



MEMORANDUM

TO: Gorge Commission

FROM: Krystyna Wolniakowski, Executive Director
Jeff Litwak, Counsel

DATE: June 12, 2018

SUBJECT: **Action Item:** Gorge2020 – Urban Area Boundary Revision Focus Topic
Foundational Questions for Urban Area Boundary Revision Policy Part 2

Action Requested

Continue discussion of foundational questions from the May 8, 2018 Gorge Commission meeting and give your perspectives to staff. The questions for this meeting are below.

Background

As part of Gorge2020, the Commission expressed interest in developing an urban area boundary policy to define how counties within the National Scenic Area would need to comply with the criteria in the National Scenic Area Act for revising urban area boundaries.

At the April 2018 Commission meeting, staff presented a background notebook containing salient documents relating to the Commission's development of urban area boundary revision policy during the past 30 years and a brief staff report. You will want to refer to this background notebook as you review this staff report.

Staff recommended the Commission start the policy conversation by discussing a few foundational questions that will give a broad framework for urban area policy. Your discussion of the first three foundational questions at the May 2018 Commission meeting began that policy conversation. A summary of that discussion is attached to this memo.

5. Testing Some Concepts for Applying the 4(f) Criteria

a. Should the 4(f) criteria be satisfied on an urban area-by-urban area basis versus regionally before revising any one urban area boundary?

This question asks whether you want to consider the 4(f) criteria related only to an urban area that is requesting a revision or whether you want to consider whether adjacent or nearby urban areas must satisfy the 4(f) criteria before approving a revision for a single urban area (a “regional” approach).

The National Scenic Area Act does not expressly require consideration of the 4(f) criteria only for a single urban area requesting a revision or require a regional approach. You have discretion to make this interpretation. If you interpret the National Scenic Area Act as requiring a regional approach or if you choose to use a regional approach, you need to determine what is the relevant region—possibilities include adjacent urban areas; urban areas within a specific distance; or three regions of urban areas grouped around the three bridges. You can also decide that some urban areas would not be part of a regional analysis.

For background on this, please refer to the June 8, 2008 Gorge Commission workshop and subsequent 2009 Rules Committee work, which are in your background notebook at pages 292–359. In that attempt to revise urban area policy, the Rules Committee recommended that a county requesting an urban area boundary revision must demonstrate that a need for land cannot be satisfied in other “nearby” urban areas. See p. 343 (draft sec. V.B). Although the Rules Committee recommended a regional approach only for the first 4(f) criterion (demonstrable need for long range population growth or economic needs), it could apply to other 4(f) criteria as well and could require consideration of land outside the National Scenic Area (for example, land south of Hood River).

1	2	3	4	5
Individual approach				Regional approach

b. Should “demonstrable need” be based on achieving the Gorge community’s shared vision and strategies identified in the Columbia Gorge Future Forum?

Traditional planning factors for accommodating long term population growth and economic needs involve calculating available land and projecting future urban development based on growth projections, household size, vacancy rates, density, natural constraints (such as steep slopes and wetlands), and legal constraints (such as other laws requiring farm land protection) etc. Currently, none of the urban areas in the National Scenic Area can demonstrate a need for more land using these factors, but might in the future.

Instead of using traditional need factors, should there be different “need” factors, such as developing metrics for achieving the vision and strategies identified in the Columbia Gorge

Future Forum? You should review the visions and strategies in the Future Forum report, which is at pages 454–467 of your background notebook.

1	2	3	4	5
Not at all		In part		Primarily

c. How should urban areas demonstrate compliance with the second 4(f) criterion, which requires “revision of urban area boundaries would be consistent with the standards established in section 544d of [the Act] and the purposes of sections 544 to 544p of [the Act]”?

The section 544d standards in the National Scenic Area Act are standards that the Management Plan must satisfy. A copy of the 544d standards is attached to this memo.

When developing the Management Plan, the Commission interpreted and applied the 544d standards to not allow urban scale development and not allow many traditional urban uses. If the purpose of an urban area boundary revision is to allow urban scale development or urban land uses, then a county cannot demonstrate that the revision is consistent with the 544d standards.

The current Urban Area Boundary Revision Handbook recommends using some standards and regulatory approaches from the Management Plan. For example, the Handbook specifies that new development on land revised into urban areas should be visually subordinate and should use buffers and site planning to avoid cultural and natural resources but offers no guidance on how urban scale development and urban land uses can be visually subordinate. See pages 110–112 of your background notebook.

The Commission is not limited to only applying current Management Plan standards and regulatory approaches. The Commission needs to make a different interpretation of the 544d standards for lands revised into urban areas to demonstrate compliance with the second 4(f) criterion. The Commission could also rely on existing federal, state and local standards for demonstrating consistency with the 544d standards for lands revised into urban areas.

1	2	3	4	5
Federal, State & Local Standards		Some of Both		New National Scenic Area Standards

Next Steps

Staff will compile the notes from the discussion of these questions and make them available to Commissioners after the meeting and will post on our website for the public. Staff will post these

foundational questions on the Gorge2020 Consider.it webpage. Staff encourages commissioners and the public to offer additional perspectives through Consider.it.