

CERTIFICATE AND ORDER

FOR FILING

TEMPORARY

ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE REVISER

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of Temporary rule(s) adopted on May 8, 1990, by the Columbia River Gorge Commission to become effective immediately through August 6, 1990.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action be taken:

Amended: 350-20-015
350-20-010(6)

as Administrative Rules of the Columbia River Gorge Commission

DATED this 15th day of May, 1990.

By: Richard P. Benner

Title: Richard P. Benner, Executive Director

Statutory Authority: RCW 43.97.015, Chapter 499, Washington Laws 1987.

For Further Information Contact: Richard P. Benner, Executive Director, (509) 493-3323.

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 17 1990

TIME: 2:33 AM
WSR 90-11-089

COLUMBIA RIVER GORGE COMMISSION

TEMPORARY RULE AMENDMENT

STATEMENT OF NEED

350-20-015 and 350-20-010(6)

350-20-010(6)

Need for rule amendment:

1. Failure to amend the current rule will require the Commission or review development proposals it has already approved simply because an applicant has failed to seek an extension of the validity of an approval within 12 months of the original approval. This may delay individual development plans and will require additional, unnecessary work and cost by the Commission.
2. The amendment is needed to prevent the Commission from having to review for a second time applications already approved solely because an applicant fails to request an extension within 12 months.

Authority:

ORS 196.150 to OR 196.165 and RCW 43.97.015 to 43.97.035.

Documents relied upon:

Commission Development Review Tally Sheet and requests for extensions.

350-20-015

Need for rule amendment:

1. Failure to amend the current rule will require the Commission to schedule additional meetings to hear a growing number of appeals. Additional appeal hearings will interfere with the Commission's ability to complete a management plan in a timely manner to the prejudice of many landowners and local and state agencies in the Scenic Area.
2. The amendment is needed to allow the Commission to spread its appeal load over a longer period of time in order to devote its principal attention to completion of the management plan.

Authority:

ORS 196.150 to OR 196.165 and RCW 43.97.015 to 43.97.035.

Documents relied upon:

Commission appeal files.

COLUMBIA RIVER GORGE COMMISSION

Temporary Rule Amendment

350-20

350-20-015. Hearing Date and Notice.

(1) The Commission shall at the earliest practical date set a time and place to hear an appeal. In any event, the Commission shall conduct a hearing within forty-five (45) working days after the receipt of a Notice of Appeal or Notice of Commission Initiated Review, [unless the parties agree to a later date] or as soon thereafter as the Commission schedule allows.

(2) Notice of Hearing shall be mailed to all parties at least ten (10) working days in advance of the scheduled hearing in the form prescribed in 350-16-010, the Commission's Administrative Procedures Rule.

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COLUMBIA RIVER GORGE COMMISSION

Temporary Rule Amendment

350-20

350-20-010. Decision of the Director.

(1) In making a decision on a proposed development action the Director shall:

- (a) Consult with the applicant and such agencies as the Director deems appropriate;
- (b) Consider information submitted by the applicant and all other relevant information available;
- (c) Consider all comments submitted pursuant to 350-20-009(7); and
- (d) Solicit and consider the comments of the Forest Service.

(2) The Director shall approve a major development action and new residential development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004. In approving a proposed development action, the Director may impose conditions as necessary to ensure consistency with the standards and guidelines of 350-20-004.

(3) The Director shall issue a decision on a proposed development action including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004 within thirty (30) working days after acceptance of the application unless the applicant consents to an extension of time.

(4) The Director shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the States of Oregon and Washington, the Indian Tribes, the planning director of the applicable county or city and each person who submitted comments under 350-20-009(7). The decision shall set forth the rights of appeal under 350-20-011.

(5) The decision of the Director shall be final unless a Notice of Appeal is filed in accordance with 350-20-011 or a Notice of Commission Initiated Review is filed in accordance with 350-20-013.

(6) The decision of the Director approving a proposed development action shall become void

- (a) in [one year] two years if the development action is not undertaken within that [year] period, or
- (b) when the development action is discontinued for any reason for one continuous year or more.

(7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an Administrative Action and shall be submitted to the Executive Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted. The Executive Director may grant an extension of up to twelve (12) months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

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