

1. The Gorge Commission shall adopt rules to implement the requirements of the National Scenic Area Act related to enforcement ~~procedure after consultation with the Secretary, the counties, and the Indian tribes and only after public hearings.~~
2. ~~The Gorge Commission's enforcement rules shall specify factors for determining an appropriate civil penalty, including whether the alleged violator has had past violations, whether the alleged violator has voluntarily undertaken measures to remedy the violation or mitigate harm of the violation, the nature and severity of the violation, and whether the alleged violation is continuous.~~

APPEALS TO THE GORGE COMMISSION

In section 15(a)(2) of the National Scenic Area Act, Congress authorized persons and entities to appeal decisions relating to the implementation of the National Scenic Area Act to the Gorge Commission.

Policies

1. Section 15(a)(2) of the National Scenic Area Act is a mandatory duty of the Gorge Commission. The Gorge Commission shall decide all appeals in which the Gorge Commission has jurisdiction. The Gorge Commission shall adopt rules to implement the appeals provisions in the National Scenic Area Act ~~after consultation with the Secretary, the counties, and the Indian tribes and only after public hearings.~~
2. The Gorge Commission shall hear appeals of final enforcement actions relating to implementation of the Management Plan.
3. The Gorge Commission shall hear appeals of final decisions of a city that relates to the implementation of the National Scenic Area Act through any formal or informal arrangement in which a city implements a county's National Scenic Area land use ordinance within the city's jurisdiction.

REVISION OF URBAN AREA BOUNDARIES

~~Congress designated 13 cities and towns as "Urban Areas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington. Urban Areas are exempt from regulation under the Management Plan. Congress established the boundaries of the Urban Areas when it enacted the Scenic Area Act. However, it authorized the Gorge Commission to make minor revisions to the Urban Area boundaries. Congress also set forth in the Scenic Area Act a process and criteria for use by the Gorge Commission in carrying out the revision process. The following~~

policies govern the revision of Urban Area boundaries. The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any Urban Area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act enables the Gorge Commission to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen Urban Areas. The following policies describe principles for how the Gorge Commission interprets and will apply the criteria in section 4(f) of the Act.

Policies

1. ~~Amendments to the Management Plan~~ Revisions to urban area boundaries are made at the Commission's discretion based on its continuing review of whether the two purposes of the Act are being fulfilled, the schedule of its work and the availability of resources needed.
2. The legal descriptions in Gorge Commission Rule 350-10 are the Urban Area boundaries and acreage calculations that counties must use in applications to revise Urban Area boundaries.
3. The Gorge Commission can only approve applications to revise a boundary of an Urban Area adjacent to the General Management Area. Revisions to a boundary between an Urban Area and a Special Management Area, require Forest Service coordination, consultation and approval under section 4(c) of the Act in addition to Gorge Commission approval under section 4(f)(2)(A)–(D).
4. Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.
5. At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties. Pursuant to article I.e. of the Columbia River Gorge Compact, the Gorge Commission may also receive other funds to review Urban Area boundaries.
6. The Gorge Commission will only consider applications to revise Urban Area boundaries in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area boundaries.
7. The Gorge Commission will consult with Oregon's Department of Land Conservation and Development and Washington's Department of Commerce Growth Management Services to determine an appropriate process to meet the Gorge Commission's standards as well as state standards.

8. The Gorge Commission will determine whether a proposed Urban Area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis and as provided in subsections (A) and (B) below.
- A. A revision to an Urban Area boundary is minor if:
- i. the revision involves no net change in the total area of the Urban Area, or
 - ii. if the revision is cumulatively 20 acres or 1% of the total area of the Urban Area, whichever is less, or
- B. An urban area boundary revision that cumulatively, over time, expands the size of an Urban Area by more than 20 acres or 1%, whichever is less, is not minor.
9. Land formerly in an Urban Area that is transferred into the General Management Area should not contain development or urban facilities that is inconsistent with the purposes and standards in sections 3 and 6 of the Act.
10. Compliance with section 4(f)(2)(A), demonstrating need for long-range population growth requirements or economic needs consistent with the Management Plan within an Urban Area, will be determined on a case-by-case basis and as provided in subsections A through E below.
- A. Oregon's and Washington's processes for determining need require similar analyses of residential and economic land need based on population growth and employment forecasts, identification of development opportunities and constraints, and provisions to evaluate need for public lands to support residential and economic uses. For all Urban Areas, in both Oregon and Washington, the Gorge Commission will generally follow the processes and ranges specified in Oregon Administrative Rule 660-038. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.
 - B. Urban Areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near to that bridge and other nearby Urban Areas.
 - C. For all applications, the analysis used and the Gorge Commission's review must incorporate the proposed service and labor market areas.

D. When addressing demonstrated need, the Commission shall consider the relevant benefits and burdens of the proposed revision to moderate and low income communities and racial and ethnic minorities.

E. As part of its consideration of the impacts of the proposed revisions on the scenic, cultural natural and recreation resources of the Gorge, the Commission shall consider the consequences of climate change adaptation and generation of greenhouse gases.

11. The Gorge Commission may require the local government to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for adjustment.

12. Compliance with section 4(f)(2)(B), consistency with the relevant standards in the Act used to develop the Management Plan and the purposes of the Act, will be determined on a case-by-case basis. By rule, the Gorge Commission may specify requirements to comply with section 4(f)(2)(B).

13. Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of approval to ensure land added to an Urban Area satisfies section 4(f)(2)(C). By rule, the Gorge Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.

14. To achieve compliance with section 4(f)(2)(D), applications to revise the boundaries of an Urban Area shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. The Gorge Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.

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Guidelines

~~1.—The Commission may revise the boundaries of an Urban Area only if it finds that all of the following conditions exist and that the proposal is consistent with Commission rules related to revisions of Urban Area boundaries:~~

~~A.—A demonstrable need exists to accommodate long-range urban population-growth requirements or economic needs consistent with the Management Plan.~~