

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 11



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members

FROM: Bill Holmstrom, DLCD Rulemaking Lead Staff
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SUBJECT: **RAC 11 Item 10: Proposed Amendments to Division 44**

DATE: January 11, 2022

Summary of Proposed Changes:

This draft has change very little since staff last released draft rules for Metropolitan Scenario Planning (Division 44) in the December RAC 10 packet. Updates include updates to the methods to demonstrate compliance with the targets that clarifies the use vehicle miles traveled to align with the planning requirements in the Transportation Planning Rules (Division 12) rule 660-012-0160 and clarification of a list of regionally significant projects needed to meet the targets in the contents of a scenario plan.

We appreciate RAC members review and discussion of these proposed updates to Division 44. If members would like to propose specific revisions to the text, please let us know. We will provide a file in MS Word format so that members can use the track changes feature to propose updates directly. Please send an email to DLCD.CFEC@state.or.us if you would like to comment in this way.

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

0000 Purpose

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

- (1) This division implements Oregon Land Use Planning Goal 12 (Transportation), and the state goal in ORS 468A.205 to reduce greenhouse gas emissions. The purpose of this division is to significantly, and as rapidly as possible, reduce climate pollutants that are causing increasing climate disruption. 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) This division requires cities, counties, and Metro to change transportation and land use plans to significantly reduce pollution from light vehicles. This division places specific requirements on Metro in recognition of its unique status in the Portland region. This division also requires cities and counties within other metropolitan regions to work together to prepare a preferred land use and transportation scenario that describes a future set of aspirational transportation facilities, alternative future land use patterns, and policies that will reduce greenhouse gas pollution from light vehicles. This division requires the cities and counties within a metropolitan area to prepare a transportation and land use scenario plan that will define and implement a preferred scenario, identifies performance measures for tracking progress, and works to not only avoid or mitigate any impacts to underserved populations, but to improve outcomes for these communities over time.
- (3) It is the purpose of this division to reduce inequities for underserved populations. The land use and transportation scenario planning process and the local implementation process must prioritize underserved populations so that the actions that reduce pollution also reduce the historic inequities from prior transportation and land use plans.

0005 Definitions

Major additions to the definitions include the RAC's Equitable Outcomes to help operationalize the statement in this division.

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

- (#) "Climate Friendly Area" means land uses designated under OAR 660-012-0005(6).
- (#) "Community-based conversations" means accessible and inclusive community meetings held for areas with above-average concentrations of underserved community members.
- (1) "Design type" means the conceptual areas described in the Metro Growth Concept text and map in the Metro 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 underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments;

- (b) More accessible, safe, affordable and equitable transportation choices with better connectivity to destinations people want to reach (e.g. education, jobs, services, shopping, places of worship, parks and open spaces, and community centers);
- (c) Adequate housing with access to employment, education, and fresh food, goods, services, recreational and cultural opportunities, and social spaces;
- (d) Increased safety for people in public spaces, transportation and community development;
- (e) Equitable access to parks, nature, open spaces and public spaces;
- (f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;
- (g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved 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).

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

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

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

(6) “Land use and transportation scenario planning” means the preparation and evaluation by local governments of two or more land use and transportation scenarios and the cooperative selection of a preferred land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area and an increase in equitable outcomes for underserved community members. Land use and transportation scenario planning may include

preparation and evaluation of alternative scenarios that do not meet targets specified in this division.

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

(8) "Metro" means the metropolitan service district organized for the Portland metropolitan area under ORS chapter 268.

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

(10) "Metropolitan planning organization" means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 USC § 5303(c). The Longview-Kelso-Rainier metropolitan planning organization and the Walla Walla Valley metropolitan planning organization are not metropolitan planning organizations for the purposes of this division.

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

(12) "Preferred land use and transportation scenario" means a plan for a metropolitan area that achieves the targets for reducing greenhouse gas emissions set forth in OAR 660-044-0020 and 660-0440-0025 as provided in OAR 660-044-0040 and 660-044-0110.

(#) "Underserved Populations" means the same as provided in OAR 660-012-0120 (2).

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

0015 Applicability – Compliance Schedule

*This is a **new rule** that expands the scenario planning requirements to cities and counties beyond the Portland metropolitan area. The rule provides compliance dates for the cities and counties in the Eugene-Springfield metropolitan area that conducted regional scenario planning in 2011-2015 to adopt and implement that work. The [preferred scenario](#) which resulted from that work will be used as the foundation for meeting the new requirements in this section.*

This rule also provides compliance dates in the Salem-Keizer metropolitan area that has not yet undertaken scenario planning as described in this division.

