folks talking about green infrastructure in the cities and making sure these areas are pleasant and livable.

What Will It Take? – Review of Statewide Transportation Strategy (STS) Trajectories in Key Areas

Brian Hurley, Oregon Department of Transportation (ODOT), delivered a review of the Statewide Transportation Strategy (STS) and the trajectories needed to reach the vision. The STS strategy is Oregon's road map to achieve greenhouse gas (GHG) reduction goals, and it examines all aspects of the transportation system, including the movement of people and goods. The STS was collaboratively developed in partnership with state agencies, local governments, stakeholders, private citizens, and the business sector.

The STS was completed in 2013. It looks out to the year 2050 and describes what it will take to reduce emissions from the transportation sector to desired levels. The development of the STS included an analysis of various factors that influence the transportation sector. The actions have varying levels of intensity and include vehicle and fuel efficiency, operations and technology, pricing and markets, land use changes, and mode share. Overall, achieving the STS vision can result in 60% fewer transportation greenhouse gas emissions compared to the 1990 levels, however, this is still short of the 2050 goal level. The current trends, policies, and investments are headed in the right direction but fall short of meeting the STS vision, so more action is needed to fill in the gap.

The STS identifies a variety of actions that, if implemented, will help Oregon to reach its GHG reduction goals. The strategies and actions include vehicle and fuel technology, systems and operations

performance, transportation options, efficient land use, pricing, funding, and markets. To achieve the STS vision and meet the state's goals will require a combination of different actions. While vehicles and fuel make up a large part of the reductions, they are not enough on their own. The enhancements to systems and operations, improved transportation options, and pricing are needed.

If the STS 2050 vision is achieved, it would result in a decrease of daily vehicle miles traveled. The vision assumes that the local actions will largely have an impact on the 'vehicles per miles traveled' (VMT) per capita. To achieve the vision and realize the GHG goals will require a large amount of partnership and collaboration between cities, counties, state agencies, the legislature, and the private sector. There are several strategies and actions in the STS that local jurisdictions can undertake to move closer to achieving the vision and reaching the goals. These strategies and actions include active transportation and transportation options, efficient land use, transit service and vehicles, pricing, funding, and markets.

Sylvia opened the meeting for any clarifying questions or overall comments and reflections from RAC members.

Questions and Comments:

- One member called attention to the presentation mentioning the transition to electric vehicles and that there are existing bills and initiatives that attempt to enable more electrification. There are limits to where large transmission towers can be placed, and objections from various agencies and groups. This example of transportation brings so many of the issues of design into play. The details matter and the general current operations of some agencies are not aligned with the initiatives laid out in the STS.

Response: Brian, ODOT, replied that there are gaps between where we are now and where we need to be in relation to facilitating electric vehicle use. The infrastructure to utilize EVs and alternative modes is one of those major gaps. ODOT is currently in the middle of the Transportation Electrification Inventory Needs Analysis (TEINA) which identifies the gaps in the current system and the changes that will need to happen to make EV charging more available.

- Another member commented the pandemic has been described as a disruptor event and asked 1) Is ODOT reassessing demand management on the system with more people working from home? 2) What will the impact be on transportation needs? 3) With people moving out of compact urban densities, will that change DLCD's goals? and 4) Is ODOT taking all of this into consideration in their current planning exercises?

Response: Brian, ODOT, answered there is a rise in teleworking and telecommuting and ODOT is in the process of looking into the long-term impacts to transportation demand management and system-wide changes. ODOT does not know the longer-term impacts and while there was a big change in travel patterns due to the COVID-19 pandemic, presently the patterns reflect a return to normalcy, but people happen to be driving for different reasons rather than commuting to work. Moving forward, in the longer term for certain types of jobs or markets, telecommuting will be an important strategy to reduce transportation demand, but there will be a lot of members of the workforce who will not have the option to telecommute. ODOT is in the beginning stage of incorporating these changes into its planning exercises.

- Another member noted the STS lays out a VMT reduction of about 20% in the appendices. They asked, given that ODOT dispenses a lot of money to jurisdictions, where are the opportunities to tie the dispersal of that money to the achievement of the climate goals?

Response: Brian, ODOT, explained that ODOT is working on figuring this out with DLCD as part of this rulemaking. The outcomes of this rulemaking will affect what this looks like and ODOT is currently in the process of determining where their authorities lie and how that might affect the distribution of federal and state dollars.

- One member commented that they read the Governor’s Executive Order as independently directing ODOT to establish GHG emission reduction performance metrics, not only within this rulemaking activity, but on its own. Additionally, the member noted that the Oregon Global Warming Commission and ODOT’s work shows that they are falling short on the goals, specifically on the land use goals. Also, it is important to not reference these goals as a “burden” as the land use planning has benefits across many bottom lines, not just for reducing GHG emissions.

Response: Brian, ODOT, commented regarding the Executive Order, ODOT is required to look at GHG emission reduction performance as part of Every Mile Counts (EMC) in partnership with ODOT, DLCD, and the Department of Environmental Quality (DEQ). He shared that he agreed the use of the word “burden” is not the appropriate word to use.

- One member spoke on the data metrics over shifting active modes in public transportation. The example provided in the presentation showed that 40% of SOV trips will need to be shifted to bicycle or other similar modes and then in the transit example it provides a specific number of trips, 130 per person per year, which breaks down to 2.5 trips per week for longer trips. Seeing the number of trips per person is helpful and understanding what the mode split is and for transit planning purposes, what the capacity of the transit system will need to be to handle those trips. There has been talk about what people should do from a behavioral standpoint on shifting trips, but less on what the infrastructure will look like, and how many transit buses will be needed to not overcrowd buses or standard bike lanes and sidewalks. An if-then scenario would be helpful; if everyone shifts to a mode, how many widths of bike lanes or buses would be needed to accommodate those trips?

Response: Brian, ODOT, agreed that more first and last mile type connections and investments to get people to and from for those longer distance trips is needed. With the STS, there are many strategies and what that looks like is different for different regions and there is no set number. The appropriate width of bike lanes and number of buses is something bike and pedestrian colleagues can help with, and the point made will be considered in the actions when to implement the STS.

- Another member noted there are challenges that occur when taking the concepts at the state-level and implementing them on the ground. There can be a disconnect between the state’s understanding and acknowledgment of what is happening at the local level and what actually is occurring at the local level. Regarding electric buses, the Lane Transit District (LTD) is taking huge strides forward. In early March, eleven electric buses were delivered to LTD. This example is tied to larger climate goals. In October 2020, the LTD board approved a climate action policy statement and goals. LTD would like to use congestion mitigation air quality funds to purchase

school buses that burn cleaner fuels. However, there have been a number of barriers to implementation. With the Buy America program and federal legislation, there are no buses that fulfill the requirements, so attempts are being made at the local level to follow through. Purchases are sometimes not made because of different legislation and rules overlapping and conflicting with one another.

Monitoring and Reporting

Kevin, DLCD, reminded the RAC about the Jamboard exercise at the last RAC meeting and shared that the comments received were helpful. Packet Item # 5 divided the comments into a number of categories. Kevin provided a summary overview of the comments received from this exercise. He noted that whether or not the comment was reflected in his presentation, DLCD would be taking all the comments into consideration, the full text of which is included in the meeting packet. The guidance on monitoring and reporting fell into the categories of housing/neighborhoods, funding, engagement/equity, connectivity, safety and transportation options, and other. Kevin shared specific examples of what was heard for each category and reiterated that what was presented is a sample of what was heard. He asked for feedback from the RAC; if they were heard correctly, if anything was missed, or if there were any additional questions or concerns.

Sylvia initiated a quick poll for the RAC to respond to the following question: “With the monitoring and reporting framework underway, understanding we will need to avoid duplicative reporting for local governments, are we generally on the right track, wrong track, or need more information?”

Poll results were as follows:

Right Track	17 (49%)
Wrong Track	1 (2%)
Need More Information	17 (49%)

Sylvia shared the polling results with the RAC and invited members to provide further comments. The comments were the following:

- In terms of monitoring and reporting, there was no clear area that called out indicators of displacement. For the areas that are receiving certain investments in transit and walkability, are those same areas also seeing higher portions of increased housing costs or BIPOC members being pushed out?
- Track monitoring and reporting at the regional and local level to see the land uses affects. For example, things will look differently at the regional level when focusing on something such as displacement. A counter example is scaling something on the statewide level if more emphasis is placed on road trips as electric vehicles will perform better because one is assuming longer trip length.
- There is a chance that jurisdictions will simply choose to not do reporting when the news is bad. Taking that reality into account, DLCD can play a key role by not just asking for reporting but also developing incentives for reporting or consequences for non-reporting jurisdictions.
- Local monitoring is important but there needs to be state level accountability and the grading or assessment should not be done by the same local entity putting the efforts forward. It’s

important to make sure there are consequences if satisfactory process is not being made; this may look like the withholding of funding.

- This is a long list of good things to monitor and report on, however until there are actual regional scenario plan measures established, it is difficult to provide better and more detailed feedback. Once those are defined it will be easier to take this conversation to the next step. Additionally, local and regional tracking is important but some of these data points might not be trackable at certain levels.

Kevin shared his appreciation for the feedback and shared he heard clearly on the need for accountability and the need for a feedback loop for DLCD to know how progress is being made.

Division 44 Review

Matt Crall, DLCD, provided a broad overview of the framework of Division 44. Matt shared that the rulemaking charge has two parts in it and the part that is being presently worked on is the regional scenario planning where cities and counties are working together in a region and that in today's meeting DLCD will be presenting where the rules work together. The rules under the Regional Scenario Plan are focused on the regional targets and projections. By using this information, DLCD is better able to understand the best policies needed to track progress on GHG reduction targets and other goals. Later in the summer, DLCD will propose other rules where there is not so large of a planning process. Another important part of the rules in the Division 44 is the schedule, which works by region. The schedule includes Eugene-Springfield, Salem-Keizer, and others set by LCDC. Updates and edits have been made since the Division 44 draft was shared in January 2021; two additional sections were added, as well as amendments to existing sections. Matt noted that the goal of the review is to ensure the RAC understands the rules, especially the overall sense of what the rule does and its structure.

Cody Meyer, DLCD, walked the RAC through the specifics of the Division 44 draft. The section on equitable outcomes is new. Cody noted that during their review with the Department of Justice, the term "priority populations" was called out as legally ambiguous as to what the priority is, so they recommended using the term "historically marginalized communities," consistent with the language in the Governor's Executive Order.

Both Matt and Cody covered *Rule 0015 Applicability – Compliance Schedule* for the cities and counties of Eugene-Springfield and Salem-Keizer. This rule sets out what has to be done; which includes a work program, preparation of a land use and adaptation plan, and then adoption of the local amendments that will implement the plan. In parts 4 and 5 of the rule, LCDC will set the schedule for other metropolitan areas at a future time.

- **Comment from RAC:** There is the language "deadlines or other date" and that is too open-ended. Additionally, the word aspirational should be removed from this language.

Cody shared that for *Rule 0025 Greenhouse Gas Emission Reduction Targets for Other Metropolitan Areas*, the targets are now mandatory moving forward. These rules are all existing rules for the metro area.

In *Rule 0100 - Scenario Planning Work programs*, the first step for the work program will be coming to LCDC with an approach and plan for what works best for each region. The items are the scope of work,

engagement plan, a funding estimate, and a schedule. *Rule 0110 - Land Use and Transportation Scenario Plan Contents* lists out the minimum standards of what plans should include.

- **Comment from RAC:** Regarding the land use piece, there are some timelines already established through housing rules or economic opportunities analyses, so how do all these pieces fit together, and if the rules are adopted and conflict with other timelines, how does that play out?

Cody replied that DLCDC is having a lot of discussion about housing rulemaking deadlines. DLCDC is trying to make this seamless, as local governments begin to move forward to implement the new housing rules, this might be something to revisit. Matt shared from a policy perspective there should be no conflict if rulemakings are trying to push in the same direction; however, getting the schedule worked out will be different in each region so it's hard to write in the rule exactly how it will come together. He expects that to be addressed in the work plan developed for each region.

- **Comment from RAC:** Regarding Rule 110, section 3 on land uses, when it gets to the land use section it seems very binary where it is just "assessment of housing needs" but does not say what will be done or what the benchmark is. It seems this is missing the heart from what has been talked about with benchmarking and trying to meet quantitative or qualitative standards.

Cody responded that they did not want to be overly prescriptive. The intention was to provide flexibility to account for local context needed. A 'one size fits all' approach will not work. DLCDC heard from outreach and feedback that cities and counties felt like they wanted to have overall framework of climate reduction targets, mixed use targets, and how that is going to be different.

- **Comment from RAC:** From an on-the-ground perspective, when a project is in front of a local review agency, if the purpose isn't explicit, they will construe it to however it is most convenient to local politics or engineer's preferences. Therefore, this Rule 110, section 3, is not sufficient when implemented on a project-to-project basis. It is very important to provide the clear purpose.

Cody reviewed *0120 - Commission Review of a Land Use and Transportation Scenario Plan*. The section covers criteria for how the LCDC will review the scenario plan. This is a procedural rule, meaning it details the process rather than the outcomes and content. *Rule 0130 - Local Amendments to Implement Approved Land use and Transportation Scenario Plan* prescribes how cities and counties individually would adopt amendments to implement the plan. *Rule 0140 - Reporting and Corrective Actions* builds on feedback DLCDC has heard from the RAC and notes that progress reports are needed from the cities and counties. This is the ongoing phase of the scenario plan. *Rule 0150 - Enforcement* has some sections presently undergoing review and will be presented at a later time.

- **Comment from RAC:** In rule 150, subsection 6, regarding the urban growth boundary (UGB) expansion piece, aren't there already state rules requiring local jurisdictions to inventory the housing needs, and amend UGB for housing work? How does that tie into this? There are a number of things that may be prohibited from happening with the current subsection 6.

