November 10, 2026

TO: Columbia River Gorge Commission

FROM: Krystyna Wolniakowski, Executive Director

SUBJECT: Commissioner Discussion of Plan Review

Background

At the last Commission meeting, staff presented a memorandum on legal requirements for Management Plan review and some high-level information on what staff accomplished to get ready for the next Plan review. Commissioners expressed interest in discussing their objectives for Plan review.

The Executive Committee discussed that staff is continuing to meet with partners and consult with the tribal governments to help get a sense of expectations when we start Plan review. The Executive Committee thus discussed how the Commission could discuss what it wants to do in Plan review while being careful not to get ahead of itself, the Forest Service, staff, our partners, or the public, and not give a sense the Commission has pre-anchored the goals or scope of Plan review before we start Plan review.



The Executive Committee crafted the following three specific prompts for the Commission's discussion that should help each of you think about the big picture of Plan Review rather than focusing on regulatory details. These prompts will also assist staff in preparing for Plan review.

To help you think through the prompts, staff attached a graphic to show you the adaptive management cycle and how Plan review fits within the implementation, evaluation, and adaptation of the Management Plan.

Prompts for the Gorge Commission's Pre-Plan Review Discussion

Prompt 1: What do you think constitutes a complete review of the entire Management Plan?

Staff has attached the Plan review staff report from the last Commission meeting and staff reports from the 2020 Plan review (which we also provided at the last Commission meeting) to remind you that the Commission must conduct a complete Plan review and how the Commission has done so in the past. The Commission is not bound to use the same process again. Please suggest procedural steps or the characteristics of completeness in Plan review (or both). This will help you design a process and end result that is both legally sufficient and, importantly, meaningful.

Prompt 2: What in the Plan do you need more information about as part of your review, and why?

In the development and recent discussions of climate change, equity and community engagement, and vital signs monitoring work, the Commission has expressed its expectation that this work will help inform the goals and scope of this Plan review. A reminder of this work follows. This prompt asks you what other information you think you might need as you review the Management Plan. This prompt is focused on reviewing the Management Plan; you will have plenty of opportunities for additional information on specific topics that you choose to work on after reviewing the Plan when you begin the process of updating the Plan.

Recall that in the last Plan update, the Commission set policies for staff to address climate change and ensure equity and community engagement in planning in the National Scenic Area. In the past six years, staff completed a Climate Change Action Plan and are well into implementing several components of that plan as staff explained in the 2025 Climate Action Annual Report on the implementation of the Climate Change Action Plan. If you need a refresher on this, you can review the plan and annual report on the Gorge Commission's website at https://gorgecommission.org/our-work/climate-change-action-plan/.

Staff also completed their plan for ensuring equity and community engagement in planning in the National Scenic Area. The Commission and staff also received training on and discussed equity and community engagement. You can review the plan at https://gorgecommission.org/our-work/equity-and-community-engagement/.

Also, staff restarted the Vital Signs monitoring program and are compiling, developing, and analyzing data on the approved indicators. This program provides a foundation for data-driven management. The Data Hub highlights these core indicators, and staff are also equipped to conduct deeper, tailored analyses whenever specific trends or questions warrant further exploration. Staff presented the latest annual report of the Vital Signs program at your May 2026 meeting. You can review the Vital Signs program and current work at https://gorgecommission.org/our-work/vital-sign-monitoring-program/.

Prompt 3: Suggest something BIG and non-regulatory to include in the Management Plan.

At the last Commission meeting, staff gave you a primer on the differences between planning and zoning to help you think about your work in Plan review from a long-range planning perspective rather than a narrow regulatory perspective. Part III of the current Management Plan is the "Action Plan," which is largely the non-regulatory goals, objectives, and policies in the Management Plan. Taking a long-range planning perspective in the last Plan review is how your predecessors came up with the ideas for the climate change and equity and community engagement plans, and for restarting the vital signs work. Staff encourages you to continue focusing on long-range planning for the National Scenic Area. What can the Commission do that is non-regulatory that can make a real difference in the protection of National Scenic resources, agriculture, forestry, regional economics, and other essential elements of the National Scenic Area?

To help you think about this last prompt, staff attached three excerpts. The first two provide Washington and Oregon definitions of land use planning. First, is an excerpt from Washington's *A Short Course on Local Planning Resource Guide* ver. 5.3 (2017). This publication was prepared jointly by the Washington Department of Commerce Growth Management Services, the Washington chapter of the American Planning Association (APA), and other planning and municipal associations and agencies.

Second is an excerpt from the *Oregon Planning Commissioner Handbook* (April 2017). This publication was prepared jointly by the Oregon Department of Land Conservation and Development and the Oregon Chapter of the APA.

Third is a PDF of a recent article from a prominent planning consultant's website. This consultant principally works in rural communities in the Great Plains, Midwest, and Mountain West. The first 14 pages of the article give a particularly good description of the

difference between planning and zoning. Feel free to read the rest of the article, but staff recommend reading the first section as context for your discussion of this prompt.

Again, for this prompt, please do not focus on regulation or deregulation. Consider specialized plans, intergovernmental coordination or coordination with NGOs, incentives, and the like. Think big, think outside the box, no idea is too big in this exercise.

Process for Your Discussion

The Executive Committee wants each commissioner to address each prompt and has asked staff to remind the Commission of the PRES model of discussion. The Commission received training on the PRES model many years ago and has used it on and off when having a discussion that requires everyone's participation. In the PRES model, each commissioner has about 90 seconds to make a statement in which you should make your Point, Reason, Example, and Summary.

After each commissioner is done with their PRES statement, then commissioners may ask one or two brief clarifying questions (just questions, no discussion yet). After questions, then individual commissioners may choose to discuss. Discussions should initially be about 60 seconds each to allow each commissioner an opportunity to discuss.

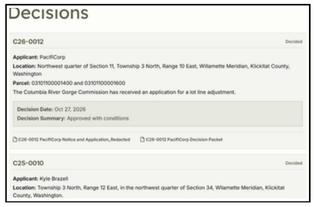
This process gets a lot of information out in a short period of time and focuses discussion on only the most important points. Using this process, each prompt should take about 40 minutes. We have allocated about 2 hours to get through the three prompts.

Staff will record your points and discussion on flip charts so you can see how your ideas and discussion develops. After the meeting, staff will clean up the notes in a follow-up staff report for you.

This is your first pre-Plan review discussion; you should expect that not all of your ideas will end up being part of Plan review, you will further develop some of your ideas, and you will come up with new ideas to discuss when we start Plan review. Staff look forward to working with you to develop the roadmap and workplan for conducting the 2027-2029 Plan review by the May 2027 Commission meeting.

Implement

Coordination with NSA Counties



Tribal Consultation

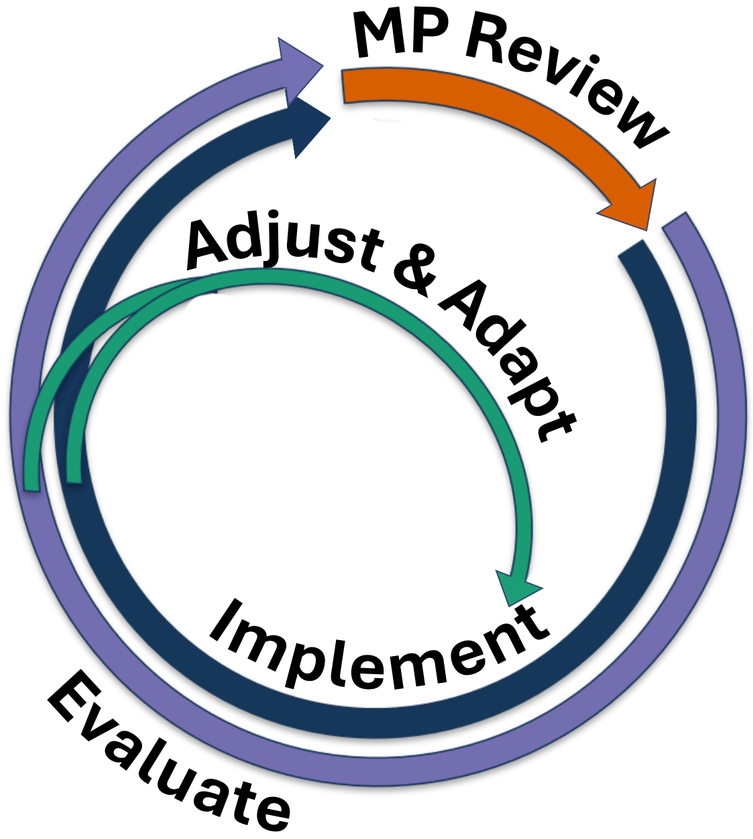


Equity Plan and Impact Team



Climate Change Action Plan



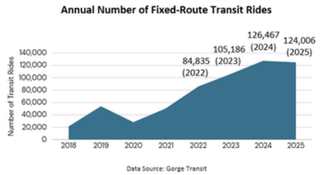


Evaluate

Vital Signs



Climate Action Progress Measures

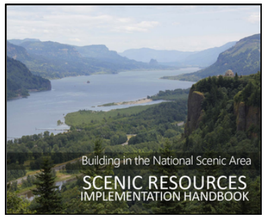


Public and Partner Feedback

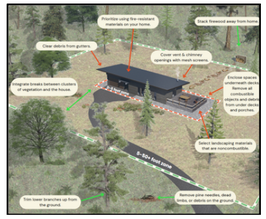


Adjust & Adapt

Scenic Resources Handbook



Defensible Space Handout



TO: Columbia River Gorge Commission

FROM: CRGC and USDA Forest Service Staff

DATE: September 8, 2026

SUBJECT: **Information Session *:** Legal Requirements for a Management Plan Review Process

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Purpose

The Gorge Commission has been reflecting on the most recent Gorge 2020 Management Plan revision process, which was initiated in 2016 and completed in 2020. The USDA Forest Service, as delegated by the Secretary of Agriculture, concurred with the adopted 2020 Management Plan in 2021, and five National Scenic Area counties amended their own ordinances by 2022 to incorporate the updated Management Plan. Commissioners asked staff to bring forward recommendations regarding the structure and timing of the next Management Plan review in response to comments received from the public and other interested parties.

The purpose of this staff report is to summarize the legal framework in the National Scenic Area Act for the Commission to review the Plan. Staff also makes broad recommendations for the next Plan review process and considerations for the role of the counties, USDA Forest Service, four treaty tribes, and the public.

Legal Requirements for Plan Review

There are two legal requirements for Management Plan Review:

The first requirement is described in Section 6(g) of the National Scenic Area Act, which states:

> "*Revision of plan. No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall review*

the management plan to determine whether it should be revised. The Commission shall submit any revised management plan to the Secretary for review and concurrence, in accordance with the provisions of this section for adoption of the management plan."

There are three things to note about this first requirement.

- First, the Act requires the Commission review the entire Plan; this is not discretionary.
- Second, the Act does not require the Commission revise the plan. Whether to revise the plan and what to revise are at the discretion of the Commission.
- Finally, the Act specifies a detailed process for developing the initial plan but does not require the Commission to use the same process to make revisions to the Plan.

The second requirement is described in Section 6(e) of the National Scenic Area Act, which states:

"*The Secretary and the Commission shall exercise their responsibilities pursuant to sections 544 to 544p of this title in consultation with Federal, State, and local governments having jurisdiction within the scenic area or expertise pertaining to its administration and with Indian tribes. The Secretary and the Commission shall conduct public hearings and solicit public comment prior to final adoption of the management plan . . . .*"

This requirement mentions consultation separately from public hearings and soliciting public comment, suggesting that it is separate from the public hearings and opportunity for the public to submit comments.

In litigation involving the 2004 Plan Review process, the Oregon Court of Appeals concluded that the Gorge Commission's process "did precisely what the law requires—it reviewed the entirety of the Management Plan and developed a process for determining which of the Plan's provisions should be targeted for revision." The Court of Appeals described the Gorge Commission's 2004 process succinctly as follows:

"In response to the Act's directive, the commission produced a series of monitoring reports, which evaluated the extent to which the existing management plan and guidelines met the requirements of the Act. [T]he commission produced seven such monitoring studies, including reports concerning scenic, cultural, recreational, and natural resources, and concerning agricultural and forest lands. The commission then solicited comments from and held public hearings on whether any provisions of the existing management plan were in need of revision. There is no contention that the commission limited the scope of its request for comments to any particular provisions of the management plan.

> "Based on its monitoring studies and on the comments that it received from the public, the Commission developed a list of 26 specific topics for more detailed examination. The Commission then held further public hearings on that proposed list and on its adequacy to meet its obligations under the Act."

The discussion above addresses the Commission's work for the general management area (GMA). For the special management areas (SMA), section 6(c)(4) of the National Scenic Area Act requires the Management Plan to:

> *"Incorporate without change the management direction for the use of Federal lands within and the land use designations for the special management areas adopted by the Secretary . . . ."*

Thus, the Commission must also incorporate revisions that the USDA Forest Service makes to the Management Plan during the Plan Review process. The Gorge Commission cannot change these provisions during its adoption of a revised Management Plan.

Background on the 2020 Revised Management Plan

The Commission initiated the most recent Management Plan review in October 2016 and adopted a revised plan in October 2020. The Commission used roughly the same process as in 2004. The Commission produced reports on the existing management plan, including a buildable land inventory, reviewed and updated natural resource inventory information, collected and reviewed related reports and information on several plan topics; reviewed the entire Plan; held more than 160 public meetings; and reviewed, indexed, and followed up on more than one thousand comments from individual and organizations, the counties, local, state, and federal agencies, and the four Columbia River Treaty Tribes.

