

**Urban Area Boundary Revision Policy
Workshop Summary
August 21, 2018**

The Gorge Commission staff held its second urban area policy workshop on August 21. Fifteen people attended.

Jeff Litwak, Gorge Commission counsel, gave a briefing on the Commission's authority relative to the states and the urban areas. He explained how the Commission gets its authority from the Columbia River Gorge Compact, which the states adopted pursuant to the National Scenic Area Act. Concerning the states, he explained that the Act and Compact as federal law would supersede conflicting state law and that court decisions hold that state law only applies when a compact preserves that law. In addition, both Oregon and Washington have enacted state laws that either exempt counties from specific state law planning requirements or require counties' planning in the National Scenic Area must be consistent with the Act and Compact.

Concerning urban areas, Jeff explained that the Act specifically exempts urban areas from the requirements of the National Scenic Area Management Plan, so the Commission has no direct legal authority over planning in urban areas, but that the Commission indirectly affects planning in urban areas through section 4(f) because the Commission must find that planning in urban areas meets specific criteria before approving an urban area boundary revision. If an urban area wants to qualify for a boundary revision, it must plan in a manner that meets the criteria. Urban areas are not required to plan in accordance with the 4(f) criteria, but if they don't, the Commission would not be able to approve revisions to those urban areas' boundaries.

Kevin Young, Oregon Dep't of Land Conservation and Development, gave a briefing on Oregon's current requirements for revising Oregon urban growth boundaries. All cities in Oregon have an urban growth boundary. Oregon recently enacted a "simplified" process for cities to revise their urban growth boundaries. The process is much more detailed than the standard process because the Oregon Legislature required the process be more clear and objective. The specific requirements are in the slides that Kevin showed. Oregon LCDC must approve revisions to UGBs. Kevin explained that the National Scenic Area process could fit into Oregon's process in a couple ways: for example, as constrained land under OAR 660-038-0070 and 0130, and as an exclusion for study areas for locational analysis under OAR 660-038-160.

There were questions about how the state and Commission would review an urban area boundary revision that also revised an Oregon UGB. Jeff explained that the Commission and DLCD need to address this. Steve McCoy pointed out that there may be a Measure 49 issue for land that is moved into an urban area.

Scott Kuhta, Washington Dep't of Commerce, Growth Management Services, gave a briefing on Washington's planning requirements for urban growth areas. Skamania and Klickitat counties are "partially planning" counties under the Growth Management Act, which means they do not need to designate urban growth areas and plan for those areas in accordance with the Growth Management Act. The factors that go into designating and revising urban growth areas are

similar to Oregon requirements, except that the state does not prescribe density, vacancy rate or other standards. Counties develop those standards. The Dep't of Commerce only reviews county plans; it does not approve those plans. It gives comments on best practices and where it believes a county's plan is not consistent with past decisions of the Growth Management Hearings Board. One key difference between Washington and Oregon planning requirements of UGAs and UGBs is that Washington planning must specifically address public facilities. This is because UGAs can be larger in size and there is often pressure to develop on fringe of urban growth areas where services may not yet exist. Please review Scott's slides for more detail about planning for UGAs in Washington.

The group then discussed National Scenic Area differences with Oregon Goal 14 and Washington's Growth Management Act. Jeff explained three differences between section 4(f) criteria and Oregon's Goal 14 (from which the 4(f) criteria were developed): the term "minor," the use of plural "urban areas" and prioritization of what land to add to urban areas." He also noted that providing for tribal housing was a Commission value and asked the group for other ideas on what National Scenic Area values Oregon and Washington law do not address. Don McDermott noted that in Dallesport, there is a tribal housing project that would use a part of Dallesport's public facilities but would not allow non-tribal members. He believes urban areas should provide for tribal housing, but not allow such exclusive housing. Miki Fujikawa from the U.S. Forest Service noted that the Secretary of Agriculture must approve revisions to urban areas where that revision would also revise a special management area boundary.

Future workshops will be on the following dates in White Salmon, time and exact location TBD:

Sept. 17 – Angie Brewer and Steve Harris agreed to give a briefing on planning in urban areas—recent BLIs, new information, and what planning is dependent NSA urban area policy. Jeff will develop a few concepts for the group to consider.

Oct. 15 – Possible briefing on local government planning for climate change

Nov. 19 –Briefing on possible forms of NSA urban area policy (guidance, rule, Mgt. Plan, etc.)

Dec. 17