Cody explained to meet the requirements of the division, they need to identify and adopt a plan and report on performance. Subsection 6 is trying to get the city and county plans moving in the right direction. Matt additionally shared that he had not thought about the UGB expansion but noted that

current law states in order to do a UGB expansion one has to be in compliance with all statewide planning requirements.

0200 - Interim Reporting Requirements Prior to Scenario Planning and *0210 - Interim Report Contents* are the interim requirements. 0200 is a new rule describes the interim scenario planning process for cities and counties beyond the Portland metropolitan area that have not undertaken the scenario planning work. 0210 describes the contents of report for cities and counties beyond the Portland metropolitan areas.

- **Comment from RAC:** Regarding interim reporting requirements, for jurisdictions outside of Lane County and Salem areas, are there prescribed dates for when to implement code amendments?

Cody explained that this is something DLCD will be working on the second half of the rulemaking. Matt shared as far as scenario planning, those areas would not be doing regional scenario planning, so they would not have that to drive amendments for several years.

- **Comment from RAC:** In rule 0210, for the alternative and renewable fuels for transit and commercial fleets, what data is being looked at? It seems so much is aimed at transportation sector passenger vehicles. Additionally, at some point in the planning, it must be recognized that commercial vehicles have very different demand management and companies that have trucks which travel at night can have a lot more alternative options than over the road commercial transportation.

Cody explained that this would give cities, counties, and employers credit for good work. For example, currently there is a lot of work going on recapturing natural gas and landfill emissions, so the idea is to allow for credit for work like that.

- **Comment from RAC:** Rule 0210, section 3, talks about residential densities and employment densities, and it's the location that matters and not the densities. In section 4, a-h are devoted to managing the auto and there is not enough emphasis on walking, biking, or transit readiness. The member emphasized that regardless of the type of fuel used by a car, it is still a car and there is a lot of impervious surface devoted to cars. Impervious surfaces contribute to climate change, are heat islands, and divide communities. It is important to manage automobiles as they will continue to be part of people's lives. Additionally, Oregonians who cannot or don't drive are not being served here. This section needs more robust details outside of the sector of automobiles.

Equity Mapping

Cody Meyer, DLCD, introduced the next agenda item on Equity Mapping. In the equitable outcomes statement, DLCD identified priority populations and heard a lot of feedback of people wanting to look at disaggregate demographic data to prioritize actions in certain areas. Equity mapping is a tool that provides a visual representation of concentration of priority populations. The types of equity maps include disaggregate (looking at individual demographic layers) or an index/scoring (combined demographic layers or indicators into one map layer). DLCD has been working with state agency partners and has learned a lot about the work going on in cities. For example, ODOT is doing work to map concentrations of disadvantaged communities with several data layers that consider race and ethnicity, limited English proficiency, people with disability, poverty, and seniors (over 65 years). ODOT's

equity mapping work is intended to inform the prioritization of funding of projects from the Statewide Transportation Improvement Program (STIP) The STIP is a competitive program that combines all transportation programs in the state that will get state and/or federal funding, so embedding equity considerations into these funding decisions is important. ODOT’s equity mapping tool will allow decision-makers to put projects on the maps and score them on equity.

Allison Platt, Senior Planner with the City of Bend, provided an example of the work Bend is doing to apply equity mapping more robustly. The City of Bend developed static maps for the Transportation System Plan (TSP) and mapped them as Title VI indicators by Census Block Groups. Through this mapping exercise, the city identified a need to develop a Transportation Equity Program in the next three years. Allison reviewed 2021-23 Bend City Council goals and strategies and shared that equity mapping will help with reaching a lot of the goals. The City of Bend has conducted research to see what other cities are doing, one helpful tool they found was Tacoma’s Equity Index.

Sylvia initiated a quick poll for the RAC to respond to the following question: “Does this concept of using an equity map to inform decisions regarding transportation systems and land uses have merit?”

Poll results were as follows:

Strongly Agree	12 (39%)
Agree	14 (45%)
Neutral	4 (13%)
Disagree	1 (3%)
Strongly Disagree	0

Sylvia then invited RAC members to go into breakout rooms to further discuss the equity mapping. She shared the questions the RAC would be discussing in breakout groups, which included:

- Several agencies in the state are considering equity mapping tools. We are working with many of those agencies to align efforts. Our intent for these rules is to provide an equity mapping tool to cities and counties to aid in their analysis and help inform public policy and associated investments. For example, cities and counties would use the tool to prioritize investment decisions in places with concentrations of priority populations, or describe why they are making investments in other areas. **Would such a tool be useful to help reach our Equitable Outcomes?**
 - Yes
 - No
 - If no, why not?
 - What concerns would you have?
- Staff identified some different approaches to equity mapping that could be used. **At this time, which one you do prefer and why?**
 - Approach 1: Separate maps showing unique demographic data layers for each or a subset of the priority populations (e.g. race, income, age). The user would be able to determine which layers would be used for analysis.

- Approach 2: An index or scoring approach that shows one combined map layer (similar to ODOT Equity Mapping example).

Report Out from Breakout Sessions

Following the breakout session, RAC volunteers from each group reported out brief highlights discussed in the breakout room to all attendees.

Room 1 report out:

- Support for the equity mapping tool but with caveats.
- Agreement that any data or mapping tool used should hold community-based discussions for ground-truthing for real time feedback of the realities on the ground.
- Disaggregate data for various demographic groups and should apply across the board for comparison.

Room 2 report out:

- Support for the equity mapping tool with cautions that there can sometimes be incorrect data due to various sizes of cities and census blocks.
- Concern about the cost to build, update, and staff responsibility of the tool.
- Community group testing must occur to ensure good decision making.
- Concern over what kinds of decisions would be made with this information.

Room 3 report out:

- Strong support for equity mapping with cautions regarding misuse of data.
- Unanimous in that the data needs to be disaggregated to be helpful to decision-makers.
- Need for communities to be part of the process from the ground up to add and be part of the data decision making process.

Room 4 report out:

- Varying opinions on equity mapping.
- Concern about mapping not showing full picture or story.
- Great tool if the right questions are asked and the information is tailored to different jurisdiction's needs.
- Concern over privacy issues with mapping.
- Leaned towards approach 1 as different jurisdictions make different decisions. Approach 2 can be helpful as a supplement to have a standardized rating of areas.

Room 5 report out:

- Important to rely on more than just census data, lean on communities' lived experiences and knowledge to supplement data gathering.
- Varying opinions on both approaches. Support for the disaggregate data; however, important for it to get into a more final resolution than at a census tract level. For Approach 2, the

organization of the data would be important, and this can also help communicate the intersectionality between demographic indicators.

Room 6 report out:

- Support for the equity mapping tool.
- Concern for the possibility of misuse of the data and for a possible disconnect between climate change work and equity.
- Disaggregated data would give local jurisdictions more information to work with to target approaches.
- Index approach would be a good source of use for higher level work such as funding.
- Need for the mapping tool to be used in conjunction with relationship building in the communities.

Next Steps and Wrap Up

Kevin provided next steps and reminded the RAC that the next meeting would be on July 12th, also to sign up for community conversations and attend the Green Infrastructure webinar if interested. Land Conservation and Development Commissioner Nick Lelack offered closing remarks recognizing the challenges of charting new territory in state law and appreciation for all of the voices and work contributing to this important effort.

Meeting adjourned at 4:00pm P.T.

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MEETING 5

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: RAC Meeting 5 Key Questions Responses
DATE: May 5, 2021

Question 1

Statewide Transportation Strategy Trajectories: Please let us know any general responses you have to reviewing the progress needed to reach Oregon's greenhouse gas reduction goals in Metropolitan Areas. Concerns? Aspirations?

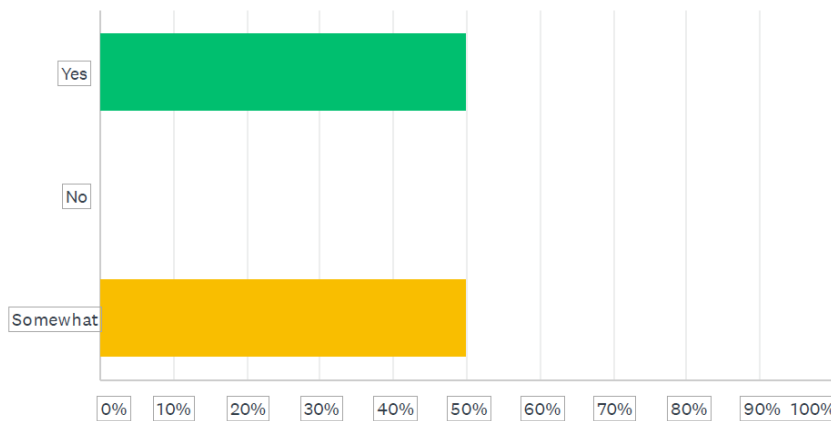
1. I am generally satisfied with how things are going.
2. While I agree strongly that efficient land use and an emphasis on mode shift are critical to reducing VMT (and concurrently GHG), from what I understand, low or no carbon fuels swamps the effects of VMT. More clarity on funding, pricing and markets is needed. They are almost treated trivially in the STS and they are not at all simple or straightforward. Most of these tools are political in the extreme. The STS seems to confound the use of these tools to incentivize or disincentive private auto use with using them to raise money.
3. I would like to make sure that the goals we set have enough consequences for not hitting them that the metropolitan areas are motivated to follow them.
4. Figure 3: Active Mode Trips from STS - How is "short trip" defined? It doesn't look as if it is 40% of all SOV trips as the intro sentence implies. Figure 6: Long distance trips from STS -How is "longer trip" defined? Overall, it would be very helpful to have units included on charts for memos like this in the future so that they are more legible.
5. The report is only half of the story. It focuses on the demand side (# of transit trips per year, % of mode shift to active modes, % of multi-use or high density needed). Planners will need to understand what they need to supply to meet this demand. Transit trips is broken out to 180 trips per person and by using an approximate population within 1/2 of a route a transit agency would be able to identify the # of trips per year and the number of buses needed to support that demand. Can we convert the active transportation modes to a similar trip count? But just looking at the equation for transit trips in my area, it is a multiplier of 27 times the transit trips in the course of 30 years so we would need to grow at a rate of 50-100% year over year which seems unlikely. So this is highly aspirational.
6. DLCD should translate the STS into local standard performance measures and targets, ensuring that all local governments are working in the same direction, including measures for reducing VMT per capita, compact mixed-use development, doubling or tripling transit, bike and pedestrian mode share, and providing transportation options. > if requested by local government, it ensure local flexibility for alternative performance measures, so long as they still meet GHG reduction targets > it's essential that local governments are provided dedicated state funding and TA to support the local actions needed > what does the STS say about state highway

widening relative to these goals; there seems to be a disconnect between what the state says and what it does; unfair to shift full burden onto locals.

7. The STS trajectories seem like good intentions only if there isn't a way (1) to convert VMT reductions to GHG reductions; (2) to hold the MPOs accountable to reaching these goals; and (3) to provide additional resources and funding to the MPOs to do so (e.g. tie ODOT monies as a carrot and stick).
8. Much of this is going to run into funding barriers and die a beautiful and tragic death. It would be useful to do an exercise where the various strategies were assigned a % of \$ available so that we have a notion of how this might play out. It's not going to be helpful if we don't do at least some of the work of prioritizing and looking for solutions that 1) have reasonable cost and 2) hit more than one aspiration.
9. Only looking at currently known systems solutions. Not much in transformational change in social systems affecting transportation infrastructure.

Question 2

Review of Monitoring and Reporting: At the RAC #4 meeting in February, we discussed Monitoring and Reporting. Based on this feedback, staff have developed concepts that we will use in our rules, including in Division 44 (Metropolitan Greenhouse Gas Reduction Targets). Does our staff analysis reflect your guidance?



ANSWER CHOICES	RESPONSES	
Yes	50.00%	6
No	0.00%	0
Somewhat	50.00%	6
TOTAL		12

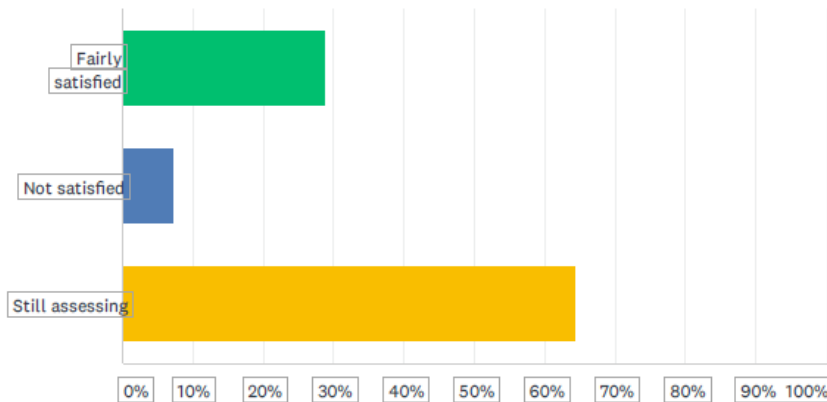
Is there anything else you would like to add?

1. This is a good list with a lot of important information, but there should also be monitoring guidelines aimed specifically at tracking potential for displacement. For instance, jurisdictions should monitor where housing prices are rising and compare that to income levels and priority populations in those areas (this could be where the equity mapping comes in).
2. Largely. A lot more work to be done, particularly in aligning current TPR VMT management requirements and GHG reduction.