Following a series of public listening sessions held throughout the National Scenic Area, and a full review of the Plan, the Commission then selected two topics that required "technical updates" for **scenic resources** and **natural resources**, and four "deep dive" topics that would require more extensive staff and agency review with potential policy revisions - **urban area boundaries**, **economic vitality**, **land uses**, and **recreation resources**. In addition, staff proposed miscellaneous other "housekeeping" fixes and changes to ensure internal consistency with the new provisions. This four-year process was completed in partnership with the USDA Forest Service, which held joint scoping and subject matter meetings, provided staff support (and the Commission staff provided support to USDA Forest Service staff as well), and directed revisions to the special management area provisions.

From October 2016 through October 2020, staff presented progress made on the Gorge 2020 Plan review at each Commission meeting, reviewed timelines, and deliverables, and received Commission approval to move forward with the process for each of the technical

updates and the deep dive focus topics. A few unforeseen delays occurred during the Plan review period, including the Eagle Creek fire in 2017, two separate lapses in federal appropriations, and the start of the pandemic, which lengthened the original three-year timeframe to four years.

After the Commission approved the revised Plan in October 2020, the Commission then submitted the revised Plan to the USDA Forest Service for a 90-day review. The Commission received the USDA Forest Service's concurrence[1] agreeing that the revised Plan was consistent with the National Scenic Area Act in a letter dated February 19, 2021.

Following USDA Forest Service concurrence, the Commission sent the revised Plan to all the counties in the National Scenic Area. The National Scenic Area Act specifies an approval process for counties to adopt their National Scenic Area ordinances with timeframes for each step. The Act provides a 90-day period for counties to inform the Commission whether they intend to adopt (or update) their National Scenic Area ordinance.

Each county needed to decide whether to move forward with the revisions to their ordinances to make them consistent with the 2020 revised Plan. Once they decided to do so, they had 270 days to adopt their revised National Scenic Area ordinances. The five counties that have National Scenic Area ordinances all met that deadline. Commission staff provided technical support to the counties during their updating processes. After the counties adopted their revised National Scenic Area ordinances, the Commission had 90 days to review and hold a hearing to determine whether the ordinances were consistent with the Management Plan. The Commission then submitted the counties' revised National Scenic Area ordinances to the USDA Forest Service for determination that they were consistent with the revised Plan. The USDA Forest Service had 90 days to concur or deny concurrence. The USDA Forest Service concurred in a letter dated June 13, 2022.

The summary table below shows the time periods from the National Scenic Area Act, which can extend to more than 18 months. These begin upon adoption of the revised Plan.

90 days	**90 days**	**270 days**	**90 days**	**90 days**
USDA Forest Service concurs on Plan Non-guidelines go into effect	Counties decide whether to adopt revised guidelines	Counties and Commission adopt revised ordinances	Commission determines ordinances consistent with Plan GMA guidelines may go into effect	USDA Forest Service concurs on ordinances for SMA SMA guidelines may go into effect

[1] The National Scenic Area Act requires the Secretary of Agriculture to concur; however, the Secretary has delegated concurrences to the USDA Forest Service.

As of the September 2026, Commission meeting, the Commission staff, and counties have only been implementing the development guidelines in the 2020 revised Management Plan for about four years.

Getting Ready for the Next Plan Review

In adopting the 2020 Management Plan, the Commission initiated several actions that would help inform the Commission's consideration of potential Plan revisions in the future. One of the observations from the 2016-2020 Plan revision process was that the Gorge Commission requested more scientific data to inform policy development. There are three initiatives that emerged out of the 2020 Management Plan update that are currently being implemented and when complete, will provide the data needed to help inform the next Plan review process. Below are synopses on the current status of these actions.

Role of Vital Sign Indicators in Plan Review

The Vital Sign Indicators (VSI) monitoring program identifies a set of measurable indicators to assess how well the Commission is meeting the goals of the National Scenic Area Act in protecting and enhancing the scenic, natural, cultural, recreation, and economic resources within the Gorge. The Commission approved the final list of Vital Sign Indicators in December 2023. Staff has been working with partners to develop monitoring plans and acquire data and began reporting those results in 2025. Staff is looking forward to being able to use this VSI data to inform the Commission about trends and changes in National Scenic Area resources. However, assessing trends through VSI monitoring will not be possible until several years of data collection has occurred.

With the VSI Program Manager position reduced to .5 FTE in 2025-2027 biennium due to budget cuts, progress has been made but has been slower than planned. Staff anticipates that by 2027-2029, some VSI monitoring may be far enough along to provide meaningful condition and trends data to inform the Commission's review of Plan policies and guidelines. If there are no further budget cuts, staff will be able to report on the status of each indicator as part of the Commission's discussion of what planning work it chooses to focus on.

Climate Change Action Plan and DEI Strategic Plan

As part of the revised Gorge 2020 Management Plan, the Commission added two new chapters to the Plan to address (1) the need to incorporate climate adaptation and mitigation measures in the Commission's work, as well as (2) a process to ensure the full community's perspectives. The two chapters specified that the Commission would write and implement a Climate Change Action Plan (CCAP) and a DEI Strategic Plan (DEI), both with roadmaps and timelines for implementation. The Commission approved both the CCAP and the DEI plans in December 2022.

Additional funding was requested for the agency's 2025-2027 biennium budget to support implementation of these plans. When the 2025-2027 CRGC budget was reduced, progress was made but at a slower pace.

These plans position the Commission to review the Plan through these specialized lenses to determine if any revisions will be required to address needed changes to meet the goals identified in the plans. Staff anticipates that by 2027-2029, this work will be far enough along to provide meaningful data to inform the next Plan review.

County and Other Stakeholder Comments from Gorge 2020

The Commission has expressed interest in reviewing the many comments that the Commission received but did not prioritize in the Gorge 2020 Plan revision process. Staff retained all the comments received from the counties and others throughout the National Scenic Area during the initial scoping period in 2016 and 2017, and those received when the draft revised Plan was out for public comment in June 2020.

Staff is currently meeting with the six County Planning Departments to revisit the comments made during Gorge 2020 to determine if they are still relevant, and if there are any new considerations based on implementing the policies and guidelines adopted in the Gorge 2020 Management Plan.

A Different "Rolling Update" Process

A few Commissioners have mentioned conducting more frequent "rolling updates" rather than a single periodic comprehensive review process, in which each rolling update would look at a limited number of subjects and could be structured so that the entirety of the Plan gets reviewed at least every ten years. Staff recommends the concept of a "rolling update" is not consistent with the Act's requirement to review the entire Plan at a time, and staff cannot advise you with certainty that a "rolling updates" process complies with section 6(d) of the National Scenic Area Act (reprinted on the first page of this staff report).

Section 6(d) of the Act is clear that Plan review cannot occur any sooner than five years after the adoption of the last Plan. The Act is not clear whether the Commission may start sooner than every five years. At the very least, the Commission cannot complete Plan review any sooner than every five years. In addition, continually revising the Management Plan burdens the counties because they would be in a constant state of updating their land use ordinances.

Management Plan Structure

Staff has been discussing whether reformatting the Management Plan would make it a more useful tool for the Commission and public to understand the vision in the Plan for the National Scenic Area and the many regulatory and non-regulatory strategies in the Plan.

Staff Recommendation

Staff recommends the following broad steps for the next Plan review:

1) Staff will complete meetings with the six counties and staff at the four Columbia Treaty Tribes to review their comments made during the Gorge 2020 Management Plan Review process that did not get addressed during that revision effort and hear about their experiences with the revisions made in 2020 and new trends or concerns. These meetings should also help the counties and tribes to plan ahead for the next Plan review. Meetings during the full Plan review will begin the consultation process required in Section 6(e) of the National Scenic Area Act (discussed in the legal requirements above)

2) Staff will share the results of these initial staff to staff meetings with the Commission after the meetings have been completed. Staff expects to complete these meetings in fall/winter 2026.

3) Beginning in January 2027, the Commission will begin discussing the design and focus of the next Plan review process taking into consideration level funding in 2027-2029 biennium.

4) The above recommendations set the Commission up so that during the 2027-2029 biennium, the Commission staff and Forest Service staff would be prepared to complete the full review of the current Management Plan. Staff would make every effort to work closely with the Forest Service to complete the Plan review process within two years.

5) During the 2029-2031 biennium, upon adoption of any revisions and concurrence by the USDA Forest Service, staff would work with the counties to adopt the revisions into their ordinances. The updated Gorge 2030 Management Plan would be implemented by 2031.

TO: Columbia River Gorge Commissioners

FROM: Krystyna U. Wolniakowski, Executive Director
Jeff Litwak, Counsel

DATE: October 11, 2016

SUBJECT: ACTION ITEM: Roadmap and Timeline for Proposed "Gorge 2020" Management Plan Review and Update

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Background

The legal requirements for Management Plan Review is described in Section 6(g) of the National Scenic Area Act which states:

> *"Revision of plan. No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall review the management plan to determine whether it should be revised. The Commission shall submit any revised management plan to the Secretary for review and concurrence, in accordance with the provisions of this section for adoption of the management plan."*

There are three things to note about this requirement. First, the Act requires the Commission review the entire Plan; this is not discretionary. Second, the Act does not require the Commission revise the plan. Whether to revise the plan and what to revise are at the discretion of the Commission. Finally, the Act specifies a detailed process for developing the initial plan, but does not require the Commission to use the same process to make revisions to the Plan.

In litigation involving the last Plan Review process, the Oregon Court of Appeals concluded that the Commission's process "did precisely what the law requires—it reviewed the entirety of the Management Plan and developed a process for determining which of the Plan's provisions should be targeted for revision." The Court of Appeals described the Commission's process succinctly as follows:

> *"In response to the Act's directive, the commission produced a series of monitoring reports, which evaluated the extent to which the existing management plan and guidelines met the requirements of the Act. [T]he commission produced seven such monitoring studies, including reports concerning scenic, cultural, recreational, and natural resources, and concerning agricultural and forest lands. The commission then solicited comments from, and held public hearings on, whether any provisions of the existing management plan were in need of revision. There is no contention that the commission limited the scope of its request for comments to any particular provisions of the management plan*.

Based on its monitoring studies and on the comments that it received from the public, the Commission developed a list of 26 specific topics for more detailed examination. The Commission then held further public hearings on that proposed list and on its adequacy to meet its obligations under the Act."

The last Management Plan review was initiated in 2000 and completed in 2004. The Commission is currently 2 years past due to begin the review process, but lack of staff and resources since 2014, delayed this effort. However, given the importance of compliance with the NSA Act, current staff are initiating the review as soon as the Commission approves the timeline and process.

General Considerations for the 2016-2019 Management Plan Review

Attachment 1 is staff's recommended "roadmap"—a proposed timeline for reviewing the Management Plan and revising the Management Plan if the Commission determines that it should be revised.

In developing the process to initiate the 2016 Plan Review, staff considered a number of factors:

- The Commission will complete Plan Review and necessary revisions at about the end of the 2017-19 biennium.

- The Gorge Commission and Forest Service will work together to do joint data collection, scoping, and policy development as much as possible in reviewing and revising the Management Plan.

- The Commission empowered the Assessment Committee to be the Commission's lead for the Commission staff to consult and get general direction through the process. The Assessment Committee does not guide the Forest Service's work for the SMA portion of the Plan, but the Assessment Committee may want the Forest Service to explain specific SMA issues, and the Forest Service may choose to take account of Assessment Committee ideas, concerns, and direction to Commission staff.

- The Commission's staffing and financial resources do not allow the Commission to hold multiple Commission workshop-style hearings on drafting specific text revisions as it did during the last 2000-2004 Plan Review process.

- All of the Assessment Committee and Commission meetings will have opportunities for public input.

- The Commission will create a page on its website for posting Plan Review documents and create an alert to notify the public when it posts new documents.

Staff Recommendation

Staff has recommended that Plan Review proceed in five phases.

Phase 1
Review and Update Resource Inventories, Economic Opportunity Study and Recreation Assessments

Instead of developing "monitoring reports" as in the last Plan Review, staff recommends that the Commission review and update the resource inventories, economic opportunity study and recreation assessments that the Act required for developing the initial plan (sections 6(a), 8(c) and 8(d)). Some of these information

sources are consistently updated, or have current or recent information, but some have not been updated since developing the initial plan.

The data collected in this phase will help the Commission decide whether to revise identified concerns with the Plan. Later, the staffs will likely need to collect or develop specific data that the Commission and Area Manager need to decide on new policy.

• This step starts with the Commission and Forest Service planning staff reviewing what information exists. This is necessary because the Commission and Forest Service staffs are almost entirely new in the past year. For example, the staffs have current natural resource information from their own inventory work and other state and federal agencies; in contrast, the staffs anticipate needing to update the land use inventory.

• After the staffs review existing information, the Assessment Committee will discuss needed updates. This discussion will happen concurrently with public scoping of the plan, so the staffs will have received many comments that will help shape the type and scope of needed updates. The staffs will also review current VSI information, and may be able to plug new information developed for Plan Review into the VSI project.

• Midway through updating the existing information, the Commission will host a public workshop on the updates. The staffs will report on progress and may have questions or request additional direction from the Commission. As the staffs finish this initial data collection, Commission staff will again check in with the Assessment Committee for any final direction before presenting the information to the full Commission. The full Commission and Area Manager will then hold workshops and a public review and discussion of the information.

Approximate completion date will be November 30, 2016

Phase 2
Public Input-Scoping-Identify Issues to be Addressed in Plan Revision

Concurrent with collecting data, the Commission and Forest Service will review the Management Plan and decide the topics that it wants to address in revising the plan.

