



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Columbia River Gorge Commission

- Permanent Rule
- Emergency Rule

(1) Date of adoption: July 11, 1995

(2) Purpose: To amend existing land use ordinance to make rule applicable to several portions of the Gorge that are not currently covered.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: 350-80-020, Land Use Ordinance - Area Affected

Suspended:

(4) Authority for adoption:

Statute: RCW 43.97.015

Other Authority: 16 USC 544, ORS 196.150

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Without immediate action, the Scenic Area's Management Plan cannot be implemented in several portions of the Gorge. It is not in the public interest to delay the action which creates uncertainty and doubt regarding the applicable standards.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*
- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Jan Brending

SIGNATURE

*Jan Brending*

TITLE

Rules Coordinator

DATE

07-12-95

EXPIRES  
STATE OF WASHINGTON  
JUL 11 1995  
TIME 11:58  
BY 95-15-Cler

**BEFORE THE COLUMBIA RIVER GORGE COMMISSION**

<b>In the Matter of Temporary</b>	)	<b>STATEMENT OF NEED</b>
<b>Amendment of Commission Rule</b>	)	<b>FOR TEMPORARY RULE</b>
<b>350-80, Land Use Ordinance</b>	)	

The Columbia River Gorge Commission intends to temporarily amend Commission Rule 350-80, Land Use Ordinance.

(a) Legal authority:

ORS 196.160, RCW 43.97.015, 16 USC §544

The proposed amendment is necessary as a result of federal law, 16 USC § 544 et seq. The amendment is proposed by the Columbia River Gorge Commission.

(b) Need of rule and how this rule will meet the need:

- (1) The proposed amendment ensures the standards of the Management Plan are applicable to the entire Scenic Area.
- (2) Delay in adoption of the proposed amendment will cause the Commission to be out of compliance with the National Scenic Area Act.

(c) Justification for emergency action:

- (1) Harm due to existing circumstances and (2) Prejudice predicted if delay:

Without immediate action, the Scenic Area's Management Plan cannot be implemented in portions of the Gorge. It is not in the public interest to delay action which creates uncertainty and doubt regarding the applicable standards, and, results in lack of compliance with the National Scenic Area Act.

(d) Documents relied upon and location for inspection:

- Columbia River Gorge National Scenic Area Act, 16 USC 544
- ORS 196.150
- RCW 43.97.015
- Management Plan for the Columbia River Gorge National Scenic Area

All documents are available at the Columbia River Gorge Commission, 288 E. Jewett Blvd., White Salmon, Washington 98672.

(e) Fiscal impact:

**State agencies:** A number of state agencies are given an opportunity to comment on proposed development projects. In most cases, comments are not required. It is not expected that the role of these state agencies will differ from their current roles, particularly since they are already participating in the land use ordinance process.

**County/local governments:** The proposed amendment will not have an effect on county governments. It should not have an impact on those local governments with lands that are not covered by an approved county ordinance. The Gorge Commission will continue to make land use permitting decisions in those areas and the local governments will continue to be an important part of the land use decision process. Local governments would not be liable for any costs related to implementing land use decisions made by the Gorge Commission.

**Columbia River Gorge Commission:** The Gorge Commission will review land use applications in those areas not covered by an approved land use ordinance. The decision-making process is already in place through the existing rule. Administering the land use ordinance in areas not covered by approved county ordinances will slightly limit the time the Commission can spend on other functions.

**Landowners and the Public:** Implementing the Management Plan will institute uniformity in regulations, predictability in decision-making and simplification of the permit process. Potential economic costs to landowners include a somewhat longer decision-making process and some additional information requirements for major development projects, but greater ease in compliance with specific standards.

**Small Businesses:** The majority of commercial and industrial activity in the Scenic Area occurs in the Urban Areas which are exempt from the regulations of the Management Plan and the land use ordinances. The proposed amendment will not change the current or future operations of these activities.

Existing business outside of Urban Areas are grandfathered and will not require new use permits.

Dated this 11 day of July, 1995.

  
\_\_\_\_\_  
Bob Thompson, Chair  
Columbia River Gorge Commission

**COLUMBIA RIVER GORGE COMMISSION**

**TEMPORARY AMENDMENT (as of 7/11/95)**

**Chapter 350  
Division 80**

**Land Use Ordinance**

**Amended December 13, 1995**

**350-80-020. Area Affected.**

Commission Rule 350-80 shall apply to all lands (~~in Klickitat County, Washington, Clark County, Washington, and Hood River County, Oregon~~) within the Columbia River Gorge National Scenic Area (~~as designated by~~) not administered by a land use ordinance approved pursuant to sections 7(b) and 8(h) through 8(k) of the Columbia River Gorge National Scenic Area Act.

~~(( Commission Rule 350-80 becomes effective 30 days after adoption and filing by the Columbia River Gorge Commission with the exception of those portions of Commission Rule 350-80 pertaining to the Special Management Areas, which become effective upon concurrence by the Secretary of Agriculture.))~~

~~(( Those portions of Commission Rule 350-80 pertaining to the General Management Area shall no longer be effective in a county which has adopted and put into effect a land use ordinance which has been found to be consistent by the Columbia River Gorge Commission.))~~

~~(( Those portions of Commission Rule 350-80 pertaining to the Special Management Area shall no longer be effective in a county which has adopted and put into effect a land use ordinance which has been found to be consistent by the Columbia River Gorge Commission and concurred on by the Secretary of Agriculture.))~~