

COLUMBIA RIVER GORGE COMMISSION

**Chapter 350
Division 40**

Revision of Urban Area Boundaries

As amended through May 1, 2009

350-40-000. Purpose.

This division specifies the process of the Columbia River Gorge Commission (Commission) for considering minor revisions to the boundaries of any Urban Area.

350-40-010. Definitions.

The definitions in Chapter 350, Division 20, Section 002 shall apply to this division.

350-40-020. Authority.

(1) Consideration of requests to revise urban area boundaries is a discretionary action authorized by section 4(f) of the Act. The Act does not entitle a county, or any person or entity, to have the Commission review a request to revise any urban area boundary. The Commission may make "minor revisions" to the boundaries of an Urban Area [Scenic Area Act, Section 4(f)].

(2) Three procedural requirements are included in Section 4(f)(1) of the Scenic Area Act:

- (a) Requests to revise an Urban Area boundary are submitted to the Commission by a county government;
- (b) The Commission must consult the Secretary of Agriculture before revising an Urban Area boundary; and
- (c) Two-thirds of the Commission members, including a majority of the members appointed from each state, must approve a revision of an Urban Area boundary. In the event of recusal, the doctrine of necessity shall apply.

(3) Section 4(f)(2) of the Scenic Area Act allows the Commission to revise the boundaries of an Urban Area only if the following criteria are satisfied:

- (a) A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the Management Plan;
- (b) Revision of Urban Area boundaries is consistent with the standards established in Section 6 and the purposes of the Scenic Area Act;

- (c) Revision of Urban Area boundaries will result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and
- (d) Revision of Urban Area boundaries will not result in the significant reduction of agricultural lands, forest lands, or open spaces.

350-40-030. Application for Revision.

Applications to revise the boundaries of any Urban Area shall contain the following information:

- (1) A statement from the county sponsoring the Urban Area boundary revision, signed by the county commissioners.
- (2) A statement that the senior-elected or appointed official(s) of any affected municipality or special district were provided notice of the application.
- (3) A statement that explains why the proposed Urban Area boundary revision is needed. The statement shall describe the anticipated land uses that would occur in the affected area and demonstrates how the proposed revision complies with the criteria in the Scenic Area Act.
- (4) A map of the area proposed for revision to the existing Urban Area. The map shall be drawn to scale and shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. It shall include the following elements:
 - (a) North arrow;
 - (b) Map scale;
 - (c) Boundaries of all parcels within the subject area, with labels showing the name of each property owner and the size of each parcel;
 - (d) Current municipal zoning designations, where applicable;
 - (e) Significant terrain features or landforms;
 - (f) Bodies of water and watercourses;
 - (g) Existing roads and railroads;
 - (h) Existing dwellings and other structures; and
 - (i) Location of existing services, including water systems, sewage systems, and power and telephone lines.
- (5) For incorporated areas, a map of the current boundary of the municipality.

- (6) A map of adopted land use designations and zoning for the existing Urban Area.
- (7) For Oregon applications, a map of currently approved urban growth boundaries.
- (8) An analysis based on criteria in the Scenic Area Act. (For guidance see Urban Areas Boundary Revisions Handbook, Gorge Commission 1992).

350-40-040. Processing of Application.

Applications for revision of urban area boundaries shall be reviewed upon receipt and in the order in which they are received, except that the Commission may, as part of its work planning, set a limit on the number of urban area boundary revision applications it will process during the biennium and may set its limit at zero.

350-40-050. Submission and Acceptance of Application.

(1) A county government shall submit an application to revise the boundary of an Urban Area to the Commission office. Fifteen copies of each application are required after the Executive Director determines the application is complete. Only two copies of the large scale maps are required.

(2) Within ten (10) working days of receiving an application, the Director shall review the application for completeness and adequacy and notify the applicant in writing of any deficiencies.

(3) The Executive Director shall not accept an application as complete until all omissions and deficiencies noted by the Executive Director are corrected.

350-40-060. Notice of Application.

(1) Once the application is deemed complete, the Executive Director shall send public notice of the completed application to the U.S. Forest Service-National Scenic Area Office, States of Oregon and Washington, all four Indian tribal governments, the six Gorge county planning offices, appropriate city planning offices, and interested parties who have requested notice.

(2) The Executive Director shall publish notice of the application in local Gorge newspapers serving the National Scenic Area as well as a major newspaper in Portland and a major newspaper in Vancouver.

(3) The Executive Director shall make copies of the complete application available for inspection at the Commission office during normal office hours.

350-40-065. Public Comment.

(1) Interested persons shall have twenty (20) working days from the date the notice is posted to submit written comments to the Executive Director. Written comments should address

whether the proposed amendment is consistent with the purposes and standards of the Scenic Area Act, the criteria in Section 6(h) of the Scenic Area Act and this rule.

350-40-070. Report of the Executive Director.

Within thirty (30) working days following the end of the public comment period, the Executive Director will prepare a report, which may include recommendations. Upon application of the Executive Director, the Commission may extend the time for submission of the report. The report will analyze the proposed Urban Area boundary revision based on the criteria of the Scenic Area Act and this rule.

350-40-080. Hearings.

(1) The Commission will conduct a hearing on every application accepted as complete by the Director.

(2) The Commission shall provide 30 days notice of the hearing to interested parties and members of the public.

(3) The hearing shall take place as follows, noting the Chair may provide specific direction for the conduct of the hearing related to the time allowed for presentations and similar procedural issues:

- (a) The applicant is required to proceed first in the hearing and shall present the basis for the urban area boundary revision.
- (b) Federal, state, county, tribal and other government officials may participate through submission of oral or written comments.
- (c) Members of the public may participate through submission of oral or written comments.
- (d) After those who participate in the hearing on behalf of the government or the public are finished, the applicant shall have the opportunity to respond to the comments presented.
- (e) After all presentations are complete, the Chair shall invite the Commission to deliberate on the proposed urban area boundary revisions.
- (f) If the Commission makes no changes to the boundary revision proposal, the Commission may proceed to vote on the proposal.
- (g) If the only changes to the boundary revision proposal are for the purposes of clarification, the Commission may proceed to vote on whether to adopt the boundary revision after providing an opportunity for public comment during the hearing on any change.

- (h) If substantive changes, i.e. those not covered by subparagraph (g) immediately above, to the boundary revision are approved by the Commission during the hearing, the Commission shall:
 - (i) provide an opportunity for additional public comment during the hearing on the proposed changes, and then proceed to vote on whether to approve the boundary revision; or
 - (ii) continue the hearing to a new date to allow for adequate public notice of the content of the modifications and for further consideration of the issues. When the hearing is resumed, the Commission shall provide a reasonable opportunity for the applicant and members of the public to respond to the proposed modifications under review, and then proceed to vote on whether to approve the boundary revision.

350-40-090. Consultation.

In considering amendments to urban area boundaries, the Gorge Commission shall consult with the Forest Service, both states, the six Gorge counties, all four Indian tribal governments and agencies or organizations that have a specific interest.