• This step begins with the staff doing an internal review of the Management Plan concurrent with the Commission holding a workshop to discuss issues that the Commission is already aware of and has already expressed interest in addressing.

• Sources of the staff's internal review include notes about the Plan that past planning staff have made; specific issues that the Commission did not address in the last Plan Review; standards that the staffs and counties have needed to interpret in the past; and broad issues identified in the Future Forum, 25th Anniversary, Collaborative Engagement and Administrative Assessment projects, as well as issues/themes identified at the June 2014 Commission retreat. See ***Attachment 2*** for a list of these topics previously identified. Commission staff will report to the Assessment Committee after the internal review and the Assessment Committee may provide additional input to the staff.

• Public scoping to gather a complete list of issues and concerns about the current Management Plan and the National Scenic Area will occur through a series of meetings and open invitations to submit comment at any time. The Forest Service and Commission staff will meet with county and city staff. The Executive Director, Commission Chair and NSA Manager will formally consult with the four treaty tribes. The Executive Director, the county appointee and NSA Manager will meet with County Commissioners (at a County Commission meeting or other county preferred format). The two staffs will also host three public scoping

workshops—one in the east end of the Gorge; one in the middle Gorge, and one in the west end—these are likely going to be late afternoon and evening workshops. The staffs will check in with the Assessment Committee to report on progress, and the Commission will host a workshop at one of its Commission meetings.

• The two staffs will continually collect, summarize, and present the issues as these meetings and workshops and are occurring. The staffs will produce a final summary of the issues and a recommendation of issues for revision. The Commission and NSA Manager will hold workshops on the summary of issues and recommendations for revisions and decide on a final set of issues to consider for revision.

Approximate completion date will be June 30, 2017

Phase 3
Revise Goals and Objectives

The goals and objectives in the Management Plan are high-level statements of the future condition for the National Scenic Area and broad means of achieving that future condition. The Commission did not revise any goals and objectives in the last Plan Review. In the 2016 Plan Review, the staffs anticipate the Commission will need to revise goals and objectives if it chooses to address broad topics that it has already expressed some interest in considering, such as effects of climate change, transportation challenges, and new recreation use.

• This phase begins with a Commission retreat in which it will plan for addressing the topics that it decides to revise with the primary purpose of keeping the Commission focused and on schedule.

• The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and the staff will do most of the drafting. The Commission does not have the resources for commissioners to be heavily engaged in developing the text.

• Midway through this phase, the two staffs will host a public workshop to present progress and receive input. This will be a staff-led, rather than a Commission-led workshop, with the idea that the workshop will be collaborative in nature. The workshop may take place over a few days as needed to work through the material. The Commission may discuss sending a few representatives to the workshop.

• Following the workshop, Commission staff will check in with the Assessment Committee and may ask for additional direction.

• Throughout this phase, the staff will give progress reports to the Commission at its regular meetings. At the end of this phase, the Commission will hold a workshop and approve the goals and objectives.

• Also at the end of this phase, as resources allow, the staffs may discuss with the Commission a changed format to the Management Plan. Currently, the plan is in book form—essentially text—and has had several amendments and one revision grafted into the original form. The Commission may hold a workshop to discuss converting the plan to a web-based format or making structural changes for readability.

Approximate completion date will be February 28, 2018

Phase 4
Revise Policies and Implementation Measures

The policies and implementation measures in the Management Plan are focused action items that implement the goals and objectives. In the current plan, these include the policies and guidelines for new development in Parts I and II and the provisions, strategies and statements of partner roles in Parts III and IV. The Commission will need to revise existing guidelines and enact new policies and implementation measures for topics that the Management Plan does not address.

- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and the staff will do most of the drafting. The Commission does not have the resources for commissioners to be heavily engaged in developing the text.

- Midway through this phase, the two staffs will host one or two public workshops to present progress and receive input. These will be staff-led and collaborative in nature. Right now, the timeline shows two workshops; each workshop may take place over a few days as needed to work through the material, and the need for a second workshop will be evaluated after completing the first. The Commission may discuss sending a few representatives to the workshops.

- After the first workshop, Commission staff will check in with the Assessment Committee and may ask for additional direction.

- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings and may seek direction on specific points. At the end of this phase, the Commission will hold a workshop and approve the policies and implementation measures.

Approximate completion date will be October 31, 2018

Phase 5
Prepare and Adopt Final Plan

In this phase, the staffs will integrate the revised goals, objectives, policies, and implementation measures into the Management Plan. This phase mostly involves staff drafting of the final plan text using the revisions that the Commission already adopted.

- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and again, the two staffs will do most of the drafting. The staffs will give careful attention to internal consistency of the revisions with unchanged portions of the plan. The staffs may also change the format of the Management Plan as discussed in the workshops at the end of Phase 3.

- Midway through this phase, the two staffs will host a public workshop to present progress and receive input. This will be a staff-led collaborative workshop.

- Following the workshop, the staff will check in with the Assessment Committee and may ask for additional direction.

- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings. At the end of this phase, the Commission will hold a workshop, likely over two or three months and approve a final revised plan.

Approximate completion date will be June 30, 2019

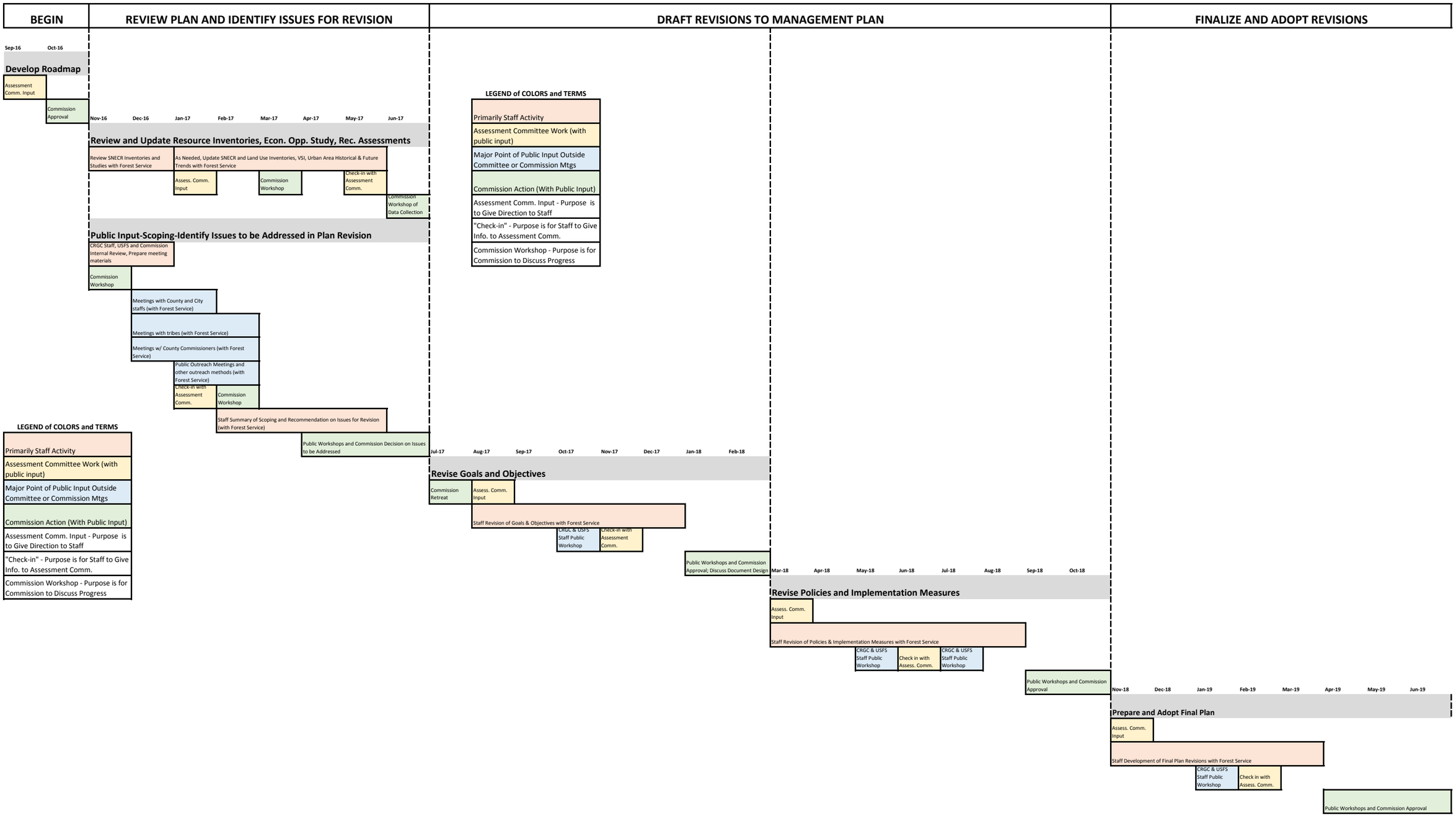
Commission Action

Staff requests that the Commission adopt the roadmap/timeline as presented.

Attachment 1
to October 11, 2016 Memo

WORK PLAN TIMELINE - 2016–19 PLAN REVIEW AND REVISION

(STAFF RECOMMENDED DRAFT - OCTOBER 11, 2016)



Attachment 2
to October 11, 2016 Memo

COMPILATION OF MANAGEMENT PLAN UPDATE ISSUES FOR CONSIDERATION

FOR OCTOBER 11, 2016 COLUMBIA RIVER GORGE COMMISSION MEETING

INVENTORY OF PREVIOUSLY IDENTIFIED ISSUES FOR DISCUSSION/RESOLUTION IN PLAN REVIEW

The list on the following five pages, divided as Scenic, Economic, Cultural, Recreational, and Natural Resource issues, are derived from the following three sources:

1) Management Plan Revision "tabled" issues list (2003) – "20040325 Short and Long-Term Items" Appended; "20030812 Long-Term Plan Review Issues Gorge Commission Action" provides additional explanation. These items are listed below as "2003 deferred," and consist of issues in the original work program for the 2004 Management Plan update that the Commission was unable to complete due to limited resources.

2) Staff identified issues - Brian Litt's top 12 issues table (2010). These items are listed below as "Brian Litt issues."

3) Staff issues database – A compilation of issues identified by Gorge Commission staff since the last management plan update. These items are listed below as "staff database."

Additional clarifying information from current staff, county planners, and the Commission's 2016 retreat minutes was incorporated throughout.

POLICY THEMES DISCUSSED BY THE COMMISSION AND ASSESSMENT COMMITTEE FOR THE MANAGEMENT PLAN UPDATE

Changes to urban area boundaries – The management plan should provide a procedural framework for consideration of urban area boundary changes, and include policies for consideration of urban area boundary changes that promote healthy and vibrant urban communities in the Columbia River Gorge.

Foster economic development opportunities – The management plan should include policies, either in the context of consideration of urban area boundary changes or in other appropriate contexts, which result in the increase of diverse employment opportunities in the Columbia River Gorge.

Oversight of rail operations that threaten Columbia River Gorge resources – During development of the management plan the Commission should investigate potential methods within its jurisdiction to ensure that rail operations involving transport of fossil fuels and other potentially hazardous materials do not pose a danger to humans and nature in the Columbia River Gorge.

Provide sufficient amounts of affordable housing for all populations - The management plan should include policies, either in the context of consideration of urban area boundary changes or in other appropriate contexts, which result in the ability of Columbia River Gorge residents to have suitable and affordable housing opportunities.

Determine carrying capacity of lands within the General and Special Management Areas - Assess development potential remaining outside of urban areas and determine whether such development would exceed the carrying capacity of these lands and degrade the scenic, natural, cultural, and recreational resources of the Columbia River Gorge.

Analyze and upgrade regional transportation systems – Determine shortfalls in the existing transportation system in serving the needs of both residents and visitors, and determine needed improvements and changes.

Better manage increasing recreational use of the Columbia River Gorge – Analyze changes and increases in recreational use within the Columbia River Gorge, and develop policies and measures in response to those changes.

Determine feasibility for and facilitate restoration of natural and historic features and resources in the Columbia Gorge that are degraded or destroyed.

Determine impacts climate change will have on Columbia Gorge natural resources and take action in response to those projected changes.

Update the Columbia River Gorge cultural resources inventory – review and, if necessary, revise protection measures and procedures.

NOTE: All of these policy themes involve cooperation and coordination with the treaty tribes for the mutual achievement of common objectives.