3. I believe staff have captured the brainstorm items provided. However, there is more work to be done on this. I appreciate that the reporting time period is written in the draft rule in such a way that it could sync with other transportation analysis cycles. There are more opportunities to coordinate with existing transportation survey efforts.
4. The 110 and 210 sections should be labeled a draft if the subcommittee will be preparing recommendations for these sections.
5. Rather than asking local governments to grade themselves, DLCDC and ODOT should take the lead in monitoring and reporting on local progress towards meeting performance measures. Rules should specify consequences for local governments for not making satisfactory progress, such as withholding of future funding.
6. I feel like this part is premature. It's difficult to understand what data we would want for monitoring and reporting until we resolve more fundamental issues the RAC has raised. For example, I do not think MPOs should set their own performance measures but rather have state-led measures, and MPOs can request a variance if it is not feasible for their community. Several other RAC members have had similar sentiments, so what data would feel important is different if MPOs are setting their own performance measures versus it coming from DLCDC.
7. I'd be interested in what areas the staff believe need more or less attention. I also appreciate that the packets come with time to read and review the material.
8. Accountability was not strong.
9. 0150(6) Enforcement - UGB amendments. More thought is needed as there may be stand alone UGB amendments for a new public facility or the Legislature mandates a UGB amendment (Bend example) etc. With the rules not likely to be adopted until March 2022, the deadlines for compliance must be firm in order to not fall further behind in reducing pollution and addressing equity. A schedule for future interim reports should be 2-3 years. 1 is too frequent, 4 years is far too long (staff turnover, etc.).

Question 3

Division 44 Review: As you review and reflect on the revised draft of Division 44: Metropolitan Greenhouse Gas Reduction Rules, what is your general level of satisfaction with these draft rules?



ANSWER CHOICES	RESPONSES
Fairly satisfied	28.57% 4
Not satisfied	7.14% 1
Still assessing	64.29% 9
TOTAL	14

Please share any suggestions you may have for improving the draft rules. If there are rules or sections that are unclear, please let us know of those specifics.

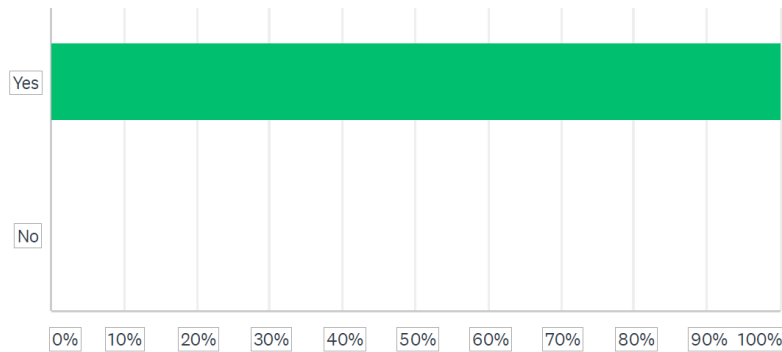
1. I'm confused about requirements for jurisdictions besides Salem and Lane County. Will they have compliance timeline requirements, just in a different OAR section? I'm concerned if there's not an explicit timeline associated with jurisdictions adopting scenario planning (and amending development code) that we won't see any impactful action within the next 10 or 20 years.
2. Page 3 staff memo: "The allowances for middle housing types (duplexes, triplexes, fourplexes, townhomes, and cottage clusters) in single family neighborhoods will help to achieve our climate and equity goals, but will be distinct from rules related to Climate-Friendly Areas." This seems to be the opposite of integrated land use and transportation planning. Or is that only a one-way street? What about middle housing types in Climate-Friendly Areas? Are they counted towards the STS goal? Shouldn't the definition of "Climate-Friendly Areas" reflect the fact that many existing single-family neighborhoods will become more dense and thus more compact and climate-friendly and should therefore be counted towards the STS goals? Will increases in densities, diversity, and affordable housing development outside official "Climate-friendly Areas" count against a community's ability to meet its targets for development inside Climate-friendly Areas? Example: City A willingly and effectively meets its "missing middle housing" obligations under state statutes and goals. City A achieves substantial increases in the quantity, diversity, and affordability of the housing stock in its historically single-family neighborhoods as well as in its Climate Friendly Areas. City B drags its feet on its missing middle obligations. City B sees little or no change in its single-family neighborhoods, most of which are outside its Climate Friendly Areas, and makes significant progress only within its Climate-Friendly Areas. Cities A and B are equally effective in increasing the housing stock inside their Climate Friendly Areas. City A sees no change in share percentage and fails to meet its Climate Friendly Area target because it has done so well in meeting its missing middle housing obligations throughout the city. Meanwhile, City B meets its target change in share percentage. The rules and goal changes should assure that this does not happen and that cities are rewarded, not penalized, for fulfilling and, in some cases, exceeding their obligations under the statewide housing statutes and goals as well as their equity and diversity objectives and obligations in all of their neighborhoods. An integrated planning, implementation, monitoring, and reporting process would recognize and incentivize the climate-friendly effects of enabling people to live closer to where they want to work, play, shop, and go to school, not just for living closer to transit systems that can carry them to distant destinations more efficiently than cars and pickup trucks. For example, how much should these required changes to the vast majority of Oregon's urban residential lands be expected to contribute to shortened trips? More walking and biking to and from schools, shopping, and jobs? Increases in neighborhoods that qualify as "mixed use?" (Does the term "mixed use" need refinement to account for these changes?) More equitable and affordable access to grocery stores, good schools, safe routes to schools, quiet, unpolluted neighborhoods, reductions in Oregon's "diversity deserts".
3. I appreciate some of the changes that have been made to the draft rules related to deadlines and land use definitions. These are definitely an improvement.
4. Here are some things that stood out to me: 000(3) Define "historic inequities" 005(#) "Climate Friendly Area." I know this ship has sailed but this type of nondescript and "cute" language always fails us. Doesn't anyone remember "Smart Growth"? 005(#) "Equitable Outcomes" (e) add the words "safe" and "comfortable." Since access to parks etc. is often miserable for everyone, not just historically underserved population, more that "equal" access is needed. 005(#) "Historically marginalized communities..." I suggest prefacing the list to say "including but not limited to..." I learned this from our city's legal staff. Language changes and you don't want

to inadvertently leave out groups just because of that. 005 (6) I suggest adding the word “positive” before “outcomes, or something similar. An outcome can be bad. We want good outcomes! 005 (12) I suggest deleting “aspirational.” All plans are aspirational, this is unneeded and possibly even detrimental. 0015 Applicability – Compliance Schedule. Under (4) and (5) I would mention that interim reporting is required in Section 210. This section is confusing and might lead people to think that the compliance date is open ended while in Section 200 gives these jurisdictions until 2023 to submit an interim report. 0110 (3) (a) Clarify that the housing data should come from the HCP and/or RHNA. (3) (d) Looking forward to the discussion on what 30% means. Area? Number of Units? (4) (b) “parking requirements” needs some work. That’s way too open ended. “Reduced” or “right-sized” or some other descriptive term of art? (7)(c) “Equitable outcomes” would “beneficial” be a better word? We don’t want things to be equally awful for everyone, do we?

5. As we're not supposed to account for GHG reductions from fuel efficiency, it would be much simpler to have GHG reduction rules translated into VMT reduction rules. This will help it align more easily with the rest of our transportation planning and avoid confusion.
6. I do not feel that the proposed rules go far enough to make the goals a reality for metropolitan areas. There is currently in place a greenhouse gas reduction goal that has not been met and is not on track to be met. That is the point of this executive action and rule change. The proposed rules seem like more of the same and do not go far enough to ensure that the new goals will be met in the future.
7. I will provide comments in track changes separately.
8. Sections 110 and 210 are still under development. Describe regional versus local and examples of each. Define multi-modal, climate friendly and multi-use and density. Add a measure for # of employees with access to free or subsidizes bus passes, residents with access to free or subsidizes bus passes (I believe this is an equity determinant as not all persons are employed or work fulltime to receive this benefit), employees and residents with parking cash-out or equivalent in reduced rent or rideshare subsidy.
9. It ignores the State Transportation Strategy for GHG Reduction (STS), and defers setting performance measures to locals. > It includes weak requirements for scenario planning (for adoption, DLCDD review, local implementation, monitoring). > It ignores other plans (TSPs, RTPs, housing, employment, UGBs).
10. This draft seems like it more of what we have already seen with transportation planning rules, and directs local governments to do their own scenario planning with no incentives or mechanism to make it have teeth. We have seen our communities fail to reach past targets using the TPR approach, so I'm not sure why we think it would work here. I'd also like to see more synergy with the other frameworks, and specifically how Division 44 would interact with the TSPs. For example, can it requires MPOs to amend their TSPs out of cycle to ensure it meets the GHG goals?
11. 0150(6) Enforcement - UGB amendments. More thought is needed as there may be stand alone UGB amendments for a new public facility or the Legislature mandates a UGB amendment (Bend example) etc. With the rules not likely to be adopted until March 2022, the deadlines for compliance must be firm in order to not fall further behind in reducing pollution and addressing equity. A schedule for future interim reports should be 2-3 years. 1 is too frequent, 4 years is far too long (staff turnover, etc.).

Question 4

Equity Mapping: Several agencies in the state are considering equity mapping tools. We are working with many of those agencies to align efforts. Our intent for these rules is to provide an equity mapping tool to cities and counties to aid in their analysis and help inform public policy and associated investments. For example, cities and counties would use the tool to prioritize investment decisions in places with concentrations of priority populations, or describe why they are making investments in other areas. Would such a tool be useful to help reach our Equitable Outcomes?



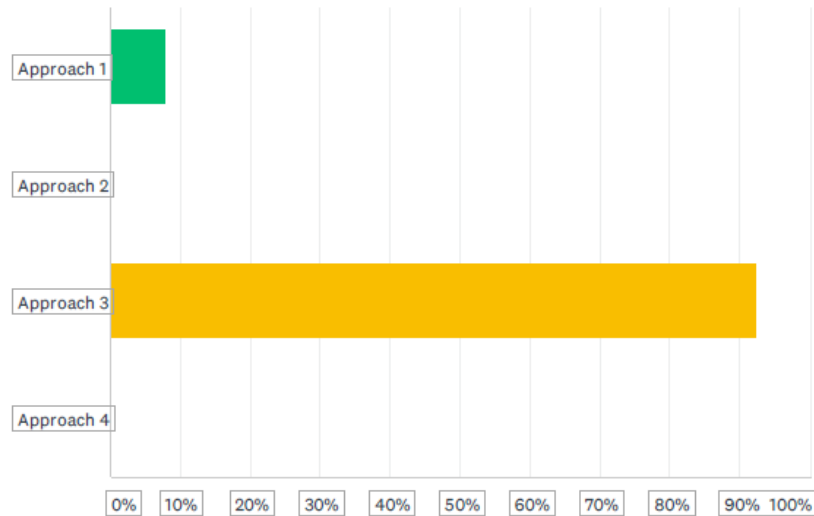
ANSWER CHOICES	RESPONSES	
Yes	100.00%	14
No	0.00%	0
TOTAL		14

If no, why not? What concerns would you have?

1. I am excited to learn that equity mapping will be a tool available to jurisdictions as part of this effort. Mapping can be a valuable tool to help jurisdictions understand and track the equity issues they are facing as well as a tool to help visualize and demonstrate why a focus on equity is important (ie: when doing public engagement). Mapping can be used to visualize disparities in investment or resources, and track areas at risk for displacement. It is critical that the tool includes the right kinds of data to answer important questions, and equally important that jurisdictions understand what to look for and what to do with the data.
2. Consistent data that is out-of-date and not specific enough to adequately meet a particular data need is potentially more misleading at larger scales than data that is less consistent but sufficiently specific to meet the identified need.
3. Yes, it will be helpful but I would caution that the data needs to remain secure.
4. Projects are funded in various ways (Surface Development Charges, gas tax, bonds, federal, state, local funds). It would be helpful to understand how projects can be impacted depending on funding restrictions. Also what about private developer funded projects?
5. For MPOs with little granular data (e.g. Bend) at the local level, it will be imperative that community input and on-the-ground knowledge be incorporated into any tool and that it not be limited to Census data (which is flawed in the way it underreports some populations and problematic in the way it defines certain ethnic groups).
6. I am concerned that this would concentrate disadvantaged groups rather than giving them access throughout the city--a carrot v. stick version of redlining.

Question 5

Staff identified four approaches to equity mapping vis a vis rule development. At this time, which one do you prefer and why? Approach 1: All data from the priority populations is included in individual map layers. Approach 2: Index using five key demographic indicators from existing MPO and ODOT work. Approach 3: Hybrid approach using an index of five key demographic indicators, with separate layers for user to turn on or off based on context (community) and use (housing transportation). Approach 4: Full index that includes data from each of the indicators from the priority populations.



ANSWER CHOICES	RESPONSES
Approach 1	7.69% 1
Approach 2	0.00% 0
Approach 3	92.31% 12
Approach 4	0.00% 0
TOTAL	13

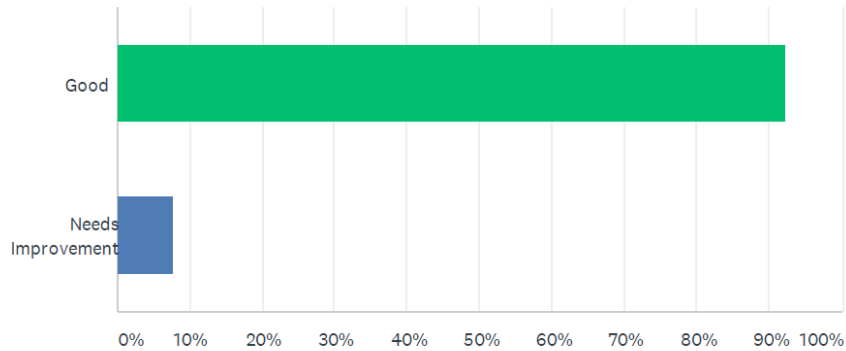
Please describe any reasons for your preference you are able to share. Concerns and questions are also welcome.

