

FRIENDS OF THE COLUMBIA GORGE



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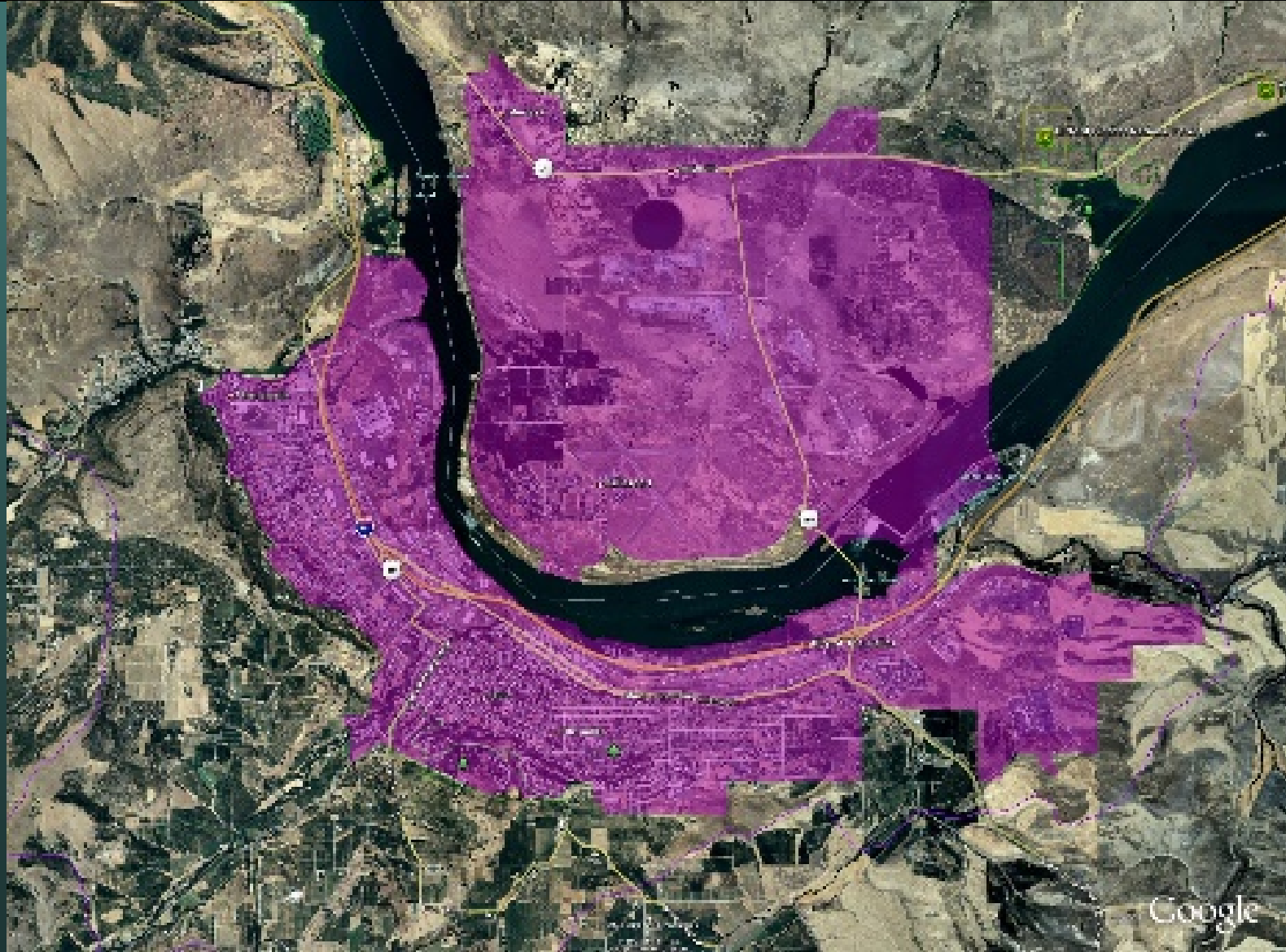
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Urban Areas – Under the NSA Act

- There are 13 Urban Areas designated by Congress (Cascade Locks, Hood River, Mosier, The Dalles, North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport, Wishram)
- The Act allows a supermajority of the Gorge Commission to make minor revisions to Urban Area boundaries
- The NSA Act requires a regional approach to Urban Area revisions
- Uniform standards apply consistently to the 13 urban areas boundaries

Regional Approach



Urban Areas – Under the NSA Act

To revise Urban Area Boundaries The Commission must find that:

- A need exists to accommodate long-range urban population growth or economic needs consistent with the **management plan**;
- Revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas;
- Revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces; and
- Revision of urban area boundaries would be consistent with the **standards** in section 6(d) of the Act and the **purposes** of the Act.

Urban Areas – Under the NSA Act

- The 6(d) standards require any minor revision to an urban area boundary to (amongst other things)
- Protect and enhance agricultural lands for agricultural uses, forest lands for forest uses, open spaces, public and private recreation resources;
- **Prohibit major development actions** in special management areas;
- **Prohibit industrial development** outside urban areas;
- Require that commercial development, residential development, and mining outside urban areas take place **without adversely affecting** the scenic, cultural, recreation, or natural resources of the scenic area.

Purposes of the NSA

The purposes of sections 544 to 544p of this title are-

- (1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and
- (2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

Gorge 2020 – Plan Review

- NSA Act requires Management Plan to be reviewed every ten years to determine if it needs to be revised
- Plan contains policies and guidelines that implement the NSA Act
- Part IV, Chapter 1 Revision of Urban Area Boundaries
- Need to review policies and guidelines
- Any new policies, guidelines or definitions need to be in the Plan, **not rules**
- Rules are procedural, not substantive

Federal Preemption

Conflicts between state law and the NSA Act?

NSA Act controls

Example: Oregon 20 year supply of buildable lands

Commissioners' direction

Identify areas of consensus

Don't spend time or resources where there
is disagreement

Conditional Approvals?

Oregon: Statutory authority for development agreements (DA) with landowners

NSA Issues:

1. No statutory authority in NSA Act for DAs
2. Condition approvals to prohibit certain land uses and to require resource protections? Ex. Industrial
3. Lack of enforcement by CRGC – Even consent decrees are not being enforced

Urban Area Policy

- Review and revise Part IV, Chapter 1 as necessary
- Apply resource protection and land use policies and guidelines
- Apply all Sec 4(f) criteria uniformly. Define terms.
- Regional analysis
- Defer any discussion of rulemaking until after plan review

Discussion Draft Comments

1. Oppose three-tiered structure
2. Sec. 4(f) criteria must be applied uniformly
3. Type 2 is not de minimis, not minor and may be inconsistent with the Act's purposes and standards
4. Type 3 would violate Sec. 4(f)

Expanding The Dalles Urban Area

- The Dalles has analyzed whether an expansion of the Urban Growth Boundary is necessary under Oregon's land use laws
- The Dalles' 2016 Buildable Lands Inventory (BLI) states that there is an "adequate supply of vacant and partially vacant land to meet future needs both overall and in each individual city zoning designation."
- The Economic Opportunities Analysis (EOA) finds that "The Dalles has enough total employment land to meet 20-year demand."
- The Dalles' Housing Needs Assessment (HNA) concludes that there is already twice the necessary residential land within the UGB

Expanding The Dalles Urban Area

- The bottom line is that The Dalles own studies have shown that the City has a:
 - Surplus capacity of 1,920 housing units on 247.6 surplus residential acres and
 - 171 surplus acres zoned for industrial and commercial use.
- Even without analyzing the NSA criteria, The Dalles does not need an expansion

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