This section allows for other regions to voluntarily opt into the regional scenario planning program and provides a process for how the commission could require scenario planning in the Albany, Bend, Corvallis, Grants Pass, and Rogue Valley metropolitan areas in the future.

- (1) OAR 660-044-0000 through OAR 660-044-0020, OAR 660-044-030, and OAR 660-044-0040 through OAR 660-044-0060 of this division apply to Metro. OAR 660-044-0055 applies to the cities and counties within Metro.
- (2) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Central Lane Metropolitan Planning Organization as provided in subsections (a) and (b).
 - (a) These cities and counties must:
 - (A) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department for review under section (4) by December 31, 2022;
 - (B) Prepare a land use and transportation scenario plan based provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by December 31, 2023 or another date in the approved work program;
 - (C) Adopt local amendments as provided in OAR 660-044-0130 by December 31, 2024, or other date in the approved work program.
 - (b) These cities and counties may use the preferred scenario submitted to the commission and legislature in 2015 as required by Oregon Laws 2010, Chapter 865, as the basis for the land use and transportation scenario plan. If these cities and counties use the preferred scenario from 2015, then they:
 - (A) Are neither required to redo the prior work that produced the preferred scenario, nor comply with requirements of OAR 660-044-0110 specific to the preferred scenario.
 - (B) 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(3) and 660-044-0110(7) through (10).
- (3) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Salem-Keizer Area Transportation Study. These cities and counties must:

- (a) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department by June 30, 2023;
 - (b) Submit an assessment of how close the adopted local plans would come to achieving the regional performance targets from the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission 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 another date in the approved work program; and
 - (d) Adopt local amendments as provided in OAR 660-044-0130 by June 30, 2026, or another date in the approved work program.
- (4) Cities and counties may request, and the director or commission may approve, applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to the cities and counties within a metropolitan area and establishing compliance schedule under the following procedures.
- (a) Cities and counties within a metropolitan area may jointly submit a proposed work program or resubmit a revised work program as provided in OAR 660-044-0100.
 - (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 OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to cities and counties within a metropolitan area and establishing compliance deadlines using the procedures below.
- (a) The department will provide the cities and counties a draft order with compliance schedule prior to a commission hearing.
 - (b) The commission will hold a hearing and consider any revised or alternate order proposed by cities or counties, and any public testimony.
 - (c) When considering whether to issue an order, the commission shall consider the following factors using the best available data:
 - (A) Greenhouse gas emissions including actual measurements, model estimates, recent trends, and future projections under current adopted plans;
 - (B) Local transportation and land use actions that influence greenhouse gas emissions and more equitable outcomes, including adopted plans, recent actions by cities and counties, and development trends;
 - (C) Population growth including recent trends and future projections;
 - (D) Presence or absence of regional cooperation on greenhouse gas emissions reduction;
 - (E) Vehicles miles travelled per capita by residents of the metropolitan area, including actual measurements, model estimates, recent trends, and future projections under current adopted plans; and

(F) State and local funding available for scenario planning.

0020 Greenhouse Gas Emissions Reduction Target for the Portland Metropolitan Area

Minor amendment to an existing rule extending horizon year to incorporate any planning work that goes beyond 2050.

(1) Metro shall use the greenhouse gas emissions reduction targets in this rule as it develops, reviews, and updates a land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area 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 year 2040 and beyond 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.

0025 Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas

This is an existing rule with a change that makes the targets mandatory. Minor amendment extends horizon year to incorporate any planning work that goes beyond 2050.

(1) Purpose and effect of targets

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

(2) Targets by year are:

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

0030 Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions

This is an existing rule that provides the methods by which local governments apply the greenhouse gas targets to the scenario planning process.

New rule has been added that clarifies the use vehicle miles traveled to align with the planning requirements in the Transportation Planning Rules (Division 12) rule 660-012-0160.

(1) Applicability: When local governments within a metropolitan area are conducting land use and transportation 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) Vehicle Miles Traveled: The greenhouse gas emissions reduction targets as provided in OAR 660-044-00250 and 660-044-0025 are the ratio of future year to base year vehicle miles traveled per capita after controlling for the effects of state and federal policies on vehicles, fuels, and pricing.

(3) Projected Emission Rates: Projections of greenhouse gas emissions must use emission rates that reflect implementation of the State Actions in the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission. Metropolitan area greenhouse gas target modeling efforts must have modeled emission rates agreed to by the Oregon Department of Transportation and the department to ensure this compliance.