1. Approach 1 is most important because different jurisdictions will have different issues and will need break out and track data by different populations and subjects. Approach 2 could be a useful supplementary tactic to provide some consistency and track progress across multiple regions or jurisdictions.
2. I particularly do not like Approach 2 because it is important to be able to look at specific elements of equity. It would also be helpful to have a weigh to weight specific indicators that are more important.
3. Allowing layers to turn on and off will allow for more targeted projects based on the particular indicator the project can alleviate. It can also help make this data more applicable to a broader range of applications.
4. The data needs to be understandable but not too granular so that it can be misused.
5. I'm not sure I understand how 4 differs from 3?

- This is a rich source of data that is difficult and costly to gather, and software makes it simple to view the data in different useful ways--we may find uses for that data that no one has yet envisioned.

Question 6

General Questions: How was the format of this meeting for you?



ANSWER CHOICES	RESPONSES	
Good	92.31%	12
Needs Improvement	7.69%	1
TOTAL		13

If it needs improvements, what suggestions do you have?

- I think the small groups are more useful than the larger discussion where some people dominate the conversation.
- Level of participation/engagement seemed lower. Perhaps because we're getting more into the technical rule drafting work or perhaps because it was during spring break.
- Eliminate using the 71 pages of material that we've already slogged thru as slides--that part was deadly.
- Good, but seemed there was a lot of presentation material that was covered in the staff memos. Prefer to encourage members to review the materials to prepare for a discussion, and then spend most of the meeting discussing rather than presenting/reviewing.

Question 7

What was the most valuable aspect of this meeting for you?

- I missed the meeting but watched it later.
- Division 44 discussion.
- I like the small group time, it's much more helpful to hear where multiple committee members are at on a discussion, rather than only hearing from a few who are most comfortable being vocal in the large group.
- The small groups.
- It was helpful to hear from other RAC members to better understand their perspectives. In particular, I appreciated the comments and experiences shared regarding the details of

implementation really mattering and the challenges others have faced, similar to ours, regarding contradictory regulations. We can have great visions, but unless the details of how to overcome challenges to implementation are resolved, the results we want to see won't be achieved.

6. The smaller breakout sessions. The large sessions tend to be dominated by a few of the institutional voices and make it hard to engage.
7. I really appreciate the staff helping us cut thru the legalese in Div. 44. The RAC is not an appropriate forum to debate the detailed rule presentation--the staff is competent and knowledgeable and we should trust them and be grateful!
8. Hearing from large city managers on how they are considering the implementation of the proposed rules and guidelines.
9. Breakout meeting at the end. The Division 44 rules discussion was also valuable.

Question 8

Please share any recommendations to help improve your understanding or the productivity of future meetings.

1. Keeping a full 10 min break would be helpful.
2. The breakout sessions are helpful.
3. The verbal participation is limited to those who are in the planning arena due to the nature of the information provided. A few people who advocate with the legislature dominate the general discussion.

Comments received by email

1. From Emma Newman

Here are some comments I with regards to items in RAC Item #5: Review of Monitoring and Reporting Guidance. I'm emailing them to you since the form didn't have sufficient space.

I believe DLCD staff has captured the brainstorm items well, but there is more refinement needed between this brainstorm effort and the final monitoring/reporting decisions. I hope my comments may help inform some of the thinking during the refinement process.

Housing/Neighborhoods

- "Number of mixed-use neighborhoods created"
How is "neighborhood" defined? This may unintentionally disincentivize expanding existing mixed-used areas, which could be counter to the GHG reduction goals. I would think area is more important than number. In the draft Division 44 amendments, I'm glad to see the Climate Friendly Areas term and look forward to helping shape the definition later in this process. I agree with the packet statement that the definition and designation of Climate Friendly Aras will be very important.

Demographics/Equity

- "General population satisfaction surveys"

Participation would be important to ensure we're not just hearing from NIMBYs or certain portions of the community.

- "Share of population with <15 min transit access in walking distance"
Frequency and also span of transit service is important to ensure it is actually useful transit service
- "2-3 year: survey of residents: walkability, safety, access to services, food"
Central Lane Travel Barriers and Benefits Survey, which Rob has mentioned before, could be useful for data collection. It has been done twice so far, generally in the 4-6 year time frame. Additional funding would be needed to increase frequency, but could be a useful tool. Perhaps alternate this with the Oregon Household Activity Survey?

Safety/Transportation

- "Number of school buses converted from diesel to electric"
What about propane? Locally, the Springfield school district is converting the entire fleet to propane. I believe this is in order to meet the state guidelines by 2025. In recent conversations with school district staff, they expressed some concerns/barriers with transitioning to electric school buses. Currently, the cost of 1 electric school bus equals the cost of 4 propane school buses. There are also concerns about life expectancy of the batteries and end of life issues. There may be potential opportunities to collaborate with transit on charging and maintenance infrastructure, but a lot is still TBD. There are currently issues with Buy America constraints that do not enable the school district to use the Congestion Mitigation Air Quality funds allocated to them to purchase cleaner school buses.

2. From Michael Szporluk

Statewide transportation strategy

1. The memo (page 10 of 71 in the packet) mentions that "state and local governments provide the options and a framework of incentives and disincentives..."

Given that - I feel that DLCD can and should look into how it can use procurement to assist in facilitating social justice for priority populations. Thank you for providing me with the procurement office contact. I did follow up with the chief procurement officer, who put me in touch with one of her staff. He wrote and I responded with some questions, and then he never responded. So I'll reach out again, but just so you know - the ball is in their court.

2. Question: how does the transition from Trump to Biden influence / open up possibilities for using federal dollars to support state efforts?

3. Question: regarding use of VMT - do we have information on how VMT are spent? In other words - is it primarily people driving to / from work? Accessing services? Purchasing goods? If we have data on what people use vehicles for, then we may be able to target solutions more precisely? I fear the data will show, unfortunately, that we use cars for everything...I wonder also if there is a difference by population category (race, gender, disability, etc.)

4. Page 12 of 71 - I want to be sure that when we talk about transportation - we know that we mean that the means (bus, train, etc.) and the supporting infrastructure (stops, signage, etc.) needs to be fully accessible. This means sidewalks too.

5. Page 14 of 71 - the danger of "users pay the full cost" is that people who have high support needs (para transport services, for example) are also more likely to live in poverty, so they have less funds for transportation. I think one of the reports on Lane County mentioned that transport is free for the general public, but that wheelchair users had to pay - that's not equitable at all.

Review of monitoring and compliance

6. Page 15 of 71 - I've said this many times housing needs to be adequate not just affordable! The first bullet toward the bottom of the page refers to "affordable" housing. I understand that "affordable" housing is a standard that developers and cities and contractors, etc. all use so it is easy to default back to, but as we think about the development and provision of affordable housing we also need to think about accessibility, location, access to services, security of tenure, etc.

7. Page 16 of 71 - there is a bullet on "adequate housing" but with no explanation of what it means people will just gloss over it. I think this needs to be explained - not just by providing an occasional hyperlink (that most people won't follow), but rather by integrating the core concepts / elements throughout.

8. Page 16 of 71 - excess parking can also be used to re-establish green spaces. In other works excess parking should not just be used for housing. I understand and appreciate receiving - the book about "middle housing" - one of the main ideas from middle housing (the book) was that the footprints of the homes should not be the entire lots - and unfortunately that seems to be the approach used by developers in Portland. They place gigantic duplexes or triplexes on lots with no or almost no land. This looks awful and destroys the neighborhood gradually. Whatever regulation allows developers to do that needs to be revisited. I'm all for duplexes etc. but we need green spaces and trees too.

9. Page 17 of 71 - "demographics/equity" section - disability needs to be a part of the data collection - for example - in the bullets

- satisfaction surveys
- share of population
- 2/3 year demographics of residents
- survey of residents
- data/demographics
- infrastructure investments,

10. Page 17 of 71 - last paragraph. This is where /how we need to address the question of procurement.

We also need to make sure that engagement with priority populations is understood to include persons with disabilities

11. Page 18 of 71 - "funding" section - can we also track disabled veterans business entities/enterprises (DVBEs). while I understand that "existing programs vary" at the local level -

to state the obvious - it would be good if there could be a statewide accepted standards, and for those standards to show some recognition of the need to a) support employment of persons with disabilities; b) ensure that contracts don't create more barriers for persons with disabilities (inaccessible housing, sidewalks, etc.)

12. Page 18 of 71 - "connectivity" - issue of sidewalk accessibility and also signage and intersections. At some busy intersections, for example, the walk signals aren't nearly long enough as they need to be. Perhaps walk signals could feature an additional button which would highlight that more time is needed to cross? In other words - one button for persons without mobility limitations and another button for those who need more time?

13. Page 19 of 71 - "safety / transportation"

Based on the right of way book (thanks for that too by the way) - perhaps there should be additional taxes on SUVs and other death machines as a way of disincentivizing their use? Here's a wild idea: SUV owners and jacked up pickup truck owners* pay an annual tax based on how many people are killed by such vehicles during the year. I'm in California now visiting my father-in-law. There are neon signs on the freeways that report that 3200 people were killed in California during 2020! That's nearly 10 a day. That's insane.

*farmers and tradespeople who actually need pickup trucks could be exempted from the additional tax.

In any case - if we are serious at all about vision zero - we need to completely rethink our current approach which is not working at all.

Accessible sidewalks - it's not just how many accessible sidewalks are newly built, but also how many current inaccessible sidewalks are renovated/repaired.

Last bullet point - it's not just how many people have access to accessible transport options, but rather and more importantly how many people actually use it.

What about the issue of reducing speed limits and also enforcement and penalties?

Division 44 review

I appreciate the memo / summary of changes.

The document refers to "historically marginalized populations" and the definition on page 25 of 71 I think is a little different from the current outcome statement. Also, should we say instead "priority populations" instead of "marginalized pops" to be consistent?

On page 33 of 71 - consultations should also be required with organizations that represent historically marginalized groups, including organizations of persons with disabilities. Provisions should be in place to ensure such groups can effectively and meaningfully participate, including in decision-making.

Page 37 of 71 - who is on the commission? Can the commission include priority pops?

Monitoring and reporting in Portland and other jurisdictions should require meaningful engagement/ consultation with priority pops

Page 45 of 71 - reporting needs to include issues connected to accessible construction, reduction in disparities for all priority pops, etc. Reporting should also look at what measures are being advanced toward achieving vision zero.

Equity mapping

While all persons with disabilities are discriminated against - it is important to know that it manifests in very different ways, and persons' support needs vary tremendously based on impairment types and other factors. An example to illustrate - some persons who are blind may prefer braille others may prefer digital content. Some blind persons use dogs, others use white canes. Some deaf persons prefer sign language interpreters, others prefer carts. Some persons with limited mobility may use canes, walkers, wheelchairs, etc.

It is very important to be able to collect data that can be disaggregated by multiple variables. For example, persons of color who are disabled experience greater discrimination, tend to have less income/wealth than white folk with disabilities. Persons with intellectual disabilities and developmental disabilities tend to be forgotten and are very vulnerable to abuse, neglect, harassment, etc.

People who are homeless are disproportionately people with disabilities, yet that tends to be unexplored, and service provision tends not to factor that fact in.

Page 50 of 71 - there are significant data gaps around disability, yet this is not highlighted. so, a gap in the gaps.

Meeting 4 summary

Page 54 - mixed use housing needs to be approached using universal design principles, and we need to think about adequate housing, safety and accessible communication.

Page 54-55 of 71 - report out - I don't know what group (1-6) I was in - but I don't see my comments reflected at all in the bullet point summary.

Page 56 of 71 - I appreciate use of "adequate" housing but again I think it needs to be unpacked. Because it is an unfamiliar term, people will gloss over it and not understand its completeness.

I think we need to require construction / developers to use universal design principles and engage and pay organizations of persons with disabilities when we consult with them (why should there be an expectation that people with disabilities provide feedback / our expertise for free?)

Page 57 of 71 (safety) - can we talk about speed limits and enforcement?

From: [Manvel, Evan](#)
To: [Caudel, Ingrid](#); [Crall, Matthew](#); [Holmstrom, Bill](#); [Meyer, Cody](#); [Young, Kevin](#)
Subject: Elizabeth Graser-Lindsey testimony
Date: Wednesday, April 7, 2021 4:20:53 PM
Attachments: [~WRD000.jpg](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

FYI.

From: Elizabeth Lindsey [mailto:eaglsing@gmail.com]

Sent: Tuesday, April 6, 2021 1:35 PM

To: Greene, Kirstin

Cc: Manvel, Evan

Subject: Re: FW: Join Us for Community Conversations about Climate-Friendly and Equitable Communities Rulemaking

Kirstin,

Please consider my testimony for the Climate-Friendly and Equitable Communities rule-making process and please help it get to the right staff person.

Elizabeth Graser-Lindsey

Solutions to climate change necessitate that driving be reduced radically and rapidly – more rapidly than current planning is going to achieve --; HOWEVER, planning needs to provide the **STEPS** to get from our current extensive driving to a not-so-distant future with little driving (even electric vehicles compete with other electrification for clean electricity, an electric future requires considerably more electricity than we have now, and producing clean electricity is land intense and has its own harms e.g. if it displaced agriculture). The steps to a reduced driving future need to encourage improved practices without creating miserable, or even impossible, situations for people.

Local governments -- cities and counties – should [actually, each time I say “should”, I mean you should require this] consider with the relevant neighborhood association (with unusually-extensive public notice given) how each neighborhood could be walkable, bikeable and served by transit with services (groceries included) and jobs and make a crude estimate of necessary steps and cost. It should be considered if zoning restricting home-occupation businesses is too restrictive or if businesses can be good neighbors. Local governments should prioritize making these changes at the rate necessary to reach pro-rated-annual GHG emission reduction targets. They should also consider a city-wide approach to these changes. At the minimum, arterials should have a shoulder bike lane for bicyclists and a sidewalk for pedestrians by the next time the road is paved (cities, counties and the state can afford to value bicyclist and pedestrian lives and to protect motorists from manslaughter, as well as to do their necessary part to prevent unliveable climate change). Paths and separated bikeways can be used in high use corridors. ODOT and DLCD should prioritize cities completing their bike/pedestrian infrastructure that is long overdue and long postponed. Pedestrians and bicyclists (which is potentially nearly everyone) need equity of safety and facilities. ODOT and DLCD reviews of planning should prioritize the plans being on target to meet pro-rated-annual GHG emission reduction targets. ODOT and DLCD should complement that climate-safe prioritization with funding shifts.

