

DRAFT

Meeting Notes
Rules Committee
Commission Office
February 18, 2009
3:00 p.m.

Committee Members Present: Judy Davis, Joyce Reinig, Jeff Condit, Walt Loehrke, Sara Grigsby.
Others present: Jill Arens, Jennifer Kaden, Brian Litt
Public present: Michael Lang, Gary Fish, Dave Berger, Chuck Covert, Lester Cochenour

Committee Chair Judy Davis called the meeting to order at 3 p.m.

The Committee approved the meeting notes from January 13, 2009.

Commissioner Davis led the committee and audience through two brainstorming exercises. First the Committee identified interests in urban area boundary rules. Second, the Committee identified characteristics of a good rule.

Identifying Interests in UA Boundary Rules:

- Think outside the box – identify needs
- Accommodating residential growth
- Livable, mixed-use neighborhoods
- Supporting cities as economic and population centers of the gorge
- Reconcile NSA Act w/Oregon rules for UGBs – consider one-time adjustments taking in areas that were planned for future growth at the time original boundaries drawn (instead of chipping away at revisions)
- Equity in UA boundaries between OR & WA; established differently in beginning
- Flexibility to take differing situations; esp. with regard to SNCRs protections
- Rule that can be applied consistently to different situations
- Regional context (for demonstrating need)
- Assuring protection of SNCRs
- Accounting for cumulative effects (including past UAB revisions)
- Consistency with the Act
- No net loss of NSA lands
- No net loss in terms of adverse effects to SNCRs
- Recognizing different economies of the gorge
- Avoid litigation

Characteristics of a Good Rule:

- Flexibility to account for different situations consistently
- Consistency with the Act
- Implements the Act
- Timeless – will last 50, 100 years
- Rule that requires thorough analysis
- Takes into account interrelationship of cities & gorge as a whole
- Provides clear direction to urban areas, counties
- Takes into account differences in OR & WA
- Provides definitions of terms
- Includes clear process, steps & timeline; clear procedural requirements for applicant & public
- Encourages infrequent, holistic revisions instead of piece-meal, single-purpose revisions

- Possibly consider defined cycles for reviewing UAB revisions

Next, the Committee discussed the prioritization of lands that may be considered for urbanization. The group discussed what was meant by “first, demonstrate the need cannot be met elsewhere.” This was interpreted to mean that the need cannot be met within the existing UA, in nearby urban areas, or outside the NSA. The Committee also directed staff to consider practicability of meeting a demonstrated need in nearby urban areas or outside the NSA. Using the brainstorm list created 1/13/09, the Committee narrowed the list by identifying items that are partially or mostly addressed by the 4(f) criteria and ruling out other items for various reasons. The refined list:

Revised Prioritization of Lands brainstorming:

First, demonstrate the need cannot be met inside the existing UA, in nearby urban areas, or outside the NSA.

Tier I (generally referring to lands to look at first for urbanization)

- Developed settings
- Low/no SNCR resources
- Existing urban services, infrastructure or ability to provide services
- Existing development – small parcels
- Land that is path to outside NSA - ?Tier I or II

Tier II (generally referring to lands to look at after Tier I lands)

- Path to outside NSA - ?Tier I or II
- Lower value agriculture, forest land
- Large lot rural residential, martini farms
- Some SNCR resources that can be mitigated

The Committee got rid of Tier III, but wanted to keep a couple ideas:

- Identified wildlife corridors

Jennifer Kaden passed out excerpts from Oregon and Washington law that pertain to prioritization. The Committee will review draft rule language for prioritization at its next meeting and have a second discussion about regional analysis of boundary revisions.

Judy said the goal is to take draft rule language to the full Commission in June.

Next Meeting dates: March 4 and March 18, both from 3 – 5 p.m. at the Commission office.

Tentative meeting dates: April 15, April 29, and May 13

The meeting adjourned at 5:00 p.m.