(a) Greenhouse gas emissions targets may differ from the targets provided in OAR 660-044-00250 and 660-044-0025 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 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.

(4) Actions in the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission: Projections of greenhouse gas emissions may assume state actions specified in section (3) and may use the flexibility for local and regional actions described in subsection (a).

(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.

0035 Review and Evaluation of Greenhouse Gas Reduction Targets

This is an existing rule that provides for how the department review and evaluate the greenhouse gas targets in this division.

(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 and regional 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.

0040 Preferred Scenario in the Portland Metropolitan Area

This is an existing rule that provides guidance for Metro as they select a scenario. 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.

(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, selecting, or amending a preferred land use and transportation scenario Metro shall:

- (a) Consult with affected local governments, representatives of underserved populations, the Port of Portland, TriMet, and the Oregon Department of Transportation;
- (b) Consider adopted comprehensive plans and local aspirations for growth in developing and selecting a preferred land use and transportation scenario;
- (c) Use assumptions about population, housing and employment growth consistent with the coordinated population and employment projections for the metropolitan area for the planning period;
- (d) Use evaluation methods and analysis tools for estimating greenhouse gas emissions that are:
 - (A) Consistent with the provisions of this division;
 - (B) Reflect best available information and practices; and,
 - (C) Coordinated with the Oregon Department of Transportation.
- (e) Make assumptions about state and federal policies and programs expected to be in effect over the planning period, including the Statewide Transportation Strategy, in coordination with the responsible state agencies;
- (f) Evaluate a reference case scenario that reflects implementation of existing adopted comprehensive plans and transportation plans;
- (g) Evaluate at least two alternative land use and transportation scenarios for meeting greenhouse gas reduction targets and identify types of amendments to comprehensive plans and land use regulations likely to be necessary to implement each alternative scenario;

- (h) Develop and apply evaluation criteria that assess how alternative land use and transportation scenarios compare with the reference case in achieving important regional goals or outcomes;
- (i) Evaluate if the preferred scenario relies on new investments or funding sources to achieve the target, the feasibility of the investments or funding sources including:
 - (A) A general estimate of the amount of additional funding needed;
 - (B) Identification of potential/likely funding mechanisms for key actions, including local or regional funding mechanisms; and,
 - (C) Coordination of estimates of potential state and federal funding sources with relevant state agencies (*i.e.* the Oregon Department of Transportation for transportation funding); and,
 - (D) Consider effects of alternative scenarios on development and travel patterns in the surrounding area (*i.e.* whether proposed policies will cause change in development or increased light vehicle travel between metropolitan area and surrounding communities compared to reference case).

(3) The preferred land use and transportation scenario shall include:

- (a) A description of the land use and transportation growth concept providing for land use design types;
- (b) A concept map showing the land use design types;
- (c) Policies and strategies intended to achieve the target reductions in greenhouse gas emissions in OAR 660-044-0020;
- (d) Planning assumptions upon which the preferred scenario relies including:
 - (A) Assumptions about state and federal policies and programs;
 - (B) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0030;
 - (C) Assumptions or estimates of expected housing and employment growth by jurisdiction and land use design type; and
 - (D) Assumptions about proposed regional programs or actions other than those that set requirements for city and county comprehensive plans and land use regulations, such as investments and incentives;
- (e) Performance measures and targets to monitor and guide implementation of the preferred scenario. Performance measures and targets shall be related to key elements, actions and expected outcomes from the preferred scenario. The performance measures shall include performance measures adopted to meet requirements of OAR 660-012-0035(5); and
- (f) Recommendations for state or federal policies or actions to support the preferred scenario.

(4) When amending a local Transportation Systems Plan, or comprehensive plan, local governments shall adopt findings demonstrating that implementation of the preferred land use and transportation scenario meets the requirements of this division and can reasonably be

expected to achieve the greenhouse gas emission reductions as set forth in the target in OAR 660-044-0020. The findings shall demonstrate:

- (a) Explain how the expected pattern of land use development in combination with land use and transportation policies, programs, actions set forth in the preferred scenario will result in levels of greenhouse gas emissions from light vehicle travel that achieve the target in OAR 660-044-0020;
- (b) The preferred scenario advances equitable outcomes for underserved communities; and
- (c) 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 promoting equitable outcomes for underserved community members.

(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.

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

This is an existing rule that provides guidance for how the preferred scenario is implemented in the Metro region. Metro has moved beyond the adoption phase and is in the implementation phase.