Each business/employer should tally where its employees live and consider how the distance can be reduced. It should consider where its customers/clients/users live and consider how the distance could be reduced. The driving can be reduced by the business moving, employees moving, employers trading employees with similar employers e.g. Portland trades receptionists with Clackamas County so the employee has a minimal commute. **Employers should be incentivized (carrot and stick) to reduce employee commuting at the rate that GHG emissions need to be reduced.** It should be remembered that farmers and others on working lands must supplement their farm income with urban jobs in order to survive; they provide city dwellers with local food; and they are valuable workers, so their necessity to commute needs to be accommodated.

New housing should be located where it doesn't require driving i.e. the **GHG emissions associated with the potential location of new housing should be evaluated and should be consistent with the state's and Division 44 GHG reduction targets or the housing should not be developed.** New housing and new business construction thus makes sense in walkable/bikeable communities served by transit.

If parking is to be capped, reduced or eliminated, as some propose, the impacts of this on commuters and travelers needs to be carefully considered to ensure people have workable alternatives. **Some parking needs to be reserved for people coming from distances** (including commuters who work rural lands such as farmers or foresters, who like most US farmers – see my previous testimony that documents this with USDA data --, have a second job) who have no realistic option to use transit that doesn't serve their location. Some parking needs to be reserved for **people working out of their vehicles** (such as carpenters, plumbers, electricians, etc), **people picking up supplies, or using essential urban services distant from their homes.** Parking meters could issue parking passes based on people's home address or a DMV-measured criteria, if it were determined that city center and suburban people have alternatives to driving. In the transition, people can be issued a limited number of parking passes based on their distance from the city center. In my opinion, it is premature to reduce or eliminate off-street parking, and to do so at this time will cause great frustration and anger; alternatives to parking need to be in use prior to parking being reduced.

The public needs to be included in discussions of why **transit ridership is so low** and the impediments need to be addressed. For starters, transit stops should be covered and have benches; wait times need to be reduced; last mile issues need to be solved perhaps by transit recruiting (hiring) Uber, Lift and taxis. Security is important and needs to be protected. Finishing the light rail loop around Portland by including Oregon City (to Milwaukie and Clackamas Town Center) should be prioritized.

Roadway, AND housing capacity, should not be expanded in any region until that region is making satisfactory progress toward meeting GHG reduction targets (measured by pro-rated-annual increments). ODOT data shows that per capita light vehicle GHG emissions stopped increasing, but that population increases caused GHG emissions of light vehicles to continue increasing; this is at the very time that emissions from all sectors should be going down rapidly.

The needs of rural areas to have access to jobs and services with reduced

driving should be discussed in county and state planning. This has too long been ignored and without it being part of the requirements for Transportation System Plans etc., the counties ignore it.

On Fri, Mar 19, 2021 at 5:19 PM Greene, Kirstin <kirstin.greene@state.or.us> wrote:

Hi Elizabeth,

Last email of the day. I wanted to make sure you received this all right.

Best wishes for a great weekend.

Sincerely,

Kirstin



Kirstin Greene, AICP

Pronouns: She/Her

Deputy Director

Direct: 503-373-0050 | Cell: 971-701-1584

kirstin.greene@state.or.us | www.oregon.gov/LCD

From: Oregon Department of Land Conservation and Development

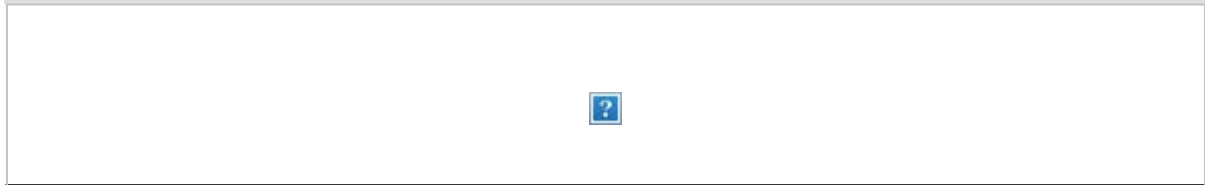
[mailto:DLCD@public.govdelivery.com]

Sent: Friday, March 19, 2021 2:07 PM

To: Greene, Kirstin <kgreene@dlcd.state.or.us>

Subject: Join Us for Community Conversations about Climate-Friendly and Equitable Communities Rulemaking

Having trouble viewing this email? [View it as a Web page.](#)



March 19, 2021

Climate-Friendly and Equitable Communities Rulemaking Effort Seeks Your Guidance

On March 10, 2020, Governor Kate Brown issued [Executive Order 20-04](#), directing agencies to reduce climate pollution. In response, the Land Conservation and Development Commission (LCDC) initiated rulemaking last fall to significantly strengthen Oregon's administrative rules about transportation and housing planning.

The effort is focused particularly on areas with populations over 50,000 people (Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford-Ashland, Portland Metro, and Salem-Keizer).

To provide guidance for the rulemaking process, Department of Land Conservation and Development (DLCD) staff have convened a diverse Rulemaking Advisory Committee.

Hi Evan,

April 13, 2021

Good presentation tonight.

Below are several specific TPR amendment recommendations:

- 1) Delete section ???? allowing MPO's to adopt "alternative measures" as an alternative to reducing VMT per capita.

In the RVMPO the measures were largely symbolic and 1) did not guide the selection of projects, 2) were not met and 3) were treated as RVMPO goals and not those of the cities within the MPO. **The amended TPR should include a new VMT per capita standard which should be sufficiently ambitious, when combined with the electrification of the vehicle fleet, to meet the State Transportation Strategy 2050 goal with interim benchmarks for 2025, 2030, 2035, 2040 and 2045.** MPO's and local jurisdictions within the boundary that do not meet the benchmarks shall not be eligible for FHWA pass through (except where federal law requires otherwise) or ODOT sponsored funding or be allowed to participate in "fund exchange." The Oregon Household Travel Survey shall be the sole basis upon which to demonstrate conformance with the VMT reduction standard.

Additionally, the TPR should be amended to specifically require that RTP's and TSP's include mode share targets for bicycles, pedestrians, and transit. This way, the VMT reduction target can be tied to specific modal strategies rather than simply being an amorphous concept. Such targets help to answer the question; "how are MPO's and local governments going to reduce VMT per capita?" and would serve to focus project selection.

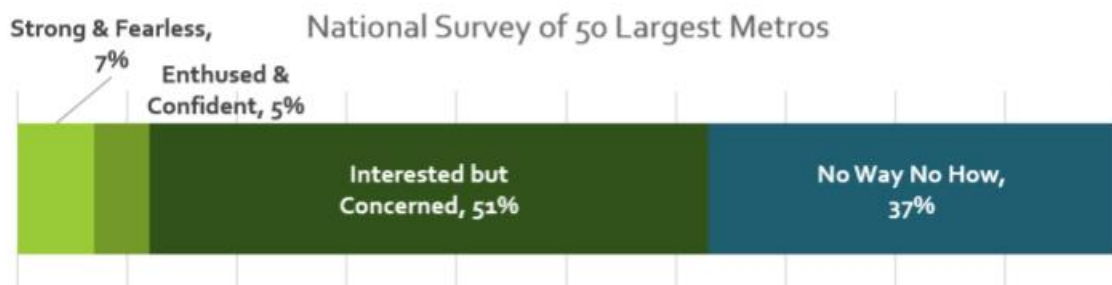
- 2) Require improvements not planning. The local TSP's bicycle and pedestrian plans have sufficient detail but the needed improvements that are identified in the plans are not funded. Rather, cities continue to invest in a largely mono-modal transportation system perpetuating the dependence upon autos (see [Mega-Corridor](#)). That statement is true despite the fact that the new and improved streets may include bicycle facilities.

Metropolitan funding has historically been dedicated to roadway construction and secondarily for transit. That's true even though transit mode share is typically less than 3 percent and, in small systems, one-half of one percent. As a consequence, investments in safe and convenient bicycle and pedestrian networks have not occurred (except in conjunction with roadway projects). That's true, despite the fact that the average trip in urban areas, at least in the RVMPO, is easily accomplished with a 20-minute bike ride. Using an electric bike would be even faster. Bicycle mode share, with a truly safe and convenient community wide network, can easily grow by 10 percent over the course of a decade and, not unreasonably, 40 percent mode share by 2050.

The amended TPR should require that the MPO and all jurisdictions within MPO's "shift planned transportation investments away from motorized transport and focus on the improvement, safety, convenience, and quality of bicycle and pedestrian infrastructure within urban growth boundaries." The policy should remain in force until the local government can

demonstrate: 1) that the bicycle and pedestrian networks are complete (thus serving all ages and abilities for all trips from anywhere to everywhere), and 2) that the bicycle and pedestrian networks are equally safe to that of travel by auto, using accidents per mile of travel as the metric for evaluation. Ideally, ODOT would be bound by the same policy and would be required to dedicate its funding to bicycle and pedestrian improvements within UGB's but, unfortunately, DLCD's rule making authority does not extend to state agencies.

- 3) **The amended TPR should explicitly define “safe and convenient” bicycle facilities as those meeting NACTO’s [Designing for All Ages and Abilities Designs, Contextual Guidance for High-Comfort Bicycle Facilities](#) (see page 3). DLCD cannot continue to rely upon FHWA or ODOT bicycle facility standards. Oregon has to choose to follow the “best in the nation” design standards for bicycle facilities (or preferably in the world – like those used in Copenhagen) or allow for the construction of bicycle facilities that serve that purpose in name only. Existing ODOT designs are ill suited to make cycling a viable and safe mode of travel and will never attract the majority of the public that is “interested in cycling but concerned for their safety.” These people are afraid to share the roadway with autos.**



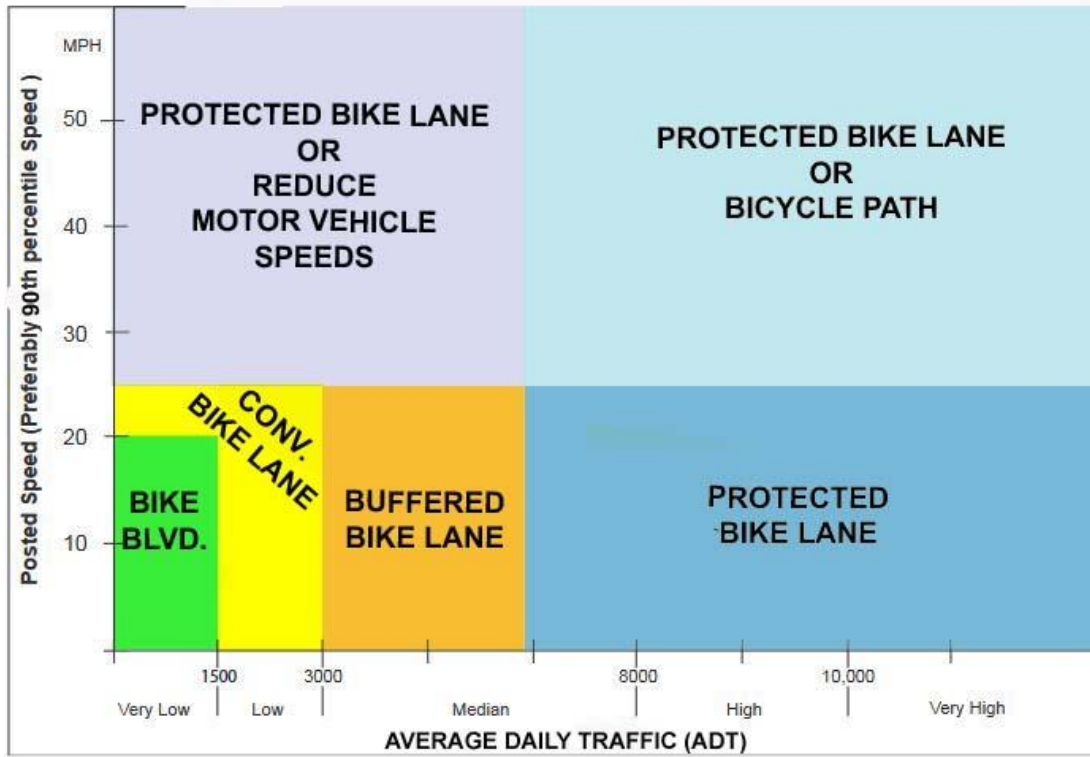
Anyone working on this project should be asked to read [Making Cycling Irresistible](#), and [Global High Shift Scenario](#), and view the 11 minute video [Cycling in Copenhagen through North American Eyes](#). They are eye opening!

Thanks for the opportunity to contribute to Climate-Friendly and Equitable Communities Rulemaking.

Gary Shaff

NACTO

Contextual Guidance for Selecting All Ages & Abilities Bikeways



From: [Young, Kevin](#)
To: [Young, Kevin](#)
Subject: FW: About Climate and Equity
Date: Thursday, April 29, 2021 2:09:15 PM

From: Robert Cortright [<mailto:23cort@gmail.com>]

Sent: Friday, April 23, 2021 10:07 AM

To: Greene, Kirstin <kgreene@dlcd.state.or.us>

Subject: About Climate and Equity

Hi Kirstin

As the Climate Friendly and Equitable Communities rulemaking moves forward, it's useful to think carefully about how the two different goals - reducing emissions and promoting more equitable outcomes - relate so that we take effective action to achieve both. Brother Joe's latest post on City Observatory provides some, I think, compelling analysis that the department, the RAC and ultimately the commission ought to keep in mind as proposals for rulemaking are crafted and deliberated:

<https://cityobservatory.org/fighting-climate-change-is-inherently-equitable/>

I encourage you to read through this and pass it on as you see fit.