NOTES ABOUT EXISTING PLAN POLICIES AND GUIDELINES

SCENIC RESOURCES

Key Viewing Areas – review intent of Commission regarding some key viewing areas, notably Tom McCall point and the SR 14 rest areas. (2003 deferred)

Key Viewing Areas – review areas that meet the criteria, but are not designated, to determine if they should be designated; delete obsolete or redundant key viewing areas. (2003 deferred)

Consolidate scenic provisions between the General Management Area and Special Management Area. (2003 deferred)

New guidelines clarifying visual subordinance in developed settings. (2003 deferred)

Revise guidelines related to cumulative impacts and develop monitoring program for scenic qualities at an overall level. (2003 deferred)

Create new guidelines for color that apply throughout the NSA, not just in key viewing areas. (2003 deferred)

Review effectiveness of adopted corridor plans (if they have been adopted) for roadways and areas close to key viewing areas. (2003 deferred)

Clarify applicability of outdoor lighting guidelines. (2003 deferred)

Clarify and consolidate signage guidelines. (2003 deferred)

Revise guidelines relating to small additions to existing buildings – allow them to be the same materials. (Brian Litt list)

Revise visual subordinance guidelines to encourage renewable energy and “green design.” (Brian Litt list)

Review and revise guidelines for situations with very limited key viewing areas visibility. (Brian Litt list, staff database)

Applicability of design guidelines to structures other than buildings. (Brian Litt list)

Revise guidelines requiring new buildings to be compatible to the general scale of existing nearby development in areas with limited or nonexistent visibility from key viewing areas. (Brian Litt list)

Reconcile scenic guidelines and fuel breaks in general management area forest zones. (staff database)

Refine determination of “compatibility” to make the determination more consistent throughout the National Scenic Area. (staff database)

Clarify and streamline process for replacement of buildings destroyed in disasters, and in-kind replacements of existing buildings. (staff database)

Refine definition for maintenance vs. vegetation removal in public rights of way. (staff database)

Review criteria for onsite and offsite scenic resource mitigation for projects that can't meet visual quality objective. (staff database)

ECONOMIC RESOURCES

Review and revise cluster development guidelines/standards. (2003 deferred, Brian Litt list)

Review effectiveness of current provisions for regulating various land uses, including temporary uses, home occupations, cottage industries, schools, religious institutions, cemeteries, forest harvesting in the special management area, horse boarding, commercial composting, septic replacements, wind energy development, hardship dwellings, utility facility fences, underground utilities, agricultural buildings, cideries, community parks and playgrounds. (2003 deferred, staff database)

Review existing land use designations for various properties. (2003 deferred)

Review income test for new farm dwellings. (2003 deferred, Brian Litt list)

Regulation of new farm cultivation. (2003 deferred)

Criteria for non-farm dwellings in agriculture designations. (2003 deferred)

Clarify "current use" criteria for farm dwellings. (2003 deferred)

Regulation of uses allowed in the Columbia River. (Brian Litt list)

Introduce more flexibility to lot line adjustment guidelines. (Brian Litt list)

Review and institute guidelines for winery development. (Brian Litt list)

Review and revise guidelines for accessory buildings. (Brian Litt list)

Revise emergency response guidelines – this item crosses over into other subject areas. (Brian Litt list)

Clarify guidelines for life estates. (staff database)

Address issue of temporary dwellings during home construction/renovation. (staff database)

Review and revise guidelines for regulation of signs. (staff database)

CULTURAL RESOURCES

Review of standards for treatment of historic structures re: development permits. (2003 deferred)

Revise guidelines relating to cumulative impacts upon cultural resources. (Brian Litt list)

Generally review current provisions for protection of traditional cultural properties, and improve coordination with tribes. (current staff input)

RECREATION RESOURCES

Revise recreation intensity classes to reflect new facilities and recreational activities, focusing on private lands. (2003 deferred, Brian Litt list)

Redesignate privately-owned lands that are currently designated “public recreation. (Brian Litt list)

Generally review and revise recreational intensity classes map to reflect changes in recreational use and to improve compatibility of adjacent uses/zoning. Clarify class definitions with less reliance on USFS ROS concepts (current staff input)

Consider allowing land divisions that don’t meet minimum lot sizes if purpose is to facilitate public purchase. (staff database)

NATURAL RESOURCES

Revise guidelines related to cumulative impacts of development activity upon natural resources. (Brian Litt list)

Update natural resource protection measures to reflect new natural resources data, such as mapped oak habitat, newly listed sensitive species, and new analysis methods, such as fire risk mapping, connectivity modeling, fragmentation statistics. (current staff input)

Streamline guidelines and processes for fish enhancement projects. (current staff input)

Review deer and elk winter range inventory and revise standards, based upon current data. (current staff input)

Review and potentially revise prescriptive ratios for stream/wetland mitigation and enhancement. (staff database)

TO: Columbia River Gorge Commission

FROM: Jessica Gist, Sr. Natural Resources and Land Use Planner

DATE: October 10, 2017

SUBJECT: "Gorge 2020" Proposed Staff Work Plan

Background: "Gorge 2020" is a three-year process to review, and revise as necessary, the Columbia River Gorge National Scenic Area Management Plan (Plan).

In April, staff provided the Commission results from our initial scoping process, which included public listening sessions and comment period, meetings with tribes, agencies, counties, and organizations, and review of issues identified but not completed during the last Plan Review process in 2004. During the July 2017 meeting, the Commission reviewed the issues that rose to the top for staff to pursue further.

Today's presentation lays out a staff proposal for the next phase of "Gorge 2020". In early September we began weekly work sessions with the US Forest Service (USFS) to review the input we have received, and develop a Work Plan that incorporates their expertise and perspectives. This joint effort is integral to the process and essential to effective revision of the Plan. The Work Plan reflects a shared commitment for a path forward.

Organizing and Analyzing Scoping Input

During the last two Commission meetings staff presented a few high-level categories to organize feedback. We identified comments that were beyond the Commission's authorities, in conflict with Commission resolutions, or that required further refinement to be addressed within the Plan. There were also several **process improvements, programs, and partnerships** identified that can be addressed through staff work without revising Management Plan content. We propose continued work on scoping recommendations including but not limited to:

- Supporting regional partnerships including MCEDD, the Columbia Gorge Tourism Alliance, and Pacific Northwest Economic Region Partnership (PNWERP)
- Improving tools for landowners, realtors including online maps and information
- Engaging volunteers and stakeholders to increase efficiency and effectiveness
- Supporting traffic congestion studies and regional solutions
- Securing additional funding for Commission capacity and programs

Staff also identified **technical corrections and necessary updates** during internal review, from comment letters, and in agency in-person meetings. The remaining comments made up **recommended items to carry forward** for further discussion, examination of trends, text revisions and/or policy changes.

Our next task was to refine these recommended items to carry forward based upon the following criteria:

- urgency for changes to the Management Plan,
- direct relevance to the purposes of the Act,
- scope and scale of the issue,
- the potential impacts of delaying action.

Topics for ongoing discussion
The Commission has highlighted climate change and fossil fuel transport through the National Scenic Area as priority issues to address. We agree that these items meet the criteria described above, however at this stage, we recommend a unique approach to each, and describe our reasoning below.

Railroad development and operations are the subject of on-going legal proceedings and legislative efforts. Staff recommends this item not be pursued as part of "Gorge 2020" while these processes are underway because we are not yet able to evaluate whether any specific Management Plan language revisions are needed or warranted. The Gorge Commission signed a resolution in 2014 urging the states of Oregon and Washington, and key agencies, to take actions to avoid, minimize, and mitigate the risks of fossil fuel transport through the Gorge. The Commission will remain engaged in the issue, and will receive regular updates from its legal counsel.

The impacts of climate change are readily observed in the National Scenic Area. Changing climate and related weather patterns influence fire frequency, size and severity, drought and freezing events, water resources, and many other scenic, cultural, natural, recreation, and economic resources. Staff is recommending that we continue discussion around this item, providing information and data as time allows, to better define if and how climate change should be addressed in the Management Plan. We will, of course, consider resiliency and climate change adaptation in our updates and may, as time allows, recommend other specific changes to address resiliency in the plan. We intend to update introductory text to acknowledge climate change as a consideration relating to all aspects of land use planning in the Gorge.

Proposed Work Plan Priorities

Commission and USFS staff have identified topics we believe to be timely/urgent, realistic given current and expected capacity, and that will meaningfully improve the Management Plan. Each topic will require a tailored engagement strategy for expert advice and public input, as well as a unique timeline that accounts for our staff's and USFS's availability. These have been informed by an extensive scoping process and Commission priorities.

1) **Staff-led revisions** for text and/or policy changes. These will likely be addressed with subject matter experts in very targeted issue-based meetings. We will continue government-to-government consultation with the treaty tribes about any potential needs for updates to how tribal resources and treaty rights are addressed in the current Plan.

PROPOSED "GORGE 2020" STAFF AND TECHNICAL TEAM REVISIONS
○ Scenic resources chapter updates to incorporate latest scenic resource management principles and address issues that were identified but not addressed in 2004
○ Natural resources chapter updates to improve development review processes and outcomes for the resources
○ Cultural resources chapter review to incorporate technical and Treaty Tribes' input

2) **Topics for staff focus through strategic engagement.** These are topics that require us to "dive deep", bringing additional information and presentations to the Commission, developing indicators where appropriate, and designing unique collaborative processes for each. For example, one topic may require a diverse advisory team while another may benefit from targeted focus groups. These topics have been identified by the Commission and counties as important to address, and have generated a great deal of public interest. We intend to provide several opportunities for engagement around them. Conversations in the coming months will help us understand how these topics may best be addressed with Management Plan changes, implementation improvements that do not require Management Plan revisions, or a combination of the two.

PROPOSED "GORGE 2020" FOCUS TOPICS
○ Examine policies related to **recreation and tourism** including but not limited to demand/capacity, access, regional planning, and Recreation Intensity Classes.
○ Analyze economic drivers in the NSA, and define the Commission's role related to **economic development**.
○ Clarify the definition of a "**minor revision**" and the process and/or criteria for **revising Urban Area boundaries.**
○ **Revise and clarify land use policies to** improve consistent application of resource guidelines and to address emerging land uses. Updates primarily to Part II Chapter 7 including, but not limited to, expedited review uses and processes, solar development, vineyards and cideries, agritourism, cumulative impacts analysis guidance, visually subordinate standards, etc.

How we approach the "Gorge 2020" Work Plan

- Work closely with the USFS, aiming to maintain a high level of alignment
- Engage county planners (the implementers) as key partners and experts
- Select engagement "tools" with outcomes in mind. Engage technical experts, authoritative agencies, the four treaty tribes, and the public in ways that propel the work plan forward
- Incorporate relevant status and trends information and Vital Signs Indicators (VSIs) to craft revisions that are evidence-based and likely to achieve desired outcomes over the long term.

Next Steps: Staff will present a powerpoint, including graphic representations of this Work Plan. The approach we have outlined allows us to tailor public engagement and coordination with technical experts to each topic. We believe that this added capacity, with careful and targeted engagement of key stakeholders, will allow us to complete "Gorge 2020" as planned and with outcomes that serve the National Scenic Area resources as well as the people who live in and visit this area. Staff is seeking support for the proposed framework and set of focus topics that make up the "Gorge 2020" Work Plan.

A SHORTCOURSE

Department of Commerce

ON LOCAL PLANNING

A Short Course On Local Planning Resource Guide

Version 5.3 (2017)

Planning Association of Washington

WA cities Insurance Authority

American Planning Association Washington Chapter

AWC Association of Washington Cities

AWC Risk Management Service Agency

As you will find from the rest of this chapter, the amendments above relating to rural development are significant because the GMA changes how local governments address the development of rural areas. The other amendments are significant because they leave many communities with the task of incorporating new information and requirements into GMA plans and regulations. That task is currently a work in progress for many communities through GMA update requirements, identified below.

In 2002, the state legislature enacted one of its more pressing amendments to GMA by imposing deadlines on cities and counties to update their GMA policies and regulations. The deadlines vary depending upon the location of the city or county, starting with December 1, 2004 for some Puget Sound jurisdictions and ending on December 1, 2007 for some eastern Washington jurisdictions, and every eight years thereafter. Delays in 2012 pushed the schedule to 2015 -2018 and every eight years thereafter. City and county planning commissions and boards facing these deadlines will spend much time making recommendations on the updates. A large portion of this Chapter (starting at Section E(1)) identifies what communities must do to comply with this update requirement.

B. The Primacy of the Comprehensive Plan

Adopting a comprehensive plan is the starting point for any planning process. The comprehensive plan expresses a community's vision of itself, the community it would like to become, its hopes and dreams, and the philosophical underpinning for any planning activity. It is an expression of the "public interest," in the sense of exercising the public authority of a municipality. Since the GMA was enacted, it has become an enforceable blueprint or framework for all subsequent land use regulation activity.

Although the county-wide planning policies (discussed later in this chapter) set the direction for comprehensive planning on a regional level, the comprehensive plan is the starting point for any discussion of the local land use process. It is also the touchstone for measuring community actions, and the policy framework by which all community planning enactments will be judged.

The comprehensive plan is formulated initially by a planning commission (appointed residents with an interest in planning), with technical assistance from the planning staff. Ultimately, the elected public officials (city councils or county commissions) adopt it. Comprehensive plans typically are processed through a series of public hearings. These give the public an opportunity to express their views on community plans. Growth management legislation stresses early and continuous public involvement to validate these planning efforts.[10]

[10] RCW 36.70A.035 established public participation requirements that include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to comprehensive plans and

Comprehensive planning identifies community or "public" interest through a public and political process. The resulting plans reflect the political compromises needed to forge consensus for a community plan. While not everyone will be satisfied with the end result, the comprehensive plan as adopted should deal with the many conflicting forces that shape a community. It is not the purpose of a comprehensive plan to eliminate conflict. Rather, it provides the framework for considering and resolving conflicting issues in the community.

The comprehensive plan is now the centerpiece of local planning. The growth management movement of the late 1980's led to several changes in philosophy, including a state-directed mandate that all cities and counties accomplish certain objectives.