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

(2) Functional plan amendments shall establish requirements, deadlines and compliance procedures for amendments to local comprehensive plans, transportation system plans and land use regulations as necessary to implement the framework plan amendments. The functional plan amendments shall require affected cities and counties to adopt implementing amendments to comprehensive plans and land use regulations within two years of acknowledgement of Metro's functional plan amendments or by a later date specified in the adopted functional plan.

(3) Functional plan amendments shall include requirements that local governments amend local comprehensive plans, transportation system plans and land use regulations to:

- (a) Use population, housing and employment allocations to specific areas and land use design types that are consistent with estimates in the framework plan including assumptions about densities, infill, and redevelopment;
- (b) Apply comprehensive plan designations and zoning districts that are consistent with land use design type, allowing uses and densities that are consistent with land use design type and limiting uses that would be incompatible with the design type specified in the preferred scenario; and,
- (c) Include other provisions needed to implement the amended framework plan.

(4) As part of its adoption of functional plan amendments under this rule, Metro shall adopt findings demonstrating that actions required by the functional plan amendments are consistent with and adequate to implement the relevant portions of the preferred land use and transportation scenario set forth in the adopted framework plan amendments. The findings shall demonstrate that assumptions or allocations of housing and employment growth to specific areas are consistent with the estimates or assumptions in the framework plan amendments. In the event Metro's allocations or assumptions vary from those upon which the framework plan amendments are based, Metro shall demonstrate that the revised assumptions or allocations, in combination with other measures adopted as part of the functional plan will meet the GHG reduction target in OAR 660-044-0020.

(5) Those portions of the preferred scenario in the framework plan that Metro chooses to implement by establishing requirements for city and county comprehensive plans and land use regulations shall be set forth in amendments to the functional plan. The amendments shall meet the following minimum planning standards:

- (a) For adoption of amendments to the regional framework plan, the Metro Council shall follow the process set forth in the Metro Charter;
- (b) For adoption of amendments to the functional plan, the Metro Council shall follow the process set forth in the Metro Charter for adoption of ordinances;
- (c) The Metro Council shall strive for flexibility when establishing new requirements for cities and counties, and shall consider offering optional compliance paths to cities and counties, such as adoption of a model ordinance developed by Metro;
- (d) Metro shall make new requirements for cities and counties included in the functional plan amendments adopted under this rule enforceable by Metro pursuant to ORS 268.390(6).

(6) When it adopts an updated regional transportation system plan required by OAR chapter 660, division 12, Metro shall demonstrate that the updated plan is consistent with framework plan amendments adopting a preferred scenario as provided in OAR 660-044-0040(3).

0050 Commission Review of Regional Plans in the Portland Metropolitan Area

This is an existing rule that provides guidance for commission review of the implementation or the preferred scenario in regional plans. The amendments extends commission review to amendment of the regional plan.

(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.

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

This is an existing rule that specifies a process for local governments in Metro to implement the preferred scenario.

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

(2) Beginning one year from Metro's adoption or amendment of 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, demonstrate that the proposed update or amendment is consistent with the preferred land use and transportation scenario.

0060 Monitoring and Reporting in the Portland Metropolitan Area

This is an existing rule that specifies a process for monitoring and reporting implementation of the preferred scenario in the Metro region.

(1) Metro shall 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.

0100 Scenario Planning Work Programs

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

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

- (1) A governance structure for regional cooperation: a proposed mechanism for regional cooperation. The governance structure may be an existing metropolitan planning organization, a new regional inter-governmental entity, an intergovernmental agreement for collaboration among local governments, or other mechanism. The governance structure must describe how the entity or entities will make decisions and complete tasks. The governance structure must, at a minimum, include cities and counties and describe how transit providers will be involved in the planning process.
- (2) A scope of work: A list of tasks to develop scenarios, analyze scenarios, select a preferred scenario, assemble a land use and transportation scenario plan, and amend local plans and ordinances consistent with the land use and transportation scenario plan.
- (3) A community engagement plan: A community engagement plan with a focus on outreach to and inclusion of underserved populations including community-based conversations.
- (4) A funding estimate: A general estimate of needs for state funding for regional entities to develop and select scenarios and for each city and county to adopt local amendments to implement the selected scenario. The funding estimate must include a schedule of requested amounts in current and future budget periods.
- (5) A schedule: The work plan must include the schedule for submitting the land use and transportation scenario plan and for adopting local amendments to implement the approved preferred land use and transportation scenario.
- (6) Cities and counties may submit a proposed work program to the department with alternative deadlines as those found in OAR 660-044-0015.
- (7) The department shall consult with the Oregon Department of Transportation to review the proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.
- (8) If the director refers a proposed work program to the commission under section (7), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program or remand the work program with required revisions.