Thanks in advance.

Bob Cortright

Here is the referenced article:

Fighting Climate Change is Inherently Equitable

By Joe Cortright

22.4.2021

Happy Earth Day, Everyone!

If we care about equity, we need to make rapid progress on climate change

Equity needs to be defined by substantive outcomes, not vacuous rhetoric and elaborate process.

Ultimately equity is about outcomes, not merely process. The demonstrable results a decade or two from now have to be measurably more equitable and just than what we have today.

The overriding priority for Earth Day is taking serious action to

blunt climate change. But while there's a growing, though still far from universal, agreement that climate change is real, there's a problem. Many advocates are making claims about equity an obstacle to taking decisive action to reduce greenhouse gases. Change is always hard, especially for the powerless and disadvantaged. But we have to find ways to save the planet, while buffering the impact on the hardest hit. Somewhat ironically, our experience with Coronavirus shows how we can tackle these twin objectives by tackling them separately and simultaneously, rather than insisting that they somehow be combined and that one be subordinated to another.

Case in point: Last year, Portland voters considered (and rejected) a multi-billion dollar ballot measure that was a typical example of a process that nominally simulates equity, but which does nothing to address climate change. It has the trappings of inclusion—a process that has seats at the table for youth and people of color/frontline communities, and has the rhetoric of equity. It has also gone through a stilted and misleading exercise of classifying projects as equitable based on whether they happen to be near neighborhoods with high concentrations of low income people or people of color. On this criteria, the original construction of I-5, which plowed through the middle of the region's largest African American community would have been scored as “highly equitable.” The cumulative result of a proposed \$4 billion expenditure does nothing to reduce climate change—generating by the staff's own estimates a five one-hundredths of one percent reduction in greenhouse gas emissions. By failing in its primary task—to reduce GHGs—the result is inequitable, because the continued march of climate change will bear most heavily on low income populations.

Equity has to be about more than proximity, about glowing rhetoric,

and about enervating involvement processes.

From a hyperlocal perspective, the most equitable solution might seem to be to spare frontline communities from having to do anything or bear any burden. If each local planning effort prioritizes insulating *its* frontline community from burden or cost, above taking effective action to reduce greenhouse gas emissions, then collectively we'll make no progress in solving our shared, global climate crisis. As [Alon Levy](#) has persuasively argued, putting “rebuilding trust” ahead of taking action on the street is a self-defeating strategy

There's an emerging mentality among left-wing urban planners in the US called “trust before streets.” It's a terrible idea that should disappear, a culmination of about 50 or 60 years of learned helplessness in the American public sector. . . . The correct way forward is to think in terms of state capacity first, and in particular about using the state to enact tangible change, which includes providing better public transportation and remaking streets to be safer to people who are not driving. Trust follows – in fact, among low-trust people, seeing the state provide meaningful tangible change is what can create trust, and not endless public meetings in which an untrusted state professes its commitment to social justice.

And that will be the most inequitable outcome of all, because as everyone has stipulated, the frontline communities will bear the brunt of the costs associated with climate disruption.

Our community can't do anything effective to reduce GHGs because it would have a disproportionate impact on our frontline communities. Somebody else, somewhere else, ought to

bear the burden of solving this problem.

But that risks being a recipe for universal inaction, or a prescription for performative but largely ineffectual policies. When asked to come up with an example of Portland's future climate policies, the city's planning director highlighted a potential future mandate for electric car charging in new multi-family buildings, ignoring that a disappearingly small fraction of low income people live in new apartments, can afford electric cars, or even own cars, and that parking mandates have been shown to drive up housing costs, reduce affordability, and encourage sprawl and car-dependent development.

Equity advocates make a powerful, persuasive and true case that the effects of climate change are disproportionately felt by the poor and people of color.

In an important sense, if you've got enough income, you are likely to be able to escape, avoid or mitigate many of the personal negative effects of climate change. You can move to a state or neighborhood that is far from rising seas, or wildfires, or unbearable heat. It's always been the case that people with more income use it to buy nicer places to live, which is the main reason why you find nicer parks, more tree cover, lower crime and better air quality in high income neighborhoods. Neighborhoods that don't offer those amenities lose people who have the income to move elsewhere. The result is that low income people end up in housing that is less pleasant, has fewer natural amenities, has higher crime, and is more likely to induce asthma—and is more vulnerable to climate change.

Things we do to reduce global levels of pollution have disproportionate benefits for the poor. Consider eliminating lead from gasoline. There's an increasingly impressive body of evidence

that points to the serious cognitive and behavioral effects of lead air pollution. When the federal government phased out lead as a gasoline additive in the 1980s, it had measurable effects on the school achievement and crime levels in cities around the nation, and particularly benefited kids in low income neighborhoods. It was an inherently equitable strategy.

Yet banning lead also produced a regressive increase in the price of gasoline. Oil companies used lead as an “anti-knock” additive because it was cheaper than blending higher octane fuels that didn’t cause pre-ignition (knocking). Estimates are that banning lead probably drove up fuel prices about two cents a gallon or so, and as we all know, a price increase is regressive, because it bears more heavily on the poor than the rich. But would anyone argue that it would have been more equitable, especially to the poor, to keep lead in fuel so that gas would continue to be cheap?

Those who are most vulnerable are the poor, especially the globally poor, who lack the resources to adapt or escape the effects of climate change. A world in which we fail to slow or reverse climate change is a world that is in every meaningful sense more inequitable than the one we live in today.

There’s an important logical implication from these facts: Strategies to reduce climate change are inherently equitable. Some rich people may be indifferent between a world that is 2 degrees centigrade warmer than today; hundreds of millions of poor people aren’t—they will be inescapably worse off.

Helping victims is a separate tasks from innovating solutions

We have to distinguish the fundamentally different tasks of finding solutions and easing the burden of victims. While the globally poor

and communities of color are particularly vulnerable to the effects of climate change, that fact doesn't imbue them with any special wisdom about the solution to the problem.

Here's an analogous situation we've all lived through. Consider the coronavirus (Covid-19). It disproportionately affects people in infected locations, and like most viruses, is especially dangerous to the elderly and those with fragile lungs and immune systems. Yet the Pfizer and Moderna vaccines did not emerge from the personal knowledge and experience of those victims. Nothing about being a victim necessarily qualifies one to design a solution.

In fact, many of the immediate steps we need to take to minimize the spread and severity of coronavirus impinge directly on the well-being of victims. We quarantine them. And for the most part people in quarantine understand and agree that the personal discomfort and risk that quarantine poses for them is more than outweighed by the social good of limiting the spread of the disease. But surely no one believes that the optimal decision about whether to quarantine the passengers and crew of a cruise ship for an additional two-weeks will most optimally be made by a vote of those on-board.

That's not to say that we shouldn't prioritize and generously aid victims. The pandemic provides another lesson about separate tasks of helping innocent victims while aggressively pursuing solutions. The US government has approved multiple trillion dollar aid packages, including a range of direct payments, forgivable business loans, extended unemployment insurance and other measures, recognizing that no one should be forced to bear the costs and dislocation caused by the need to fight the pandemic by throttling large parts of the economy. But these efforts were independent of the effort to develop vaccines and promote social distancing.

Harking back to our example of lead in gasoline: It's unclear whether focus groups addressing chronically low achievement and high crime rates in urban neighborhoods in the United States in the 1970s would have identified reducing the lead content of gasoline as a high priority strategy. For complex global problems, victimhood isn't a substitute for science.

The key criterion for judging climate strategies has to be whether they are effective. An ineffectual strategy arrived at by a "just" process does not advance the cause of equity.

Climate change is not somehow the unique product of the continuing inequities in our society. While there's little doubt that racism and poverty amplify and concentrate the negative effects of climate change, it is also true that vibrant, highly equal social democracies like those of Western Europe face exactly the same technical, organizational and economic challenges that the US does in fashioning and implementing climate change policies. Even in a world with a perfectly equitable distribution of income and absence of racism, we would face the same challenge of figuring out how to reduce the level of carbon in the atmosphere.

None of this is to gainsay that we shouldn't be sensitive to the negative effects of strategies implemented to reduce greenhouse gas emissions on the poor. That's why economists overwhelmingly favor some version of the carbon tax-and-dividend or cap-and-dividend approach to reducing greenhouse gas emissions. A well constructed carbon tax would provide a direct method of compensating vulnerable populations who bear a disproportionate share of the impact of climate change. And unlike piecemeal and performative steps, would provide the scale of resources needed to

meaningful mitigate the burdens of solving this shared global problem.

From: [Robert Cortright](#)
To: [McArthur, Robin](#); [Lelack, Nick](#); [Hallova, Anyeley](#); [Warren, Stuart](#); [Gerardo Sandoval](#); [Pearmine, Katie](#); [Jacobson, Kaety](#)
Cc: [Meyer, Cody](#); [Holmstrom, Bill](#); [Crall, Matthew](#); [Greene, Kirstin](#); [Rue, Jim](#); [Young, Kevin](#); [Johnson, Esther](#)
Subject: Transportation Planning Rule at 30
Date: Monday, April 26, 2021 11:23:10 AM

Commissioners

30 years ago today - April 26, 1991 - LCDC adopted the Transportation Planning Rule - the TPR. Among other things, the TPR required that metropolitan areas revise their transportation plans to reduce VMT per capita by 10% over 20 years and 20% over 30 years.

The TPR's 30th birthday is significant for a couple of reasons:

First, it marks the halfway point between 1990 and 2050, the time we have available to meet our GHG reduction goal. According to ODOT's Statewide Transportation Strategy and LCDC's Target Rule meeting that goal requires that we reduce VMT per capita by somewhere between 20 to 30%. Despite three decades of planning and good intentions we're way behind where we need to be: VMT is down only slightly from 1990 and our adopted plans for the next 20 years will make little or no progress in reducing VMT. In short, we have much ground to make up. So, it's a good time to reflect on what we've done and how we'll make needed progress over the next 30 years.

Second, the TPR is a useful object lesson because DLCD's proposed Climate Friendly and Equitable Communities rules - at least so far - would largely recreate what's already in the TPR. The draft rules require metropolitan areas to conduct "scenario planning" over the next 3-5 years to identify changes to land use and transportation plans to reduce GHG and VMT per capita by 20-30%. (Because local governments reduce GHG almost entirely by reducing VMT, the GHG targets are in practice pretty much the same as VMT reduction targets.) And, like the TPR, the draft rules require local plans, adoption of performance measures and benchmarks, and regular monitoring of progress. However, it's not clear how the proposed rules would succeed where the TPR did not: thus far, it lacks clear standards for how much and in what areas local and regional land use and transportation plans must change, and it's unclear what incentives or consequences will lead local governments to adopt and implement the kinds of changes to plans that we know are needed and effective.

The good news is that 30 years of planning tells us what's needed and effective: we need to get most new development in walkable compact mixed use neighborhoods and substantially expand transportation options (transit, walking and cycling) and provide incentives for use of these options. We must tie transportation investments to these projects and outcomes. If we can accomplish these changes, we can meet our GHG reduction goals - and make Oregon citizens and communities better off: safer, healthier and more prosperous.

As the commission moves forward with new rules, it should consider a couple of lessons from the last 30 years: first, that we need strong, clear rules to guide direct changes to plans. Ambiguous rules - that direct locals to plan for GHG reduction, without telling them how plans need to change - will encourage delay and allow business-as-usual to continue. Second, in addition to clear rules, the state needs to provide strong, consistent support by aligning state rules and programs to prioritize plans and investments that reduce GHG and implement the Statewide Transportation Strategy.

Bob Cortright, Salem
(former DLCD staff)

From: [Caudel, Ingrid](mailto:Caudel.Ingrid)
To: [Caudel, Ingrid](mailto:Caudel.Ingrid)
Subject: FW: comments as public comments to Commission
Date: Tuesday, May 4, 2021 10:44:42 AM

From: Karl Eysenbach [<mailto:karenykarl@hotmail.com>]
Sent: Monday, May 3, 2021 2:05 PM
To: Taylor, Casaria <ctaylor@dlcd.state.or.us>
Subject: In case I'm unable to testify on May 19th ---

I have a couple of issues that I think need to be addressed by revisions in LCDC goals and guidelines.

1. It's obvious that current guidelines have no requirements for taking into account projected changes from global climate change. This is particularly important for farms and forests. But local governments also need to think about water retention, energy solutions, and emergency management. Money for local governmental planning units to carry out these evaluations is essential.

2. In housing goals, there is insufficient planning for homelessness or natural disasters affecting local governments. In both cases, large populations are left without any permanent housing or dependable access to water, sewer, garbage services, etc. Areas within the planning zone need to be designated as emergency occupy areas.

I think that both of these issues are critical in any new changes that might be applied to statewide land use law.

Thank you for your consideration.

Karl Eysenbach
2415 Skyline Blvd.
Eugene, OR 97403

From: [Rob Zako](#)
To: [Meyer, Cody](#); [Young, Kevin](#)
Cc: [Mary Kyle McCurdy](#); [Sara Wright](#); [Bob CORTRIGHT](#)
Subject: Re: Div 44 recommended edits
Date: Monday, April 26, 2021 11:47:02 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[Proposed_Division_44_Amendments_RAC5 & Recommendations April 26.docx](#)

Dear Cody & Kevin ... and colleagues Mary Kyle, Sara & Bob,

Attached as a Word document please find the collective recommendations of Mary Kyle, Sara, Bob and me for the Division 44 rules.

