

COLUMBIA RIVER GORGE COMMISSION

Chapter 350

Division 40

Revision of Urban Area Boundaries

As Amended through May 1, 2011

350-40-000. Purpose.

This division specifies the process of the Columbia River Gorge Commission (Commission) for considering minor revisions to the boundaries of any Urban Area.

350-40-010. Definitions.

Reserved

350-40-020. Authority.

(1) Consideration of requests to revise urban area boundaries is a discretionary action authorized by section 4(f) of the Act. The Act does not entitle a county, or any person or entity, to have the Commission review a request to revise any urban area boundary, and does not contain time requirements for consideration of a request. The Commission may make “minor revisions” to the boundaries of an Urban Area [Scenic Area Act, Section 4(f)].

(2) Three procedural requirements are included in Section 4(f)(1) of the Scenic Area Act:

- (a) Requests to revise an Urban Area boundary are submitted to the Commission by a county government;
- (b) The Commission must consult the Secretary of Agriculture before revising an Urban Area boundary; and
- (c) Two-thirds of the Commission members, including a majority of the members appointed from each state, must approve a revision of an Urban Area boundary. In the event of recusal, the doctrine of necessity shall apply.

(3) Section 4(f)(2) of the Scenic Area Act allows the Commission to revise the boundaries of an Urban Area only if the following criteria are satisfied:

- (a) A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the Management Plan;
- (b) Revision of Urban Area boundaries is consistent with the standards established in Section 6 and the purposes of the Scenic Area Act;

- (c) Revision of Urban Area boundaries will result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and
- (d) Revision of Urban Area boundaries will not result in the significant reduction of agricultural lands, forest lands, or open spaces.

350-40-030. Application for Revision.

Applications to revise the boundaries of any Urban Area shall contain the following information:

(1) A statement from the county sponsoring the Urban Area boundary revision, signed by the county commissioners.

(2) A statement that the senior-elected or appointed official(s) of any affected municipality or special district were provided notice of the application.

(3) A statement that explains why the proposed Urban Area boundary revision is needed. The statement shall describe the anticipated land uses that would occur in the affected area and demonstrates how the proposed revision complies with the criteria in the Scenic Area Act.

(4) A map of the area proposed for revision to the existing Urban Area. The map shall be drawn to scale and shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. It shall include the following elements:

- (a) North arrow;
 - (b) Map scale;
 - (c) Boundaries of all parcels within the subject area, with labels showing the name of each property owner and the size of each parcel;
 - (d) Current municipal zoning designations, where applicable;
 - (e) Significant terrain features or landforms;
 - (f) Bodies of water and watercourses;
 - (g) Existing roads and railroads;
 - (h) Existing dwellings and other structures; and
 - (i) Location of existing services, including water systems, sewage systems, and power and telephone lines.
- (5) For incorporated areas, a map of the current boundary of the municipality.

- (6) A map of adopted land use designations and zoning for the existing Urban Area.
- (7) For Oregon applications, a map of currently approved urban growth boundaries.
- (8) An analysis based on criteria in the Scenic Area Act. (For guidance see Urban Areas Boundary Revisions Handbook, Gorge Commission 1992).

350-40-040. Processing of Application.

Applications for revision of urban area boundaries shall be reviewed upon receipt and in the order in which they are received, except that the Commission may, as part of its work planning, set a limit on the number of urban area boundary revision applications it will process during the biennium and may set its limit at zero.

350-40-050. Submission and Acceptance of Application.

(1) A county government shall submit an application to revise the boundary of an Urban Area to the Commission office. Fifteen copies of each application are required after the Executive Director determines the application is complete. Only two copies of the large scale maps are required.

(2) The Director shall review the application for completeness and adequacy and notify the applicant in writing of any deficiencies.

(3) The Executive Director shall not accept an application as complete until all omissions and deficiencies noted by the Executive Director are corrected.

350-40-0055. Work Plan.

The Commission shall adopt a work plan for each application to revise an urban area boundary. The work plan should contain an estimate of the time and steps needed to review the application, which may vary among applications depending on Commission staffing, budget and resources, and other agency work. At a minimum, the work plan shall include the steps and time periods in sections 060 through 090 in this division. The start date, steps, and time periods shall be set considering commission staffing level, budget and resources, other agency work, and adequate time for public review. The work plan is only an estimate; the Executive Director may require information or procedure not listed in the work plan; skip procedures and information requirements listed in the workplan; or lengthen or shorten time to complete steps in the workplan without permission from the Commission.

350-40-060. Notice of Application.

(1) The Executive Director shall send electronic or paper notice of the completed application to the U.S. Forest Service-National Scenic Area Office, States of Oregon and Washington, all four Indian tribal governments, the six Gorge county planning offices, appropriate city planning offices, and interested parties who have requested notice.

(2) The Executive Director shall publish notice of the application in local Gorge newspapers serving the National Scenic Area as well as a major newspaper in Portland and a major newspaper in Vancouver.

(3) The complete application shall be available for inspection at the Commission office during normal office hours.

350-40-065. Public Comment.

(1) Interested persons shall have no less than 30 days from the date the notice is sent to submit written comments to the Executive Director. Written comments should address whether the proposed amendment is consistent with the purposes and standards of the Scenic Area Act, the criteria in Section 6(h) of the Scenic Area Act and this rule.

350-40-070. Report of the Executive Director.

The Executive Director shall prepare a report analyzing the proposed Urban Area boundary revision, and which may include recommendations.

350-40-080. Hearings.

(1) The Commission will conduct a hearing on every application accepted as complete by the Director.

(2) The Commission shall provide 20 days notice of the hearing to interested parties and the public.

(3) The hearing shall take place as follows, noting the Chair may provide specific direction for the conduct of the hearing related to the time allowed for presentations and similar procedural issues:

- (a) The applicant may present the basis for the urban area boundary revision.
- (b) Federal, state, county, tribal and other government officials may participate through submission of oral or written comments.
- (c) The public may participate through submission of oral or written comments.
- (d) After those who participate in the hearing on behalf of the government or the public are finished, the applicant shall have the opportunity to respond to the comments presented.
- (e) After all presentations are complete, the Commission shall deliberate on the proposed urban area boundary revisions.

350-40-090. Consultation.

In considering amendments to urban area boundaries, the Gorge Commission shall consult with the Forest Service, both states, the six Gorge counties, all four Indian tribal governments and agencies or organizations that have a specific interest.