C. The Goals of Growth Management Planning[11]

Growth management, as a legislative policy, is expressed in 14 goals[12], as follows:

- **Urban Growth** - Encourage urban growth where facilities are adequate to meet service needs.
- **Reduce Sprawl** - Eliminate sprawling, low-density development that is expensive to deliver services to and is destructive to critical areas, rural areas, and resource values.
- **Transportation** - Encourage efficient, multimodal transportation.
- **Housing** - Encourage a variety of affordable housing for all economic segments of the population.
- **Economic Development** - Encourage economic development consistent with resources and facilities throughout the state.
- **Property Rights** - Protect property from arbitrary decisions or discriminatory actions.
- **Permits** – Issue permits in a timely manner and administer them fairly.
- **Natural Resources Industries** - Maintain and enhance resource-based industries.
- **Open Space and Recreation** - Encourage retention of open space and recreational areas.
- **Environment** - Protect the environment and enhance the quality of life.
- **Citizen Participation** - Encourage citizen involvement in the planning process.
- **Public Facilities and Services** - Ensure that adequate public facilities and services are

development regulations.

11 RCW 36.70A.020.

12 Id.; 36.70A.480.









Oregon Planning Commissioner Handbook

April 2015

Planners Training Team

CHAPTER 1: Introduction to Planning

Congratulations and thank you for having the courage to make a commitment to your community and all the people of the great state of Oregon. You are now part of a large family composed of planning commissioners from throughout our state. Like all families, it has many individuals, each with their own particular skills and priorities. Yet all are bound together by important responsibilities, traditions, legal and economic concerns, as well as common needs and experiences. Some will function in large, diverse communities that are facing rapid change, others will fight the battles associated with static or declining populations. Everyone will likely work in an environment with insufficient resources to do all of the important work they'd like to do. What are the issues you and your fellow planning commissioners face? What are the resources that effective land use planning can bring to bear to help solve those problems?

Land use planning is not an answer to every concern. However, good community plans can do much to help a community face the issues that need to be confronted. Effective decision-making that involves the community members avoids the worse hazards, and optimizing local resources is what planning can do to make your city or county a better place.

Every community must develop its own list of issues and concerns, find its own solutions, and, most importantly, identify a vision for its future than can be accepted and achieved by the community's current and future residents. In Oregon, that process also includes complying with the Statewide Planning Goals using a set of policy statements that serve as parameters for city and county comprehensive land use plans and development regulations.

The following chapters are designed to help you understand how to make the Oregon planning program work for your community. This document is not meant to replace actual experience in working with your comprehensive plan and development regulations. Time will cure that deficiency in your knowledge. The information here will help you to understand the basics, and help you through the initial adjustments you will be making to fulfill your new responsibilities.

As you gain experience and comfort with land use processes, regulations, and other duties in your position as a planning commissioner, you will want to explore your ability to craft effective, long-range plans for your community and to broker agreements between people and organizations within your area. A clear vision for what your community is to become, an understanding of the political and fiscal realities of your area, as well as knowledge of the Statewide Planning Goals, will be important parts of how you approach your planning commission duties. Because you are part of a bigger system, you will be expected to represent all of your community and not just yourself.

This chapter will provide you with some basic information and understanding to help you carry out your duties. As you gain experience, you will develop the vision and knowledge required to fashion a pathway into the future for your community that is composed of many individual site decisions and a commitment to longer-term community-wide goals.

Before we progress any further in discussing land use planning, it is appropriate to understand the basic foundations for the process and the institution. The following sections will describe what land use planning is, how the process works, some of the reasons for planning, as well as a history of planning in Oregon. With this information you can understand the character of, and context for, planning in Oregon. While this foundational information will be relatively comprehensive, it will only be a simple introduction sufficient to help you and those you work with to understand the reasoning for planning and its basic processes.

LAND USE PLANNING – WHAT IS IT?

Planning itself is about making decisions. Those judgments may be about community priorities, or about housing needs, natural resource protection, or appropriate widths for local streets. Whatever the content of the decision, they are primarily about making effective, efficient, and appropriate determinations that achieve the desired results. Planning is therefore a decision-making process.

Land use planning is about making quality decisions about how the land is to be used. Every activity that occurs on the planet has to take place somewhere. That place may be a home, office, business, factory, or public service building – whatever the place, it will use a piece of land, need to be supported by services, have an impact on others and need to avoid certain hazards. Planning can help achieve those needs more efficiently than would occur without planning.

Planning is also more complex than just making land use decisions. There are responsibilities to others (the public, government entities, current and future generations, etc.) and values that need to be addressed in the process. The following is a listing of how planning has been described by some leading professionals in the profession:

Planning is:

- Determining community needs and setting goals in an organized manner
- Organizing events and activities
- The art and science of anticipatory problem solving
- A forward thinking process
- A tool to bridge the gap from now to then – from today's realities to tomorrow's possibilities
- Deciding in advance to do something
- Defending the common interest in the face of parochial/special/individual interests.

If the preceding is what planning is to accomplish, then it must have certain characteristics or conditions in place in order to accomplish those ends. Planning is a process that recognizes it must affect the future by analyzing the past within the context of today's realities and perceptions. Planning must be composed of the following if it is to be successful:

- Be a rational process
- Use facts as the basis for all decisions
- Create a common understanding of what the community needs versus what individuals may need
- Believe in the importance of involving people in a complex process that balances all interests
- Consider all reasonable alternatives
- Prepare a program to take action

While the previous definitions consider planning generally, this handbook is meant to focus on land use planning because that field is the medium for the state's goals and the overall planning program. In addition, Oregon's approach to planning is reflective of our citizens' political and philosophical beliefs.

The following definition provides some insight not only about planning, but also about how Oregonians like to see planning conducted.

Definition of Land Use Planning

Land use planning:

- Is a process occurring within a public forum
- Where factual information is gathered
- Where community needs are identified and prioritized
- Is based upon a values consensus resulting in a community vision
- Is used to make decisions regarding particular activities or issues as they pertain to a specific geographic location, with the intent to achieve the best possible long-term outcome.

The preceding wordy definition contains several important concepts that are identified separately below:

- **Process.** A system for making decisions with predictable steps and responsibilities.
- **Public forum.** Oregon believes in public involvement and in an informed citizenry.
- **Factual information.** The use of scientifically confirmable information, rather than perceptions or assumptions.
- **Community needs.** The overall community, not just particular groups or individuals.
- **Decisions.** Decision-making is what the process is all about and by making them in advance, it is more likely they will meet the community needs and be more equitable than incremental individual decisions.
- **Particular activities or issues.** By defining the concern to a particular permit or use, the issue can be more effectively defined and objectively decided.
- **Geographic location.** The land is the focus for these decisions, and the venue for considering the impact on others.
- **Long-term outcome.** The building, use or impact will be in place for some time – maybe generations – and this is the opportunity to decide whether that will be beneficial or not.

The Land Use Planning Process

The land use planning process can be diagramed to demonstrate how the various elements tie together. These steps must occur in the correct sequence if the process is to be successful. It can be too easy to "skip ahead" and to forget the thoughts and issues that needed to be considered at each point in the process. This continuity is particularly important to assure that all elements of the community are brought into the process and that they are part of, and committed to, the consensus that is developed.

The International City/County Management Association describe the steps to create a typical general plan process:

- Step 1: Identify issues, opportunities, and assumptions
- Step 2: Formulate goals
- Step 3: Collect and analyze data
- Step 4: Revise goals and determine objectives
- Step 5: Develop and evaluate alternative plans
- Step 6: Select and adopt the preferred plan
- Step 7: Implement the plan
- Step 8: Monitor and amend the plan

Everyone of these steps should include public participation and interagency coordination. While it is can be used as a general framework for many planning processes, each jurisdiction is likely to modify it to fit their particular circumstances and needs.

Why Plan?

Now that you know something about what planning is and how it occurs, you should consider why you should undertake such a complex, expensive, and time consuming activity. Communities plan for a variety of reasons and the particular combination of concerns will fluctuate with the needs of local people, conditions within the community, state law or other mandates, and the basic values and history of the local area's residents.

Some of the common reasons for communities to plan are to:

- **Accommodate the present.** Particularly to assure that the public facilities are effective and efficient
- **Prepare for the future.** Wise choices improve everyone's future
- **Anticipate change.** Its coming whether you are ready or not
- **Maximize community strengths.** Planning can leverage more benefits
- **Minimize community weaknesses.** Local deficiencies can be reduced or overcome
- **Identify and seize opportunities.** Consensus can help assure the right course can be taken when the chance is presented
- **Respond to mandates.** Legislation, Statewide Planning Goals, and other relevant state and federal requirements
- **Protect scarce resources.** Knowing what you have and what you want to keep helps to assure the things you need will be there when required
- **Build a sense of community quickly when people are uncertain.** They often create less productive social and political conditions within the community
- **Provide for the public's health, safety, and welfare.** Each community defines this separately and it changes as time progresses, but it is this mandate from the federal and state constitutions that creates the basis for planning and related activities

Why is your city or county planning? What is it that you want to protect? When the future is the present what will you and your community be doing, and is that what you value? Take a few minutes to think about these questions.

THE NEED FOR LAND USE PLANNING IN OREGON

It is unthinkable that a builder would attempt to construct a building without having a set of drawings, plans, and specifications. For a residence, the plans would be designed to accommodate the various activities and needs of a family – shelter, warmth, eating, sleeping, leisure time, entertaining, recreation – and the plumbing and electrical systems would be designed to support those activities at the various locations within the structures.

On a much larger scale, a state and its communities cannot develop in a logical, coordinated manner to accommodate the needs and activities of their citizens unless some advance planning is done to guide the continuing development and change that occurs.

There are relatively few individuals who may be responsible for making decisions relative to the construction of a residence. However, there is a very large number of diverse individuals, organizations, businesses, public agencies, corporations, etc., which have various responsibilities for making decisions relative to the development of a community and the state.

These decisions represent a wide variety of beliefs and priorities as to what, where, how, and when development should occur, what is most important and what is less important, and who should have what responsibilities.

In Oregon, the consequences of a lack of coordinated planning became evident to a majority of the state's residents, and its citizens determined that land use planning guided by statewide policy is the most logical way to assure that development will be guided in a direction that will provide maximum satisfaction of the needs and desires of everyone. The Oregon Land Use Act of 1973 is the basis for this coordinated land use planning effort.

Roots of Land Use Planning In Oregon

Land use planning in Oregon began in the cities of our state. Urban settings created urban needs for coordinated approaches to particular uses of the land.

Recognizing this, the 1919 Oregon Legislature passed enabling legislation allowing cities in Oregon to plan in an orderly way for the challenges that resulted from steady growth. This legislation enabled cities to establish planning commissions and required planning commission approval for subdivision plats. After World War II, Oregon counties were similarly authorized to establish planning commissions, at a time when rapid growth created increasing urban problems in many unincorporated areas.

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Policy

When the Zoning Code Works Against the Plan

20 September 2026 No Comments

Read through page 14 of this article for its discussion of a comprehensive plan. Do not worry about the relationship between the comprehensive plan and zoning ordinance.



The building has stood at the corner for a hundred and eighteen years.

Red brick, two stories, cast-iron columns flanking a recessed entry, a limestone date stone reading 1908. The ground floor has

held a dry goods store, a five and dime, an insurance agency, and for the last six years a coffee shop that also sells yarn. The upper floor has held nothing since 2010, when the last tenant moved out and the owner stopped heating it.

The woman who owns it now wants to put two apartments up there. Ground floor stays commercial. Upper floor goes back to what it was built to be. She has a contractor, a lender who is interested, and two people who have already asked whether the units will be ready by spring.

She checks the zoning ordinance first, which is more than most applicants do.

The parcel is zoned commercial. Dwelling units above ground-floor commercial are not a listed use in the commercial district — not permitted, not conditional, not mentioned. The ordinance was adopted in 1987 and amended in pieces for the next forty-eight years, and somewhere in that history the town quietly made it illegal to build the town the way the town was built.

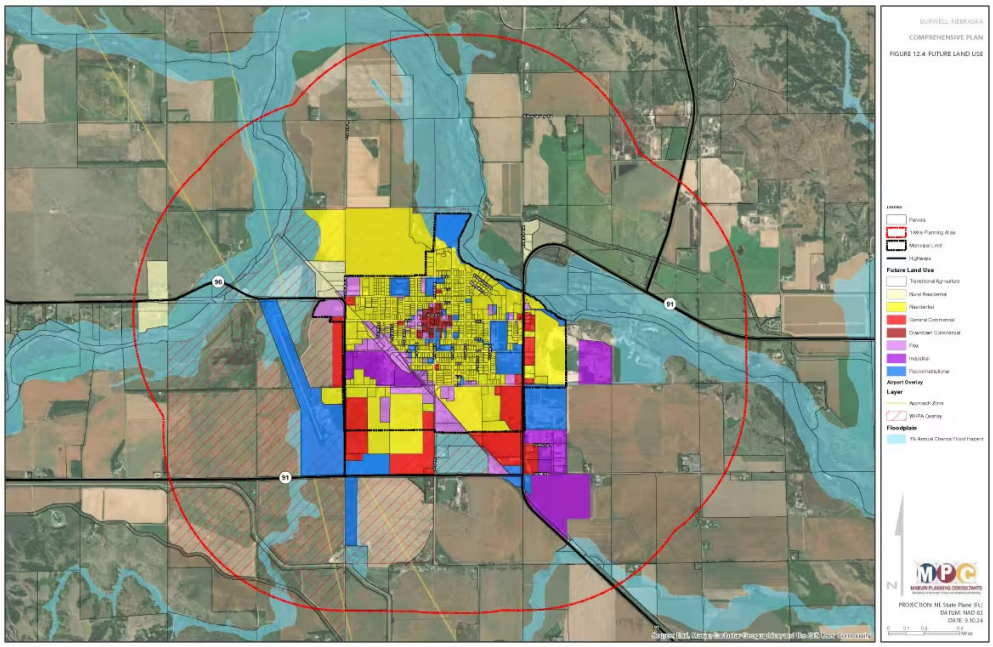
Her building is nonconforming. So is the hardware store across the street, the apartment over the old pharmacy, the law office in a converted house on the corner, and most of the blocks that appear in the photographs on the cover of the comprehensive plan. The plan, adopted three years ago, devotes four pages to downtown revitalization, names upper-floor housing as a priority, and includes a future land use map with the entire square colored for mixed use.

