



City of Stevenson

Planning Department

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TO: Gorge Commission
FROM: Ben Shumaker, Community Development Director
DATE: May 21st, 2020
SUBJECT: Urban Area Boundary Revisions

Thank you for your work amending the Commission's Urban Area Revision policies. Having substantive and clear standards is important for the City of Stevenson and other stewards of land use in designated Urban Areas. Urban Areas' ability to accommodate our region's growth and development is an important component of the Scenic Area's land use system. By working together, we can relieve the growth pressures from the General and Special Management Areas and ensure their long-term protection. To help us do so, please consider incorporating the following into the public comment draft of the urban area revision policy.

Road & Utility Rights-of-Way

Please add the following to Policy 8.A:

- iv. the revision is limited to the inclusion within an Urban Area of the remainder of a road or utility right-of-way for which the centerline is used in the Urban Area's legal description. To be considered minor under this provision, a County must provide documentation of the right-of-way as it existed on the effective date of the Act.

The Commission's use of right-of-way centerlines in Rule 350-10 was the most defensible decision at that time, however the use of the inside or outside edge instead of the centerline was a major topic of discussion in that policy's outreach effort.

Road and utility rights-of-way are important corridors for the movement of people and goods and for the provision of public and private utilities. These functions are cornerstones of Urban Areas' economies and our future economic development. Construction of facilities within these corridors is expensive and our ability to bear this expense as public service providers or land developers is marginal. When construction expenses cannot be borne by the City, we seek the support of federal and/or state funds. When land developers cannot bear the expense, land is used inefficiently and developed less densely than the market should accommodate. When these facilities are bisected by the Urban Area boundary, it results in additional permitting costs and project delays. These impacts are enough to push some projects beyond their viability and toward long-term inefficiency.

Inclusion of the above policy provides an appropriate bookend for the previous discussions. Without the above, our Urban Areas will struggle to fulfill our role realizing the Act's second purpose.

Urban Area ≠ Urban Growth Area Urban ≠ Growth Boundary

Please modify Policy 6 as follows:

- 6. The Gorge Commission will ~~only~~ consider applications to revise Urban Area boundaries:

A. Only in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area boundaries, where the Urban Area is subject to such updates and timelines, or:

B. A maximum of once every 5 years, where the Urban Area is not subject to state-required plan updates or timelines related to urban growth or urban area boundaries.

The proposal's reliance on existing state protocols does not recognize the situation as it exists today. None of the cities which are the basis of Washington's Urban Areas are subject to the Washington Growth Management Act's periodic update requirements or timelines. Furthermore, future growth within these areas can be conducted in a way which never triggers the Growth Management Act's applicability, and even if it were to do so, those requirements would not necessarily apply to the Urban Areas which are not based on cities.

The Columbia River Gorge National Scenic Area offers a promise. It's a promise to acknowledge how special this place is and to keep it that way. Maintaining this place as a special one in comparison to the rest of our 2 states requires place based solutions which are distinct from the statewide approaches. Our region holds great potential to show how it can be done a different way. Draft Policy 11 acts on that potential, but the timelines and limitations of Draft Policy 6 preclude any potential partnership between the Gorge Commission and Washington communities.

Including the above timelines recognizes the existing status of Washington's Urban Areas, enables greater interactions between the Gorge Commission and Washington's Urban Areas, and ultimately helps advance the Gorge toward land use system that can accomplish both purposes of the Act.

No Regulation without Representation

Please modify Policy 10 to exclude the adoption of OAR 660-038 by reference. Consider instead inclusion of the full text at this location or a reference to a Management Plan appendix where the full text is kept and amended only by action of the Gorge Commission.

Allowing one state to determine—even when in the proposed guideline fashion—how land use procedures are carried out in another state is simply untenable. The provisions of OARs are subject to change over time and those changes are carried out within the executive branch of only one of our 2 states' governments. Such a situation cannot be created. This is not to say policies contained within the Oregon Administrative Rules are useless within the context of the Scenic Area. They may be perfectly applicable. If they are, then the text of the regulation should be included within the Management Plan and subject to the same amendment procedures as any other policy of the Plan.

Thank you for considering these amendments,

Ben Shumaker
Community Development Director