0110 Land use and Transportation Scenario Plan Contents

*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. The rule specifies how cities and counties will report and monitor plan implementation, actions taken, and on equitable outcomes.*

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

- (1) A horizon year at least 20 years in the future.
- (2) An assessment of the housing and transportation needs of underserved populations;
- (3) Policies and strategies intended to achieve the target reductions in greenhouse gas emissions in OAR 660-044-025.
- (4) Planning assumptions used to develop the scenario including:
 - (a) Regionally significant projects reasonably likely to be funded through the horizon year;
 - (b) Regionally significant projects that would require additional funding;
 - (c) General estimates of the amount of additional funding required; and
 - (d) Potential sources of additional funding.
- (5) Projections of land uses at the horizon year including:
 - (a) Residential densities and locations;
 - (b) Employment densities and locations;
 - (c) Climate Friendly Areas as designated under OAR 660-012-0310 and 660-012-0315; and
 - (d) Total regional population consistent with forecasts under OAR 660-032-0020.
- (6) Analysis of local development regulations to identify any changes needed to enable development of the projected land uses, such as:
 - (a) Comparison of zoning maps with projected land use needed to meet the target;
 - (b) Parking requirements; and
 - (c) Electric vehicle charging requirements.
- (7) 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.
- (8) Assumptions used to project future greenhouse gas emissions including:
 - (a) Assumptions about state and federal policies and programs;
 - (b) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0030; and
 - (c) Assumptions about proposed regional programs or actions such as investments and incentives not already included in the list of transportation projects and projections of future land uses.
- (9) Performance measures and methodologies that cities and counties will use to report on implementation of the preferred land use and transportation scenario, including:
 - (a) Regional performance measures to determine whether outcomes are progressing to achieve the projected reductions in greenhouse gas emissions. The regional 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 implementation 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 underserved communities.
- (10) The performance measures in section (9) 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 underserved populations.
- (11) Report on community-based conversations and other efforts to solicit input from underserved communities.
- (12) An assessment of benefits and burdens of the scenario on underserved community members compared to the population as a whole.

0120 Commission Review of a Land Use and Transportation Scenario Plan

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

- (1) Cities and counties shall submit a land use and transportation scenario plan to the director.
- (2) Upon receipt of a land use and transportation scenario plan, the director shall determine whether the submittal is complete based on the applicable criteria in this division.
 - (a) If there is any missing information, the director must inform the cities and counties with sufficient specificity to allow the cities and counties to provide missing information.
 - (A) The cities and counties must supply additional information within 30 days of the director's notification. If the cities and counties do not supply additional information, the director shall review the original submission as provided in subsection (b).
 - (B) If the director does not send a notice of missing information within 30 days of submittal, the submittal shall be deemed complete.
 - (b) Upon completeness, the department shall:
 - (A) Post the complete land use and transportation scenario plan on the department's website; and
 - (B) Provide notice to persons described under ORS 197.615(3).

- (C) The notice provided shall describe;
 - (i) How and where the land use and transportation scenario plan may be freely obtained; and
 - (ii) That objections to the land use and transportation scenario plan may be submitted to the department within 14 days of the notice.
- (c) Review the submittal for compliance with this division 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 is deemed approved, and an order sent under section (3).
- (3) The director shall send an approval order to the cities and counties, post on a public website using the Internet or a similar electronic method, and provide a copy of the order to the commission at its next regular meeting. The approval order must include information on the process to appeal the director’s order as described in this rule.
- (4) A person who has filed an objection may appeal a director’s approval order to the commission. An appeal must be submitted within 30 days of the date of the commission meeting(s) at which the commission received the order. An appeal must clearly identify an alleged deficiency in the submittal based the requirements of this division.
- (5) The commission shall hold a hearing on a submittal referred by the director under section (2) or appealed under section (4).
 - (a) The commission will consider the contents of the land use and transportation scenario plan, the director’s staff report, testimony from cities or counties 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.

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

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

- (1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the land use and transportation scenario plan approved by an order under OAR 660-044-0120. “Consistent” for the purpose of this rule means city and county comprehensive plans and

implementing ordinances, on the whole, conform to the purposes of the performance standards in the approved land use and transportation scenario plan.

- (2) Cities and counties with an approved land use and transportation scenario plan under OAR 660-044-0120 may only adopt amendments to a comprehensive plan, land use regulation, or transportation system plan that are consistent with the approved land use and transportation scenario plan.