So the town has a policy document that asks for exactly what she is proposing, and a regulatory document that does not permit it.

Both were adopted by the same governing body. Only one of them controls what happens at the counter.

This is the third of four installments on land use this month. The first was about the future land use map — where it comes from and what it is not. The second opened the map to its largest category and asked what agricultural policy actually protects. This week we take up the instrument most people mistake for the plan itself. Zoning is not land use policy. It is one tool for carrying land use policy into force, and like any tool it can be sharp, dull, or pointed at the wrong thing.

The question I want to put in front of you is not which zoning system is theoretically superior. It is narrower and more uncomfortable: does your zoning code make possible the community your comprehensive plan says you want? I have spent the last several years writing these chapters for counties and small cities across the Midwest and Rocky Mountain states, and the examples here — Burwell and Kimball, Nebraska; Aztec and Bernalillo, New Mexico — come out of adopted plans, with the actual provisions and the actual numbers, because the gap between plan and code is not always visible in the abstract.



City of Burwell Future Land Use. Map by Mason Herrman, MPC

The Tool and the Plan

Zoning is often treated as if it *is* land use policy. It is not.

The comprehensive plan establishes the community's direction. It is where residents, property owners, elected officials, and local institutions put on paper what they want their place to become: where growth should occur, what should be protected, how downtown should function, what types of housing are needed, which roads and utilities need attention, and what physical character new development should reinforce.

Zoning is one of the principal tools used to carry that direction into everyday decisions. It is not the only tool, and it should never be mistaken for the vision itself. But when a property owner walks in with an application, zoning is often the first—and sometimes the most consequential—place where the community's stated priorities meet an actual proposal.

The Plan Sets Direction

A comprehensive plan is a policy document. Ideally, it is built from public meetings, surveys, maps, data, hard conversations, and the accumulated local knowledge of people who know which road floods, where the water pressure falls off, which block has lost three businesses, and which good farmland is beginning to sprout houses.

It may say that the community wants:

- A vibrant, mixed-use downtown.
- Walkable neighborhoods and safe streets.
- Infill housing on existing lots.
- New development that fits the scale and character of the town.
- Preservation of productive agricultural land.
- Growth where roads, utilities, schools, and public services can support it.

Those are not merely decorative statements placed between the community profile and the implementation chapter. They are the community's adopted position on the future of its land, infrastructure, and development pattern. They represent a choice to invest here rather than there; to protect this resource rather than watch it disappear one small decision at a time; to reinforce the places already served by streets, water lines, schools, and businesses rather than continually chase new growth to the edge of town.

But a plan does not approve a building permit. It does not establish the setbacks for a new house, determine whether an apartment is allowed above a storefront, or tell a property owner

how many parking spaces must be paved behind a building that was constructed before anyone thought to require them.

That is where implementation begins.

Zoning Makes Parcel-Level Decisions

Zoning translates the plan's broad direction into rules for individual properties. It is the part of the local planning system that tells an owner, a neighbor, a contractor, a developer, a planning commissioner, and the person at the front counter what may be built or operated on a particular parcel, under what conditions, and with what limitations.

That sounds dry until someone wants to do something with a piece of land.

A family wants to divide a large lot for another house. A business owner wants to add a small warehouse behind the shop. A farmer wants to open a farm stand, host seasonal events, or add a small processing operation. A homeowner wants an accessory dwelling for a parent, an adult child, a renter, or a caretaker. A downtown building owner wants to turn an empty second floor into apartments. A solar developer wants to lease ground outside town. A manufacturer wants room to expand without creating a conflict with nearby homes.

At that point, zoning stops being an abstract chapter in a binder. It becomes the answer to a series of very practical questions: Is the use allowed? Is a hearing required? How large can the building be? How close can it sit to the road or property line? Is there enough land for parking, access, drainage, and utilities? Will

the proposal require a variance, a conditional-use permit, a rezoning, or a trip back to the drawing board?

Zoning governs permitted and conditional uses, lot size, setbacks, building height, density, parking, signage, access, landscaping, buffers, and the long list of other details that can make a proposed project routine, difficult, expensive, or impossible. It also governs the choices a community makes one parcel at a time—choices that may seem small when they are considered individually but become the physical pattern of the town or county when repeated over twenty years.

- The comprehensive plan asks, “What kind of community do we want to become?”
- Zoning asks, “What can happen here?”

Those questions are related, but they are not the same. The plan establishes the destination. Zoning is supposed to help get the community there.

A zoning map is necessarily precise. It follows parcel lines because it has to. A particular lot is in a particular district, and the district carries specific rules. A future land use map works differently. It is more general because it expresses intent: this part of town should remain a stable neighborhood; this corridor can accommodate commercial growth; this downtown should support a mixture of shops, services, offices, and housing; this edge area should develop only when infrastructure can support it; this agricultural landscape should remain productive working ground rather than become a scattering of driveways and five-acre lots.

That is why the two maps should not be confused. The future land use map tells the community, landowners, staff, and future applicants what development pattern the community intends to support over time. The zoning map tells an owner what the rules allow today. One is policy. The other is regulatory. One is aspirational. The other has teeth, when we chose to use them.

The trouble begins when the maps and the rules stop talking to each other.

A comprehensive plan can identify a mixed-use downtown, a compact neighborhood, a preferred growth area, or an agricultural preservation area. It can say the community wants more housing choices, stronger Main Street businesses, orderly extension of water and sewer, preservation of prime soils, safer roads, or less scattered rural development. But if the zoning ordinance does not permit the uses, building forms, densities, lot patterns, and approval paths needed to make those outcomes possible, the plan is a promise without an implementation mechanism.



Sometimes parking can be accommodated at the rear of downtown commercial buildings. Aztec, New Mexico.

Consider a downtown designation on the future land use map. The plan may call for upper-floor housing, storefront businesses, small offices, walkability, rehabilitation of older buildings, and a district that looks and functions like the historic center of the community. Yet the zoning ordinance may permit only conventional commercial uses, require parking that cannot fit on an old lot, treat apartments over stores as a special exception, or impose setbacks designed for a highway commercial strip. The map says “downtown.” The code says “suburb.”

That is not a hypothetical. A few years back, I worked for the City of Aztec, New Mexico. More recently, when I was at Consensus Planning, we worked with the City on updating their comprehensive plan. Reviewing their Land Use Regulations at the time during COVID, the downtown commercial districts set maximum building height at one and one-half times the width of

the adjacent right-of-way. Main Avenue has an 80-foot wide right-of-way, so the code permitted buildings up to 120 feet tall on a street of one- and two-story brick and stone storefronts built to the sidewalk. The number was not protecting anything specific. It was copied from the suburban strip of a typical state highway, and it bore little relationship to the historic district the plan said the community wanted to protect. The plan recommended replacing it with a contextual standard tied to the average height on the block, with an additional story permitted on corner lots.

Aztec's code also illustrated a quieter concern: language that nobody can apply consistently. "Accessory Living Quarters" appeared as a permitted accessory use in the commercial and manufacturing districts but was never defined. "Accessory Dwelling Unit" was defined, cross-referenced to the neighborhood commercial district, and listed as a conditional use in the single-family district. Multi-family development was conditional in the neighborhood commercial district and in the North Main Overlay. An owner reading that code could not tell whether housing was allowed, allowed with a hearing, or allowed only as an afterthought behind a store. Neither could staff. Ambiguity is its own kind of prohibition, because the cautious answer at the counter is always no.

Consider similarly the rural edge of another county seat. The plan may identify agricultural land that should remain in production, both because it supports the local economy and because scattered acreage development imposes long-term costs for roads, emergency response, utilities, and public services. Yet an agricultural district that allows frequent residential splits can produce exactly the fragmentation the plan says it wants to avoid. A county can call that land "agricultural preservation" on a

map, but the zoning rules will determine whether it remains a working landscape or becomes a gradual pattern of detached homes, long driveways, and service obligations spread across the countryside.

This is not an argument that every project should be allowed, that every zoning district should accommodate every use, or that a community should abandon the basic task of preventing incompatible development. Zoning has a real job to do. It protects homes from genuinely disruptive uses, helps direct growth toward places with adequate infrastructure, provides predictability for property owners, and gives communities a way to address safety, access, drainage, environmental constraints, and the cumulative effects of development.

But zoning is not successful merely because it says no consistently.

It is successful when it makes the community's adopted vision possible in the places where that vision is supposed to occur, while providing clear and defensible limits where development would create real conflicts or costs. The test is not whether the ordinance is thick, old, or full of carefully numbered sections. The test is whether it helps a community build the place it said it wanted to become.

BUILDING CODES SHAPE WHAT CAN BE BUILT OR REUSED

Zoning is not the only regulatory system that affects what people can do with real estate.

A property owner may clear the zoning hurdle and still find that a project lives or dies on the requirements that apply once the owner begins to build, renovate, repair, or reoccupy a structure.

Across the United States, the building-code framework commonly includes the International Residential Code (IRC) for one- and two-family dwellings and townhouses; the International Building Code (IBC) for commercial buildings and larger or more complex residential buildings; and the International Existing Building Code (IEBC) for additions, alterations, repairs, changes in occupancy, and reuse of existing structures. Other codes address the systems that make buildings safe and usable: the International Fire Code (IFC), International Plumbing Code (IPC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), and International Energy Conservation Code (IECC). Electrical installations are commonly governed by NFPA 70, the National Electrical Code (NEC).

That alphabet soup is not just a matter for architects, contractors, and code officials. It affects the planning conversation because each code can shape what is practical on a particular site. The controlling requirement is the edition and local amendments actually adopted by the state or jurisdiction—not necessarily the newest model code on the shelf—and that fact alone can create real confusion for a property owner trying to understand a proposed project.

For new construction, the distinction is usually straightforward. Zoning determines whether the proposed building and use are allowed on the site: the permitted use, setbacks, height, lot coverage, parking, access, and other land-use conditions. Building, fire, electrical, mechanical, plumbing, energy, and

related codes determine how that building must be designed and constructed so that it can be safely occupied.

Older buildings are a different proposition.

A zoning ordinance may allow apartments above a commercial storefront, but a long-vacant upper-floor conversion can still trigger requirements related to occupancy classification, fire-resistance ratings, fire separation between uses, sprinkler or alarm systems, exits, stairways, emergency lighting, accessibility, structural conditions, insulation, plumbing, heating and ventilation, electrical service, and wiring. A building from 1908 does not come with an empty chase for new plumbing stacks, a modern electrical panel, a second enclosed exit stair, or the clearance that a contemporary accessibility standard may require.

For a historic Main Street building, those issues can be decisive. The apartments may be allowed by zoning, but the project may still depend on whether the owner can provide a compliant second exit, separate the commercial and residential portions of the building, upgrade old wiring and electrical service, find room for mechanical equipment, or work through the requirements triggered by a new residential occupancy. And that is before anyone begins discussing what changes when there is food service on the ground floor.

None of this means building, fire, or electrical codes are the problem, or that a community should waive life-safety protections in the name of economic development. They exist to protect occupants, first responders, neighboring properties, and the public. The question is whether local staff, code officials, and property owners understand the lawful pathways for safe

rehabilitation and whether a jurisdiction administers its adopted standards clearly, consistently, and early enough for an owner to make an informed decision.

Communities that want historic preservation, adaptive reuse, downtown housing, or incremental reinvestment need to understand that those outcomes depend on more than zoning. Land-use rules, locally adopted building and fire codes, electrical requirements, permitting practices, early coordination among departments, and local technical capacity all affect whether a good idea can become a real project.

Aztec took that problem seriously enough to write it into the plan. When residents were asked what the City should do to protect its historic assets, 45 percent chose revising building codes to accommodate historic buildings — nearly as many as chose direct financial assistance. The plan responded with a set of linked strategies: designate historic overlay districts on the zoning map, create a Historic Landmark Commission charged in part with determining appropriate revisions to the building code for historic buildings, and work with the state Construction Industries Division, the State Historic Preservation Office, and San Juan County on legislation to better accommodate the challenges historic buildings face in meeting current code. That is a small city acknowledging that its preservation goals live partly outside its own ordinance, and deciding to go work on the part it does not control.



Required Reading

The Regulatory System Has the Teeth

Optional Reading

This is where plans and regulations can drift apart.

