

Urban Area Policy Focus Topic
Foundational Questions Workshop Notes
May 8, 2018

On May 8, 2018, the Commission held a workshop to discuss several foundational questions to give high level perspective to staff and persons who will participate in staff workshops to revise the Commission's policy relating to urban area boundary revisions. This memo summarizes the conversation without attributing specific statements to individual speakers.

1. Would you prefer to review urban area boundary revision applications using a formal process that resembles your process for handling appeals of county development review decisions, or using a less formal process that resembles a public hearing?

There was a lot of agreement that commissioners and audience want a high level of formality in the reviewing applications to revise urban area boundaries. But several people also discussed a possible first step, informal, review process to identify issues and test whether an application presents a strong case for approval. This initial step could reduce the length of time for formal review. Commissioners and the audience supported: (1) limiting ex parte communications to ensure transparent decision-making, prevent "arm-twisting," and inspire public confidence; (2) strong robust public involvement that is transparent; and (3) ensuring a good record for judicial review.

There was discussion about a less formal process being more open for interested persons to participate and being more flexible. There was additional discussion about needing a clear and concise way to get to an approval.

The Commission also discussed that having clear and objective standards (question 2 below) ensures transparency and inspires public confidence.

2. Would you prefer urban area policy to use clear and objective standards versus flexibly applied standards

Commissioners and audience participants expressed strong support for clear and objective standards, but also to have some flexibility—like using a range instead of hard number—so the Commission isn't locked into a single approach. Some benefits of clear and objective standards are that applications are easier and less expensive for counties to apply and the Commission to process, would result in less litigation, are easier for the Commission to understand and plan for the future, help counties have predictable outcomes, and provides for uniform protection of resources. Some commissioners discussed using clear and objective standards for an application, but to have standards that are flexible or that can be applied on a case-by-case basis for reviewing the application to account for unique circumstances or to account for changing societal norms. Other commissioners expressed

concern that flexibility can set a precedent that the Commission might not want to follow in a subsequent application.

3. Are urban area boundaries principally a tool for managing growth in the National Scenic Area or principally a tool for preserving GMA and SMA land within the National Scenic Area?

Commissioners had a range of thoughts about this question. Some commissioners noted that urban growth boundaries in Oregon are for controlling sprawl, but urban area boundaries in the NSA were established to protect the resources. The 4(f) criteria anticipate that growth can happen in a manner that protects resources. Urban areas are important areas within the NSA; they serve visitors and are a part of the reason that people come to recreate. Boundaries define communities and what they look like and should change as needed to create and maintain healthy communities.

Other commissioners noted that the Act is unambiguous—that expansion of urban areas can only happen if resources are protected and that expansion of urban area boundaries results in a reduction of protected land. Adjustments might be necessary for the public good, but the Act allows only small adjustments.

One commissioner noted that urban area boundaries are a tool for managing “change” and that growth does not have to mean more housing. Growth can mean new firehouses, schools, etc. Another commissioner noted that the relationship between jobs and housing is changing nationally, so past or existing models of urban development may not be the right models for the future.

Commissioners also discussed whether the Oregon model is appropriate for the NSA; some commissioners believed the Oregon model is appropriate because the 4(f) criteria allow for revisions when there is a need for long-range growth; other commissioners noted that the 4(f) criteria did not specify 20 years or any planning period.

Commissioners also discussed whether increasing the land supply within urban areas leads to lower market prices. Some believed it does; others noted that land is only one factor in a complicated market.

Comments from the audience included the need for a new economic model rather than “growth”—a model that does not rely on outward expansion of cities; that commissioners should look at all the areas GMA, SMA, and urban areas as finite resources; the 4(f) process was Congress’s recognition that it didn’t get the mapping perfect; revisions should be allowed where they are appropriate for the greater good; the revised boundary for Cascade Locks reduced the land area in Cascade Locks, but increased economic potential.