In general, as the collective Microsoft user "Recommendation," we are providing these with incremental track changes to the Word document you used for RAC Meeting #5 of the following kinds:

- Major recommendations, for example a recommended new 0300 for a Statewide Metropolitan Progress Report.
- Minor recommendations, for example, suggesting a rewording of the purpose, additional defined terms, or slightly expanded detail on the contents of a scenario plan.
- Minor corrections, for example, in 0040(4)(a) the reference should not be to 0025 but rather to 0020.
- Minor rewording for consistency, for example, always "land use and transportation" rather than "transportation and land use."
- Minor changes to punctuation for consistency, for example, the penultimate item in a list should end simply with "; and" absent a final comma.
- Spelling out acronyms, for example, "Executive Order," "greenhouse gas," and "Oregon Department of Transportation."
- Making explicit some changes from the rules currently in force that were not called out to the RAC — these are assigned to Microsoft user "Author 2" so that you can see that these are changes you are already recommending.
- Applying consistent indentation and formatting to improve readability — these are made tacitly with track changes turned off.
- A few comments either to explain our thinking or in a couple cases to call attention to sections where we have questions or believe additional work is needed.

Especially as the total number of suggested changes is quite large, our hope is that you can take what we are offering as the starting point for follow up work, **accepting or rejecting each of our recommendations as you wish** but then adopting the result as your own.

Note that we recently suggested reordering and renumbering rules into a more logical order. But here as you can see, we backtracked on that thought, as we recognized that renumbering especially existing rules risks breaking all kinds of internal and external legal references and is something that should not be undertaken lightly. In general, we are now well versed with and appreciate the general outline of the rules you are recommending and look forward to being part of the larger discussion to refine this framework into a final recommendation to LCDC.

We still have some issues that we have not fully addressed in the attached recommendations, in particular, around performance measures and reporting.

In general, we look forward to a follow up face-to-face (Zoom) discussion with you at your convenience.

On behalf of Mary Kyle, Sara and Bob,
Rob

--

Rob Zako (*he/him/his*)
Executive Director
Better Eugene-Springfield Transportation (BEST)
PO Box 773, Eugene, OR 97440
541-343-5201 (home office)
541-606-0931 (mobile)
rob@best-oregon.org
www.best-oregon.org
facebook.com/BetterEugeneSpringfieldTransportation

BEST is building a successful community by bringing people together to promote transportation options, safe streets, and walkable neighborhoods.



On Mon, Apr 26, 2021 at 11:09 AM Young, Kevin <kevin.young@state.or.us> wrote:

Thanks for the heads up, Mary Kyle. No worries on the timing. We look forward to your input!

Kevin Young, AICP

Senior Urban Planner | Community Services Division | Cell: 503-602-0238



Pronouns: He/Him

kevin.young@state.or.us | www.oregon.gov/LCD

DLCD is moving to cell phones and replacing our land lines. Please update your records to ensure you can reach me in the future at 503-602-0238.

From: Mary Kyle McCurdy [mailto:mkm@friends.org]

Sent: Monday, April 26, 2021 10:49 AM

To: Meyer, Cody <cmeyer@dlcd.state.or.us>; Young, Kevin <kyoung@dlcd.state.or.us>

Cc: Sara Wright <saraw@oeconline.org>; Rob Zako <rob@best-oregon.org>; Bob CORTRIGHT <cort23@comcast.net>; Mary Kyle McCurdy <mkm@friends.org>

Subject: Div 44 recommended edits

Hi Cody and Kevin -

You will be receiving a little later this morning the recommended edits to Division 44 from me and Sara Wright of OEC (my RAC alternate) and that also reflect our collaboration with the organizations and individuals whose perspectives and expertise we represent on the RAC. In particular, we worked closely with Rob Zako, the director of Better Eugene-Springfield Transportation (BEST), who has also held many positions as a transportation planning expert, including with 1000 Friends, DLCD, and the U of Oregon.

Rob will be sending you directly our recommended edits, because he took on the technical role of putting them all into one consistent document (we went from DLCD's Word document to a Google document in which we all worked and then converted it back to Word) for DLCD).

Thank you for your patience.

Mary Kyle

Mary Kyle McCurdy

Deputy Director

Pronouns: she/her

[1000 Friends of Oregon](#)

503.497.1000 x130



Division 44 – Metropolitan ~~Greenhouse Gas Reduction Targets~~ Scenario Planning

Commented [R1]: As the *purpose* of Division 44 now goes way beyond targets and is much more about scenario planning, the *title* should change, too.

0000 Purpose

- (1) ~~Consistent with EO 20-04 and the charge from the Land Conservation and Development Commission, the changes in this~~ This division implements ~~the directive from Executive Order 20-04 to reduce transportation -related greenhouse gas emissions, through~~ Oregon ~~Land Use~~Statewide Planning Goal 12 (Transportation ~~Planning~~), in ~~conformity with~~and the state goal ORS 468A.205 ~~to reduce greenhouse gas emissions~~. The purpose of this division is to significantly reduce ~~as rapidly as possible transportation-related~~ 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.~~
- (2) ~~Specifically this~~This division requires cities, counties, and Metro to make changes to ~~transportation and land use and transportation~~ plans to significantly reduce pollution from light vehicles ~~to meet the regional greenhouse gas reduction targets in OAR 660-044-0020 and -0025~~. 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~~areas to work together to prepare ~~and adopt~~ a preferred land use and transportation scenario that describes a future set of ~~aspirational~~transportation facilities and ~~alternative~~future land use patterns that will ~~be reasonably likely to~~ reduce greenhouse gas pollution from light vehicles. ~~to achieve the region's greenhouse gas reduction target~~. This division requires the cities and counties within a metropolitan area to prepare ~~and adopt~~ 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~~and 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 ~~land use and transportation~~and ~~land use~~ plans.

This is a new purpose statement to entirely replace the existing purpose statement.

Commented [R2]: Consistently put land use before transportation.

[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, and OAR 660-012-0005 apply. In addition, the following definitions shall apply:

(#) “Climate Friendly Area” means land uses designated under OAR 660-012-XXXX, and includes compact, walkable mixed-use neighborhoods, areas within ¼ mile walking distance of frequent transit network stops, transit-oriented developments (TODs) pedestrian districts, multimodal mixed-use areas (MMAs) and other areas where VMT is 20 percent below the regional average.

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;

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.

(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.

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

(#) “Frequent Transit Network” ...

(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 provided in a state-approved emissions reporting method protocol.

(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;

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.

Commented [R3]: A definition is needed.

- (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.

- (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 scenario” or “Preferred land use and transportation scenario” means a generalized aspirational 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 and 660-044-0025 as provided in OAR 660-044-0040 and 660-044-0110.

Note the distinctions between the terms “preferred scenario,” “scenario plan,” “scenario planning,” and “(scenario planning) work program.” In all case, the modifier “land use and transportation” is implied.

Commented [R4]: Added a new text box with a note calling attention to the distinctions between four related terms.

(#) “Priority bike improvements” means a list of planned improvements to facilitate travel by bicycle and similar - along a network of routes that the local governments determine are most important and effective to making bicycle travel safe and convenient for local trips for local residents.

(#) “Scenario plan” or “land use and transportation scenario plan” means a plan that includes a preferred scenario plus additional elements to implement the preferred scenario, to track progress, and to report on the planning process as provided in OAR 660-044-0110.

Commented [R5]: Add a definition for this key term.

~~(6#)~~ “Scenario planning” or “Land use and transportation scenario planning” means the preparation and evaluation by local governments of ~~two or more~~ alternative 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, is reasonably likely to achieve the region’s target reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area ~~and an increase in, and increases beneficial 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.

Commented [R6]: Scenario planning does not require the explicit evaluation of two or more scenarios but rather just general a consideration of alternatives and the selection of a preferred scenario.

(13) “Statewide Transportation Strategy” means the statewide strategy ~~accepted~~ 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.

~~(#)~~ “Work program” or “scenario planning work program” means a governance structure for regional cooperation, a scope of work, a community engagement plan, a funding estimate, and a schedule necessary to undertake scenario planning as provided in OAR 660-044-0110.

Commented [R7]: Add a definition for this key term.

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).

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

(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.

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.

(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;

This section is significantly changed from the January 2021 draft.

(B) Prepare a 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;~~

Commented [R8]: "or other date in the approved work program" deleted because it is too open-ended and does not reflect EO urgency.

(C) Adopt local amendments as provided in OAR 660-044-0130 by December 31, 2024.

(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 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, provided they demonstrate that the work complies with relevant provisions of this division.~~

(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).

(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:

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.

(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

Commented [R9]: "or other date in the approved work program" deleted because it is too open-ended and does not reflect EO urgency.

(d) Adopt local amendments as provided in OAR 660-044-0130 by June 30, 2026, ~~or other date in the approved work program.~~

Commented [R10]: "or other date in the approved work program" deleted because it is too open-ended and does not reflect EO urgency.

(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.

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

- (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-~~01100100~~.
- (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 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 a 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 ~~land use and 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 update 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.
 - (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.

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~~.]

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 for the years 2040 and beyond ~~through 2050~~ are:

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

- (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.

[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 ~~if~~ 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 DLCD ~~the Oregon Department of Transportation and the department~~. 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~~ 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.
- (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;

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.

Commented [R11]: Reconcile elements of a preferred scenario in 0040(3), (5) for Portland and elements of a scenario plan in 0110 for other areas.

- (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 ~~the regional framework~~ a local Transportation Systems Plan, or comprehensive plan, ~~Metro~~ 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. ~~Metro's~~ The findings shall demonstrate:

- (a) ~~Demonstrate Metro's process for cooperative selection of a preferred alternative meets the requirements in subsections (2)(a)-(i);~~

- ~~(b) Explain how~~ How the expected pattern of land use development, in combination with land use and transportation policies, programs, and 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~~ 00250020;

- ~~(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,~~

- ~~(b)~~ The How the preferred scenario advances equitable outcomes for historically marginalized communities; and

- ~~(d)~~ Explain how The 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, 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-greenhouse gas~~ 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.
- (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.

Extends commission review to amendment of the regional 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.
- (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.

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

0100 **Scenario Planning Work Programs**

As used in this division, a work ~~plan~~ program 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 ~~an~~ other mechanism. The governance structure must describe how the entity or entities will make

*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.*

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 and ordinances to implement~~ 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~~ a preferred scenario and for each city and county to adopt local amendments to implement the ~~selected~~ preferred scenario. The funding estimate must include a schedule of requested amounts in current and future budget periods.
- (5) A schedule: The work ~~plan~~ program 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.

0110 ~~Land Use and Transportation~~ Scenario Plan Contents

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

- (1) A horizon year at least 20 years in the future.
- (2) Lists and maps of transportation projects necessary to achieve the Statewide Transportation Strategy benchmarks, including:
 - (a) Assessment of transportation projects and programs to meet the needs of historically marginalized communities;
 - (b) A frequent transit network and planned improvements;
 - (c) Priority bikeway network and planned improvements; and
 - (d) Pedestrian improvements in climate friendly areas.
- (#) A financial plan for transportation projects in (2) that identifies:
 - (a) Projects included in the metropolitan areas financially-constrained regional transportation plan;
 - (b) Projects reasonably likely to be funded through the horizon year; and
 - (c) Projects that would require 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.

- (dA) General estimates of the amount of additional funding required; and
 - (eB) Potential sources of additional funding.
- (3) Projections of land uses at the horizon year that allocate metropolitan population (or households) and employment to transportation analysis zones or similar geographic scale, including:
- (a) Assessment of housing needs of historically marginalized communities and how they will be met;
 - (b) Residential densities and locations;
 - (c) Employment densities and locations;
 - (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~~An implementation plan that identifies changes to local plans and development regulations ~~to identify any changes~~ needed to enable development of the projected land uses, including:
- (a) Comparison of zoning maps with projected residential densities and locations needed to meet the greenhouse gas reduction targets;
 - (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. This shall include findings that explain:
- (a) How the expected pattern of land use development in combination with land use and transportation policies and programs set forth in the preferred scenario will result in levels of greenhouse gas emissions that from light vehicle travel that achieve the targets; and
 - (b) How the local implementation plan is consistent with and adequate to carry out the preferred scenario.
- (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

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

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

Commented [R12]: This is not a "land use," but rather an input to the land use and transportation planning, and so belongs elsewhere.

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- (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.

(#) A work program, including a schedule, for the actions each local government will take to meet the horizon year outcomes identified in (2), (3) and (4) above to meet the Statewide Transportation Strategy benchmarks.

Commented [R13]: This provision for a work program should be reconciled with that in 0100.

- (7) Methodologies for performance measures that cities and counties will use to report on implementation of the preferred ~~land use and transportation~~ scenario, including:

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

- (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;
 - (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~~

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 DLCDC Director will approve it. If there are unresolved questions, the process goes to the commission for a public hearing and decision.

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director.

~~transportation~~ scenario plan to the

- (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 ~~1421~~ days of the notice.

- (c) Review the submittal for compliance with the rules within this division and determine whether the preferred scenario can reasonably be expected to achieve greenhouse gas emission reductions as set forth in the targets and whether the local implementation plan is consistent with and adequate to carry out relevant portions of the scenario plan and either:
 - (A) Issue an order approving the submittal, with responses to any objections submitted; or
 - (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 on 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.

Commented [R14]: This is not an intuitive, public friendly time frame. How about something like an appeal being due within 30 days after director's approval is posted?

0130 Local Amendments to Implement Approved ~~Land use and Transportation~~ Scenario Plan

(1) Local

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.

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.

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 and are adequate to carry out the preferred scenario and local implementation 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 and shall adopt findings demonstrating how such amendments are consistent with the approved scenario plan.

0140 Reporting and Corrective Actions

(1) Cities and counties must submit a progress reports for each reporting year plan.

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.

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.

specified in an approved scenario

(2) Cities and counties must submit within ~~six months~~one month 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.

(#) On the same day the local government(s) submits the progress report required in section (1), it shall post the report on its website.