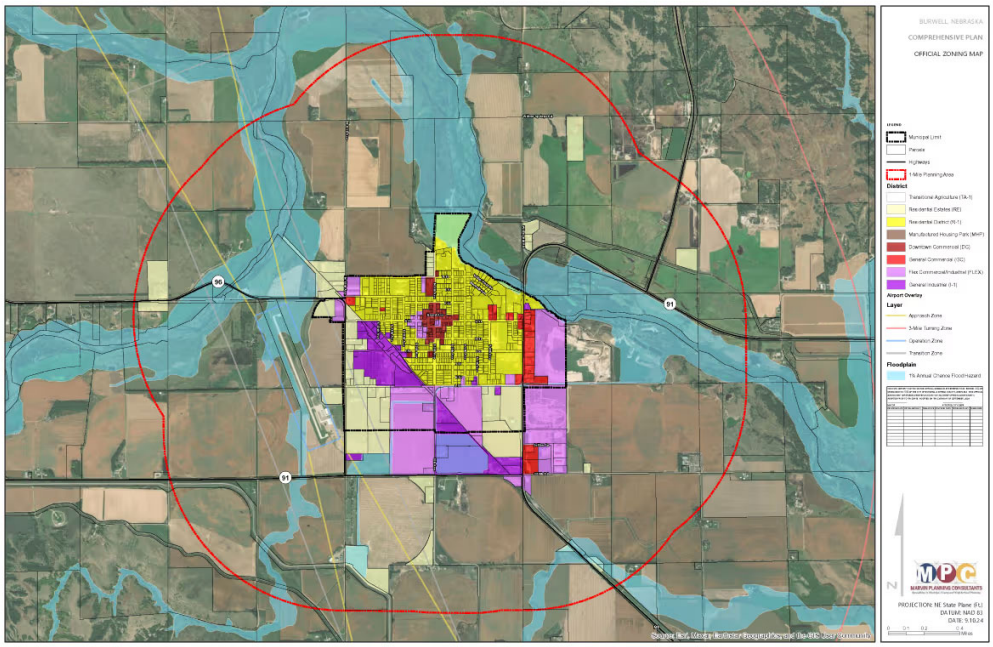


A comprehensive plan may call for mixed-use downtown investment, small-scale infill housing, walkable neighborhoods, and development that fits the existing character of the community. But the zoning regulations may still require large setbacks, prohibit mixed uses, mandate parking that will not fit on historic lots, or require lot sizes that make the traditional development pattern impossible to reproduce.

The building code process may add another layer of complexity for vacant or underused older buildings, especially when a property owner cannot get a clear early answer about what will be required to bring a building back into safe, legal use. A project can get lost between departments when zoning staff see a permitted use, the building official sees a change of occupancy, the fire official sees an egress or water-supply issue, and the owner sees a price tag that no longer resembles the project they thought they were proposing.

When the plan and the regulatory system point in different directions, the regulations usually win. Not because they should, but because they are enforceable. The plan guides policy; the regulations determine what can actually be approved, financed, and built.

And that gap is where a community's vision quietly goes to die.



City of Burwell Zoning, 2024. Map by Mason Herrman, MPC

A Code Can Defeat the Plan in Practice

There are many ways to do zoning. And the question is not which zoning system is theoretically superior.

The broader conversation about zoning reform has become increasingly visible in recent years. It often centers on large and growing metropolitan areas: eliminating exclusive single-family zoning, legalizing duplexes and accessory dwelling units, reducing parking minimums, encouraging transit-oriented development, increasing housing supply, and addressing the accumulated effects of exclusionary land-use practices.

Those are important conversations. They are also not always the conversations a small town or rural county needs to have first.

A rural county with more miles of gravel road than curb and gutter, a county seat with a struggling courthouse-square

business district, or a town with a few hundred homes and a vacant upper story above the hardware store is not simply a small suburb waiting for metropolitan zoning reform to arrive. Its land market, infrastructure capacity, development pressure, staff resources, housing needs, and political realities are different.

Euclidean zoning, form-based codes, mixed-use districts, overlay districts, performance standards, and the many ideas collected under the broad label of zoning reform each have their place. A mayor, county commissioner, planning-board member, or small-town administrator does not need a seminar on every reform model before asking a more practical question: *Does your zoning code make possible the land use pattern your comprehensive plan says you want?*

And then one step further: *Does the code make that pattern realistically buildable—not just technically permitted?*

That distinction matters.

Legacy Assumptions Can Conflict With Today's Goals

Much of the regulatory logic behind conventional zoning was built around separation: residential uses here, commercial uses there, and industrial uses somewhere else. There are good reasons for some separation. A community does not want a salvage yard next to a daycare center, a rendering plant beside a subdivision, or heavy industrial traffic rolling through a quiet neighborhood because the code never anticipated a conflict.

Many small towns have industries that do the heavy lifting: grain elevators, fabrication shops, trucking yards, rail-served

businesses, processing facilities, oilfield service yards, feedlots, and the other working uses that pay wages and keep a local economy moving. They need workable industrial and commercial districts, sensible buffers, reliable freight access, and rules that protect both the business and the nearby neighborhood.

But small towns are not simply industrial cities in miniature. Their historic pattern was often more practical and more mixed than the zoning categories that came later.

The places people tend to value most—the old downtown, the courthouse square, the blocks just beyond Main Street, the older neighborhood near the school—usually developed through a mixture of homes, shops, offices, civic buildings, and small-scale services. Buildings sat closer to the street. Lots were narrower. People could walk to buy groceries, mail a letter, attend church, or visit a doctor's office. A family might live upstairs and operate a business below.

That is how traditional Main Streets developed.

The pharmacy often had an apartment above it. The hardware store may have stood next to a house. A small grocery, barber shop, repair business, or professional office may have occupied the corner of a residential block. Houses sat on modest lots, close enough to the street and to one another to create a neighborhood rather than a collection of isolated parcels separated by leftover lawn and parking.

Yet a code adopted in 1987, then amended one section at a time for nearly forty years, may treat those familiar patterns as if they were novel complications. The old town becomes legally nonconforming. The plan praises the character of Main Street

while the ordinance prevents the next building owner from investing in it.

That is not a philosophical problem. It is a local implementation problem.

THE TOWN YOU VALUE MAY BE NONCONFORMING

Consider the places many communities say they want to preserve, strengthen, or recreate.

- Houses close to the sidewalk may not meet current front-setback requirements.
- A corner store or small professional office on a residential block may be prohibited by single-family zoning.
- A new infill house may not fit because the zoning code requires a larger lot, wider frontage, or deeper setbacks than the neighborhood was originally built with.
- Apartments above a downtown storefront may not be allowed in a conventional commercial district, or they may require a conditional use permit, zoning amendment, or another discretionary process.
- A small accessory dwelling (ADU) for a parent, adult child, caretaker, or renter may be prohibited even where water, sewer, streets, and services already exist.
- A farmstead or rural business may face rules that make ordinary diversification—farm sales, small-scale processing, seasonal events, home-based work, or agritourism—needlessly uncertain.

The Main Street property owner is not asking to introduce an unfamiliar or incompatible use with upstairs apartments. She is asking to use her building in the way it was designed to function,

the way the town was built to support, and the way the comprehensive plan says the community wants to grow.

Burwell, Nebraska, which I've written about previously, is a county seat of roughly 1,100 people on the Calamus River at the edge of the Sandhills. In their planning process we ran directly into the arithmetic. The city's zoning ordinance carried two tiers of residential regulation, with the low-density district limited to single-family homes and duplexes and a separate multi-family district that allowed a bit of office use only through conditional review. The dimensional standards required a minimum lot area of 6,000 square feet, an average lot area within a block of 7,500 square feet where city water and sewer were available, and a lot width of 60 feet. During the planning process, we mapped those standards against the actual platted lots and frontages in town and found the obvious: a great many existing lots could not be rebuilt on under the rules the city had adopted to govern them. The recommendation was not radical. Reduce minimum lot size and width, consolidate the residential districts to follow the future land use map, and legalize accessory dwelling units, on the reasoning that overly restrictive residential zoning prevents the natural, incremental change of neighborhoods that a local housing market needs.

The Town of Bernalillo, New Mexico, whom I worked with on their comprehensive plan update with Consensus Planning, shows the same pattern in a very different landscape. Bernalillo has 300 years of history along Camino del Pueblo — the road that was literally called Main Street until the 1960s — and a development pattern of small buildings at the street edge with parking to the side or rear, plus a long tradition of casitas added at the back of a lot for family. The Town adopted a revised Comprehensive Zoning Ordinance in 2020. Under it, accessory

dwelling units are a conditional use in residential zones, and mixed-use development, whether on the same site or in the same building, requires a Conditional Use Permit. The historic pattern the plan celebrates in its community character chapter is, in regulatory terms, a discretionary exception.



The Christkindlmarkt

Here's another scenario: using pre-fabricated commercial sheds, modular tiny homes, or customized concession structures for a pop-up market village. Might be for the summer or just during the county fair. Could be in the tradition of the wooden huts and chalets common at holiday Christmas markets around the world.

Under typical zoning and building codes, temporary structures are limited to about 180 consecutive days and must meet local wind and snow loads. Site plans need minimum separation between buildings, and public access that is practical and meets the Americans with Disabilities Act. Food vendors kick in public health requirements. Fire codes must be met, as well as electric code. Don't even ask me about liquor licenses.

Then there's something in zoning I've seen trip up neat ideas: Are multiple temporary structures allowed, or even listed, in your zoning regulations? Is a simple Special Events filing sufficient, or does it require a months-long Conditional Use Permit?

Even if the zoning code doesn't say no, the building code may be loudly ambivalent. The fire code may identify a life-safety problem that cannot be solved without a major city-wide investment in water pressure. The municipal electric utility may not have peak load capacity at the right spot.

There is the gap.

Permitted Is Not the Same as Buildable

A use can appear in the permitted column of a zoning table and still be effectively prohibited by the standards surrounding it.

Suppose upper-floor apartments are technically allowed in the downtown commercial district. That sounds like progress. But if the code also requires two additional off-street parking spaces for every dwelling unit, a 1908 Main Street building may have nowhere to put them. It may sit lot line to lot line, with no side yard, rear yard, or unused land that can become a parking lot without demolishing the very building the community says it wants to preserve.

The owner can meet the use requirement but not the parking requirement. The permission is theoretical. The project cannot happen.

Bernalillo's parking table makes the point numerically. Single-family dwellings require two spaces per unit. Apartment

buildings with five or fewer units require two spaces per dwelling, and buildings with more than five units require three spaces per dwelling. Apply that to a mixed-use rehabilitation on a narrow lot along Camino del Pueblo and the parking requirement, not the use table, decides whether the project exists. Meanwhile the town's MainStreet Overlay Zone and its adopted design guidelines pull in the opposite direction by intent, using build-to lines with a maximum setback from the street to hold the walkable character of the corridor. One part of the ordinance asks for buildings at the sidewalk; another part asks for three parking spaces per apartment. Both are adopted law.

The same practical problem can arise from:

- Minimum lot sizes that prevent traditional small-lot infill.
- Setback requirements that force buildings away from the street.
- Height limits that do not accommodate the desired building type.
- Excessive frontage requirements.
- Design requirements that add cost without advancing the community's stated goals.
- Conditional-use procedures that turn ordinary, plan-consistent investment into a lengthy and uncertain political process.
- Access, utility, or subdivision standards that were never calibrated for redevelopment within an established neighborhood.
- Building code upgrades triggered by rehabilitation or a change in occupancy that are difficult for an owner to design for, sequence, or finance without early coordination and technical assistance.

This is where the language of zoning reform can be useful, so long as it is used carefully. A small town may not need to eliminate every parking minimum, replace its entire ordinance with a form-based code, or adopt a metropolitan housing-production agenda. It may simply need to stop requiring suburban site design in a block that was built before the automobile became the organizing principle of land use.

The right reform may be modest and specific: exempt downtown from parking tables; upper-floor housing permitted by right; smaller-lot standards for an established neighborhood; an accessory-dwelling provision; a mixed-use overlay around the courthouse square; a clearer path for adaptive reuse; or a rural-business provision that allows an agricultural operation to diversify without becoming a regulatory guessing game. The point is not to copy somebody else's zoning reform package. The point is to remove the rules that block the development pattern your own community has already said it wants.



Second story residential, downtown Burwell, Nebraska

Align the Code With the Community's Vision

Most small towns and rural counties do not need to throw out their zoning codes and start over. Some may need a more comprehensive update, particularly when their ordinances are badly outdated, internally contradictory, or built on a development model that no longer resembles the community they are trying to serve. But many communities can make real progress through an honest, disciplined review of where the code aligns with the comprehensive plan and where it does not.

That audit is not glamorous. It involves tables, maps, definitions, dimensional standards, parking requirements, nonconformities, administrative procedures, and the unglamorous details of who reviews what, when, and under which code edition.

But those details determine whether the plan is implemented.

Start With the Future Land Use Map

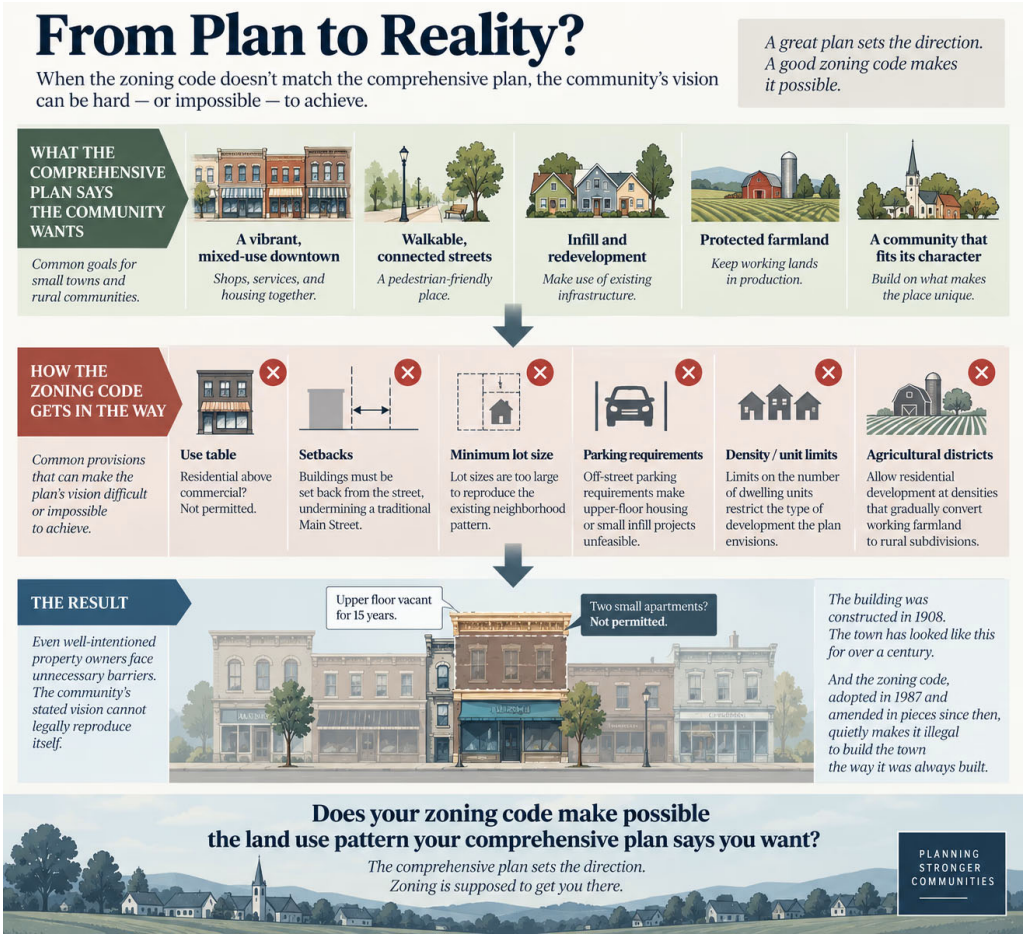
Begin with the future land use map. For each designation—residential, commercial, downtown, mixed use, industrial, agricultural, conservation, or another locally appropriate category—identify the zoning districts intended to implement it.

