Urban Area Policy Focus Topic Workshop Notes
May 8, 2018 and June 12, 2018

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 that it is 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.

4. The Commission should allow some additional land uses adjacent to urban areas if doing so would relieve some "demonstrable needs" to revise urban area boundaries.

Commissioners had a range of responses to this question. Some commissioners stated that the Management Plan could allow additional uses in the general management areas that support urban areas (examples given were a fire hall and sewer treatment facility) if doing so would keep urban area boundaries in place. Other commissioners were concerned that determining what additional uses not already allowed in the Management Plan could be difficult and that allowing urban uses outside of urban areas could intensify pressure to develop non-urban area land at urban scales. Many commissioners had a hard time thinking of examples of uses, suggesting to them that the Commission should not revise the Management Plan in this way. Most commissioners were concerned about "opening the door" to urban uses.

Comments from the audience were largely vague comments about not expanding urban area boundaries. The few comments related to this specific question noted that the Management Plan

already allows many uses that support urban areas and concerns that amending the Management Plan in this way would allow too many urban uses that should be in urban areas. One comment suggested city parks might be allowed adjacent to urban areas. Comments from local government representatives suggested considering the uses allowed in the "Rural Center" land use designation and other community facilities.

5.b.[*] Should "demonstrable need" be based on achieving the Gorge community's shared vision and strategies identified in the Columbia Gorge Future Forum?

Commissioners generally suggested that Future Forum visions and strategies could be a consideration, but supported using traditional urban growth boundary planning factors such as those found in the Oregon and Washington land use planning programs. Some commissioners stated that urban area boundary revisions should be data driven and some commissioners expressed concern that community visions and strategies are not a good measure of demonstrable need. One commissioner noted that the collective visions and strategies are not necessarily each community's own vision and strategic approaches.

Audience comments generally reflected the Gorge Commissioners' comments. One comment suggested the Gorge Commission could focus on differences between the 4(f) criteria and state law. Gorge Commissioners discussed that comment and were interested in exploring those differences.

---

[*] The Commission did not discuss Questions 5.a or 5.c presented in the June 12, 2018 Staff Report.