(#) With ten days of the receipt of the progress report under section (1), the Department must provide notice to persons described under ORS 197.615(3) and to any other persons requesting notice. The notice shall state:

- (a) How and where the progress report may be obtained; and
- (b) That comments on the progress report(s) may be submitted to the Department within 45 days after the Department has received the report.

(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 O110(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.
- (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 **of** 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.

*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.*

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 necessary to achieve the Statewide Transportation Strategy benchmarks, including:
 - (a) Residential densities and locations; ~~and~~
 - (b) Employment densities and locations;
 - (c) Compact, mixed-use areas;
 - (d) Urban design that supports walking and bicycling;
 - (e) Parking requirements;
 - (f) Road network; and
 - (#) A work program, with a schedule, for the actions each local government will take to achieve the horizon year outcomes identified in (3) to meet the Statewide Transportation Strategy benchmarks.

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.

Commented [R15]: This provision for a work program should be reconciled with that in 0100.

- (4) Data from the implementation of adopted local and regional transportation and land use and transportation 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.

0300 Statewide Metropolitan Progress Report

- (1) **Purpose.** The Department of Land Conservation and Development shall prepare a Statewide Metropolitan Progress Report in order to:
- (a) Monitor and adjust state and metropolitan efforts to implement elements of the Statewide Transportation Strategy applicable to metropolitan areas; and
 - (b) Monitor progress meeting greenhouse gas reduction targets and advancing equitable outcomes.

*This is a **new rule** that describes the contents of a biennial statewide report on progress implementing elements of the STS applicable to metropolitan areas. The provisions of this new rule could be combined with those in 0060, 0140, 0200, and 0210.*

This rule has been added after the March 2021 draft.

- (2) **Schedule.** A report shall be prepared every two years on a timeline that allows its findings to be incorporated into the report submitted by the Oregon Global Warming Commission to the Legislative Assembly pursuant to ORS 468A.260. The first Report shall be prepared in 2022.
- (3) **Standardization.** The report to the Oregon Global Warming Commission shall be standardized to permit valid comparisons between metropolitan areas and over time.
- (4) **Expenditures.** The report shall summarize by strategy the public expenditures on transportation within each metropolitan area.
- (5) **Efforts.** The report shall provide information on the efforts each metropolitan area planned to make, if any, compared to the efforts it actually did make to reduce greenhouse gas emissions and advance equitable outcomes. The report shall address strategies in the Statewide Transportation Strategy applicable to metropolitan areas, including:

- (a) Compact, Mixed-Use Development: Provide information on efforts to promote compact, mixed-use development to reduce travel distances, facilitate use of zero- or low-energy modes (e.g., bicycling and walking) and transit, and enhance transportation options. For example, provide information on:

 - (A) Percentage of acres zoned for compact, mixed-use development.
 - (B) Percentage of new residences planned to occur over the next 20 years in compact, mixed-use development.
 - (C) Percentage of new jobs planned to occur over the next 20 years in compact, mixed-use development.
- (b) Urban Growth Boundaries: Provide information on efforts to create full-service healthy urban areas to accommodate most expected population growth within existing Urban Growth Boundaries (UGB) through infill and redevelopment. For example, provide information on:

 - (A) Total number acres within the urban growth boundary, per capita.
- (c) Intracity Transit Growth and Improvements: Provide information on efforts to invest in public transportation infrastructure and operations to provide more transportation options and help reduce single-occupancy vehicle travel. For example, the report may provide information on:

 - (A) Number of daily transit service hours.
 - (B) Number of jobs accessible within ½ mile (by foot) of a frequent transit corridor.
 - (C) Number of jobs accessible to an average resident via transit within standard time periods, door-to-door.
- (d) Bicycle and Pedestrian Network Growth: Provide information on efforts to encourage local trips, totaling twenty miles or less round-trip, to shift from single-occupant vehicle (SOV) to bicycling, walking, or other zero-emission modes. For example, the report may provide information on:

 - (A) Percentage of roadway miles in mixed use areas and along the frequent transit network that have sidewalks up to minimum urban standards,
 - (B) Percentage of routes on the priority bikeway network have bike lanes or other planned improvements.
- (e) Transportation Options Incentives : Provide information on efforts to support and implement technologies and programs that manage demand and make it easier for people to choose transportation options, when possible quantified, for example, by the number of employees who have access to programs that provide economic incentives for the use of alternative modes that are equal to the value of free parking .
- (f) Carsharing: Provide information on efforts to enhance the availability of carsharing (short-term self-service vehicle rental and/or peer-to-peer) programs to reduce the

need for households to own multiple vehicles and to reduce household vehicle miles traveled.

(g) Road System Growth: Provide information on efforts to design road expansions to be consistent with the objectives for reducing future greenhouse gas emissions by light duty vehicles. For example, provide information on:

(A) The number of new lane miles added, by functional classification.

(h) Parking Management: Provide information on efforts to promote better management and use of parking in urban areas to support compact, mixed-use development and use of other modes, including transit, walking and bicycling. For example, the report may provide information on:

(A) Parking requirements for new residential, commercial and industrial development.

(B) An estimate of the number of parking spaces available, especially for employment and other major destinations, per capita.

(C) The typical charge to use a parking space.

(i) Funding Sources: Provide information on efforts to move to a more sustainable funding source that covers the revenue needed to maintain and operate the transportation system and accounts for the true cost of travel.

(j) More Efficient, Lower-Emission Vehicles and Engines: Provide information on efforts to support transitioning to lower emission and fuel-efficient vehicles, enhanced engine technologies, and efficient vehicle designs.

(k) Cleaner Fuels: Provide information on efforts to support the development and use of cleaner fuels, including reduction of the carbon intensity of fuels.

(l) Other: Provide information on other efforts to implement the Statewide Transportation Strategy or otherwise that metropolitan areas are undertaking to reduce greenhouse gas emissions from light vehicles.

(6) Results. The Report shall provide information for each metropolitan area on the results of such efforts, including:

(a) Greenhouse Gas Emissions: Annual or daily greenhouse gas emissions from travel in light vehicles, both total and per capita.

(b) Vehicle Miles of Travel: Annual or daily vehicle miles of travel in light vehicles, both total and per capita.

(c) Mode Share: The percentage of trips taken using each mode of travel.

(d) Light Vehicle Ownership: The number of light vehicles owned, per capita.

(e) Development:

(A) The percentage of new residences occurring within ½ mile (by foot) of a frequent transit corridor or climate friendly area; and

- (B) Commercial Development: The percentage of new jobs or commercial activity occurring within ½ mile (by foot) of a frequent transit corridor or climate friendly area.
- (f) Equitable Outcomes, including how the costs and benefits of efforts and results are distributed across various segments of the population.
- (g) Other: Any other measures of the results of efforts by metropolitan areas, for example, on the choices made by residents or businesses.
- (7) **Conformance.** The Report shall assess the conformance of each metropolitan area with the Statewide Transportation Strategy, looking at the extent to which actual efforts over the last two years as well as adopted plans for the future reflect a metropolitan area substantially doing its part.
- (8) **Analysis and Recommendations.** The Report shall identify barriers to progress and recommend additional state, regional and local actions to keep metropolitan areas and the State of Oregon on track for meeting greenhouse gas reduction targets and advancing equitable outcomes.
- (9) **Contributors.** The Oregon Department of Transportation, other state agencies, metropolitan planning organizations, local governments within metropolitan areas, and transit agencies serving metropolitan areas shall provide information to and assist the Department prepare the Report.

From: [Caudel, Ingrid](mailto:Caudel.Ingrid)
To: [Caudel, Ingrid](mailto:Caudel.Ingrid)
Subject: FW: Metro Division 44 comments
Date: Tuesday, May 4, 2021 1:36:22 PM

From: Kim Ellis [<mailto:Kim.Ellis@oregonmetro.gov>]
Sent: Monday, May 3, 2021 9:39 PM
To: Meyer, Cody <cmeyer@dlcd.state.or.us>; Holmstrom, Bill <wholmstrom@dlcd.state.or.us>; Crall, Matthew <mcrall@dlcd.state.or.us>
Cc: Greene, Kirstin <kgreene@dlcd.state.or.us>; Margi Bradway <Margi.Bradway@oregonmetro.gov>; Tom Kloster <Tom.Kloster@oregonmetro.gov>; Roger Alfred <Roger.Alfred@oregonmetro.gov>; Manvel, Evan <emanvel@dlcd.state.or.us>
Subject: Metro Division 44 comments

Hi-

Thank you for the opportunity to resubmit our previous comments on Division 44. Overall, Metro appreciates the critical role the Land Conservation and Development Commission (LCDC) plays in reducing greenhouse gas emissions and implementing Executive Order 20-04, and is supportive of DLCD's efforts to integrate equitable outcomes throughout the Climate-Friendly and Equitable Communities rulemaking effort.

As we noted at last week's staff coordination meeting, we appreciate that many of our previous comments have been incorporated in the Proposed Amendments to Division 44 presented to the RAC a meeting #5. We also appreciate the inclusion of notes throughout the draft rule to clarify that the focus for the Portland metropolitan area is two-fold: (1) requirements related to when the region's adopted preferred land use and transportation scenario is amended through existing planning processes and (2) requirements related to ongoing monitoring and reporting on implementation of our adopted preferred land use and transportation scenario through existing planning processes.

However, Section 0040 and other sections retain language that suggests the Portland area will redo required land use and transportation scenario planning that was completed and approved by LCDC in 2015. As we previously commented, DLCD should look for opportunities to consolidate the various sections that apply to the Portland region, particularly Sections 0040, 0045, 0055, 0050 and 0060.

Here are specific comments by section) (in ~~strike through~~ and **bold underscore**):

- **Section 0005(6)** - Add the word "equitable" so it reads, "...and an increase in **equitable** outcomes for historically marginalized community members."
- **Section 0020(1)** – Delete "develops." This work is complete and Metro is now in ongoing implementation and monitoring.

- **Section 0030(2)(b)** – Recommend fleet and technology assumptions also be coordinated with/agreed to by DEQ given that DEQ is responsible for the clean fuels program.. The proposed amendments only highlight DLCD and ODOT.
- **Section 0035(1)** – It is our understanding that LCDC will not review the GHG reduction targets. Therefore, should the June 1, 2021 reference be deleted?
- **Section 0035(2)(a)** – Revise to read as follows “Results of land use and transportation scenario planning conducted within metropolitan ~~planning~~ areas to reduce greenhouse gas emissions...” “Metropolitan planning areas” is a federal term connected to Metropolitan Planning Organizations.
- **Section 0035(2)(f)** – See comment on 0035(2)(a).
- **Section 0035(2)(h)** – Revise to read as follows “Input from affected local **and regional** governments and metropolitan planning organizations;” Metro is a regional government (and MPO).
- **Section 0040** – Many of the details retained in Section 0040 are no longer relevant given that we completed development and selection of a preferred land use and transportation scenario in 2014 and received approval by LCDC in 2015. We previously recommended this section be deleted and that Section 0060 identify any requirements regarding what must be considered and/or included as part of amendments to our adopted preferred land use and transportation scenario, and expectations for local governments when updating or amending their local TSPs and comprehensive plans to ensure these plans are consistent.
- **If Section 0040 is retained**, please consider these revisions:
 - **Section 0040(2)** - Remove the words “preparing and selecting” As noted, Metro prepared and selected a preferred land use and transportation scenario in 2014 that was approved by LCDC in 2015.
 - **Section 0040(2)** - Revise to read “**Amendments to** the preferred land use and transportation scenario shall include:”
 - **Section 0040(2)(f-g)** - other language that suggests Metro will conduct scenario planning again to the meet the GHG targets should be addressed.
 - **Section 0040(4)** - This section previously applied to the Regional Framework Plan, not local TSPs or comprehensive plans. We recommend the reference to the Regional Framework Plan (RFP) be retained to direct what findings should be addressed when amending the RFP/adopted preferred land use and transportation scenario.
 - **Add new subsection** related to local TSPs and comprehensive plans findings should be added to address findings DLCD would like addressed to determine consistency with adopted regional preferred land use and transportation scenario. The current draft language suggests local governments in the Portland area will adopt a preferred land use and transportation scenario.

- **Section 0040(5)(a-b)** - Remove these subsections – As noted, Metro has already prepared and selected a preferred land use and transportation scenario, identified evaluation criteria that are included in the RTP, adopted performance measures in the Regional Framework Plan, adopted performance measures and targets in the Climate Smart Strategy and reported on adopted measures and targets in Appendix J to the Regional Transportation Plan. These elements were approved by LCDC in 2015
- **Section 0045** – Update to focus on amendments to our adopted land use and transportation scenario, “(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...”
- **Section 0055(2)** – Update to focus on amendments to our adopted land use and transportation scenario, “Beginning one year from Metro’s adoption or amendment of ~~a~~ **the preferred** scenario, local governments in the Portland metropolitan area shall, in updating or 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 update or amendment is consistent with the preferred land use and transportation scenario.
- **Section 0060** – Add a new #3 that states “**When updating the preferred land use and transportation scenario, Metro shall amend the regional framework plan and functional plans as needed to ensure continued compliance with the requirements of this division.**” This could help address some of our previous comments.
- **Section 0130(2)** – Clarify who has the authority to determine if amendments to a comprehensive plan, land use regulation, or transportation system plan are consistent with the approved “regional” land use and transportation scenario plan.

Thank you again for your significant efforts to update Division 44 and the Transportation Planning Rule to create climate-friendly and equitable communities. Metro remains committed to supporting this important work. We look forward to continuing to work with staff and the Commission to implement Executive Order 20-04, and wanted to share these previous comments for your consideration. We are here to help in whatever way we can.

Thank you,
Kim Ellis

—

Kim Ellis, AICP | Metro | Principal Transportation Planner

My gender pronouns: [she/her/hers](#) | Schedule: 8:00 a.m. to 5:00 p.m. Monday to Friday