Then ask a straightforward question: *Do those districts actually permit the uses and development patterns the map is supposed to produce?*

Do not stop at matching labels. A future land-use designation called "commercial" is not adequately implemented by a zoning district that allows only single-use, auto-oriented commercial

development. A future mixed-use area is not truly implemented if the code requires homes and businesses to occupy separate districts. A future agricultural-preservation area is not protected if the agricultural district permits scattered acreage development that slowly fragments working land, increases service demands, and leaves the county with a map full of driveways where fields used to be.

The future land use map should be more than an illustration in the plan. It should be a working checklist for regulatory alignment, a way to ask whether the code makes it easier—or harder—to deliver the future the community adopted.



Test the Rules That Shape Development

An effective review looks beyond the zoning district name and the permitted-use list. A district can have a perfectly respectable name and still produce the wrong result because of its dimensional standards, parking rules, approval procedures, or overlapping code requirements.

Look at the standards that determine what can actually be built.

USE TABLES

Does the code permit mixed residential and commercial uses by right in appropriate downtown or mixed-use districts? Or does it require discretionary approval for upper-floor housing, a small neighborhood business, or another form of investment the plan says it wants?

Discretion has its place, especially for projects with genuine compatibility concerns. But when every desirable small-scale project requires a hearing, a notice, a recommendation, a governing-body vote, and a few months of uncertainty, the code is telling property owners to take their investment somewhere easier.

SETBACKS

Do required front setbacks push buildings away from the street and create a suburban pattern of lawns and parking lots in front of commercial buildings? If the plan calls for a pedestrian-friendly Main Street, those setbacks may be working against it.

A modest setback may be appropriate in a newer residential neighborhood or on the edge of town. It makes little sense to

demand the same pattern on a traditional downtown block where buildings have stood at the sidewalk for a century.

LOT SIZES AND FRONTAGE

Do minimum lot-area, lot-width, or frontage requirements make traditional small-town housing patterns illegal to reproduce? Or are you applying new standards retro-actively to prevent building on existing lots smaller than suburban standards? If so, the regs may be forcing outward expansion even when the community says it wants infill.

This is not an argument for crowding people onto unsuitable lots or ignoring water, sewer, drainage, fire access, and public-health requirements. It is an argument for recognizing that an established neighborhood of 50-foot lots cannot be strengthened through infill if every new house needs a 75-foot lot.

PARKING REQUIREMENTS

Do off-street parking standards make downtown reinvestment, upper-floor housing, or reuse of historic buildings infeasible? A parking matrix designed for greenfield development doesn't work for a traditional business district where we build substantial structures up to the sidewalk.

The question is not whether parking matters. It plainly does, particularly in rural communities where most people drive and where a shortage of accessible parking can be a real problem. The question is whether a blanket requirement applied to every parcel, every use, and every building age produces more parking —or simply prevents investment in places where a surface lot cannot physically fit.

And in my practical experience, developers and building owners will find parking when their tenants demand it, no matter what the city codes require.

BUILDING REUSE AND CODE ADMINISTRATION

When older buildings are rehabilitated or their use changes, do owners receive early, clear information about code requirements? Are zoning, building, fire, accessibility, and utility reviews coordinated so that an owner can understand the path to safe compliance before spending money on plans and applications?

The International Existing Building Code, where locally adopted, can provide a framework for repair, alteration, addition, and change of occupancy in existing structures. Communities should not assume it resolves every challenge. But they should know whether it applies, how it interacts with locally adopted building and fire codes, and whether staff and applicants understand the options available for safe, lawful reuse

AGRICULTURAL DISTRICTS

Is the agricultural district doing the job the plan assigned it? Burwell and Kimball, Nebraska, both used their 2024 comprehensive plan updates I worked on to set explicit expectations for the transitional agricultural areas inside their extraterritorial jurisdictions — Kimball's plan, for example, calls for residential density averaging no more than four dwellings per quarter section in transitional agriculture and roughly one dwelling per three acres in the residential estates category, with minimum lot size driven by what a domestic well and an on-site wastewater treatment system actually require.

Those numbers are the whole argument. A county or city can label land “agricultural” on the future land use map, but the split provisions, minimum lot sizes, and access standards in the zoning ordinance determine whether that ground stays in production or becomes a slow accumulation of driveways with road, school bus, ambulance, and utility obligations attached. If the district permits frequent residential splits, the map is describing a landscape the code is busy dismantling.



Mural. Bernalillo, New Mexico.

Four Communities, Four Different Fixes

None of this is theoretical. Four communities I have worked with arrived at four different answers, each tied to a specific local problem rather than to a national reform agenda.

BURWELL, NEBRASKA — SIMPLIFY THE RESIDENTIAL DISTRICTS

Burwell's plan identified single-family zoning and its dimensional standards as a direct hurdle to attainable housing, and proposed consolidating residential districts to follow the future land use map, reducing minimum lot size and width, and legalizing accessory dwelling units. The plan also created a Downtown Commercial future land use category built around the traditional pattern of the Grand Avenue square — brick and stone at the sidewalk line, parking and storage limited to alleys, on-site parking minimized to push activity onto existing downtown lots and blocks — and listed Missing Middle housing and upper-floor apartments over retail and services as appropriate uses. The first implementation action in the chapter was to review and update the zoning regulations and map. That we did, and last I checked in they continue to adapt and adjust to meet their particular needs.

KIMBALL, NEBRASKA — MAKE MIXED USE A MATTER OF RIGHT

Kimball sits on the high plains along I-80, and its downtown Chestnut Street core has the same brick storefronts with usable upper floors that most Nebraska county seats have. The plan's land use actions we drafted are blunt about the mechanism: revise the zoning code to accommodate mixed-use development, and encourage upper-level residential units downtown and mixed-use projects where appropriate citywide. The plan also documented what the city should expect in return, noting that housing on the upper stories of existing downtown buildings adds activity to the sidewalks in the evening, that people can park once and walk to several destinations, and that drive-thrus and multiple driveways along a block work against both on-street parking and pedestrians. The plan's own field survey mapped parcels that were already mixed use — apartments over retail

storefronts — which is the tell that the code was regulating against the existing town.

AZTEC, NEW MEXICO — CONTEXTUAL STANDARDS AND CLEARER DEFINITIONS

The fix we recommended for Aztec was a targeted overhaul of the Land Development Regulations: review permitted and conditional uses and minimum parking standards in every district; write contextual standards for height, setbacks, and ground-floor glazing for downtown Main Avenue; add real development standards for mixed-use projects, including buffers to adjacent single-family neighborhoods; clean up the Accessory Living Quarters and ADU definitions and decide where each belongs; and update the sign code so that pedestrian-scale downtown signage is not regulated like highway strip signage. The plan paired that with shared parking agreements downtown, so owners could cooperate instead of each trying to pave a lot that does not exist, and with an incentive menu — fee waivers, density bonuses, reduced minimum lot size, increased height and lot coverage, reduced parking counts — aimed specifically at infill and redevelopment in the downtown metropolitan redevelopment area.

BERNALILLO, NEW MEXICO — USE THE OVERLAY AND FIX THE ZONE MAP

Bernalillo already had the instrument that many small towns lack: a MainStreet Overlay Zone with adopted design guidelines addressing setbacks, massing, height, parking, portales and porches, materials, openings in street-facing walls, and signs. The remaining work was alignment. In the plan, we called for amending the zoning ordinance to allow family compounds in single-family zones through cluster housing provisions, an

explicit accommodation of a traditional multi-generational pattern; for working with owners of non-conforming commercial and industrial properties on zone map amendments that match zoning to the use actually on the ground; and for working with owners of vacant properties on map amendments consistent with the future land use scenario. It also carried forward the transit-oriented development plan's recommendation to expand the housing types zoning allows near the Rail Runner stations, including townhouses and mixed-use lofts. These ideas were grounded in the community and in our firm's principal's real-world experience. Nothing there requires a new code. It requires using the code the town has.

Four communities, four starting points: dimensional standards in one, use tables in another, definitions and contextual standards in a third, and map-to-ordinance alignment in the fourth. What they share is that each fix was traceable to an adopted policy and to a real local obstacle, which is also what makes such work survivable at a public hearing.

Prioritize Targeted Fixes

Alignment does not always require a complete rewrite. In fact, the word "reform" can make local officials nervous because it sounds expensive, ideological, and imported from someplace with a light-rail system, a housing crisis, and a planning department larger than the entire staff of a rural county courthouse.

The better starting point is often a targeted fix tied directly to the comprehensive plan and to a real local problem.

That might mean a downtown parking exemption or shared-parking provision. It might mean allowing upper-floor housing by

right, reducing setbacks in a historic commercial district, revising lot standards for infill, creating an overlay district, clarifying mixed-use provisions, or reviewing whether an agricultural district is accomplishing its stated preservation purpose.

Sometimes the solution is administrative rather than legislative: pre-application meetings, a rehabilitation checklist, coordinated review among zoning, building, and fire officials, or clearer guidance for owners of older buildings. Those changes do not eliminate life-safety standards or public review. They make the path clearer before an owner spends money on architectural drawings, engineering, or a project that was never going to work under the current rules.

The best place to begin is with real proposals.

The Main Street building owner's application is not just an individual request. It is a diagnostic tool. If the comprehensive plan supports downtown investment, housing choice, mixed use, and preservation of community character, then her proposal reveals whether the regulations actually make those objectives possible.



Back to Main Street

The building owner on Main Street is not asking for special treatment. She is asking the planning commission to recognize that what she wants to do is exactly what the town's comprehensive plan says the community values — and that the zoning code, not her proposal, is the thing that does not fit.

That is an uncomfortable position for a planning commission to be in. It requires admitting that the regulatory instrument the commission administers is working against the policy document the commission is supposed to implement.

But it is the right conversation to have. And it is far better to have it now — in response to a property owner who wants to invest in her building and her town — than to keep enforcing a code that quietly makes the community's stated vision impossible to achieve.

Burwell, Kimball, Aztec, and Bernalillo each had that conversation on paper before a specific application forced it. That

is the easier sequence. The harder sequence is the one where an owner has already hired an architect.

The Code Is Out of Compliance With the Town

The owner of the 1908 building is not asking for a favor, a variance, or a sympathetic reading of an ambiguous provision. She is asking her planning commission to notice something it already has in writing: her proposal is what the plan asks for, and the ordinance is the thing that does not fit.

That is an awkward finding for a commission to make, because the ordinance is the commission's own instrument. It is easier to deny an application than to concede that the rules need work. But the denial does not preserve anything. It simply sends the second floor back to being unheated, the lender back to a project in another town, and the plan back to the shelf with its four pages on downtown revitalization intact and inoperative.

Nobody drafted that outcome on purpose. It accumulated. A parking ratio borrowed from a model ordinance from the 1970s, a setback written for a highway frontage, a use table that never contemplated an apartment over a store, forty-eight years of amendments that each made local sense — and the sum is a code that prohibits the photographs on the cover of the plan. Burwell, Kimball, Aztec, and Bernalillo each found some version of this in their own regulations, and each wrote down a specific fix rather than a general aspiration. That is the whole difference between a plan that gets implemented and a plan that gets adopted.

An application is the cheapest diagnostic a community will ever get. It costs the applicant a fee and some hope, and it tells the commission

precisely where the plan and the code disagree. The only real waste is answering it and learning nothing.

The town is not out of compliance with the zoning code. The zoning code is out of compliance with the town.

Checklist question for this week: Pull the future land use map and the zoning map and lay them side by side. For each designation, name the district that implements it — then confirm that district actually permits the uses, densities, and building forms the designation promises. Where it does not, you have found your amendment list

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Next Sunday: A new subdivision outside city limits looks like new tax base. The harder question is whether anyone has calculated what that development will cost the county over the next thirty years.

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SEPTEMBER 2026 — LAND USE

- **Week 1** — The Future Land Use Map: Your Community's Most Important Document
- **Week 2** — Ag First: How Rural Land Use Policy Protects Working Ground