

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 September 26, 1989, by the Columbia River Gorge Commission to become effective immediately through December 25, 1989.

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: 350-16-012(2)

as Administrative Rules of the Columbia River Gorge Commission

DATED this 3rd day of October, 1989.

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

OCT 05 1989

TIME: 3:03 
WSR 89-23003
IKR

Statement of Need

Temporary Rule

Need for Rule:

The Commission needs a process and criteria for controlling requests from parties to contested case hearings to gain access to the subject property to protect the property owner and the parties.

Emergency:

The Commission finds an emergency exists that calls for immediate adoption of the rule. Without the rule the Commission has no process or criteria for controlling access to properties involved in contested cases before the Commission. The Commission has a request pending before it. The appellants in the case wish prompt disposition of their appeal. Adoption of a temporary rule is the only way to avoid postponement of the hearing on the appeal and avoid substantial prejudice to the appellants.

Authority:

These rules are based upon Section 10(c) of the National Scenic Area Act, P.L. 99-663, which charges the Commission to review development proposals, and section a(4) of the Columbia River Gorge Compact, RCW 43.97.015 et seq. and ORS 390.500 et seq.

Document Relied Upon:

Commission rules 350-16-012(1).

COLUMBIA RIVER GORGE COMMISSION

TEMPORARY RULE AMENDMENT

**350-16-012. Depositions or subpoena of material witness;
discovery.**

(1) On petition of any party to a contested case, the commission may order that the testimony of any material witness may be taken by deposition in the manner prescribed by law for depositions in civil actions. Depositions may also be taken by the use of audio or audio-visual records. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of the testimony of the witness, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in Oregon or Washington and is unwilling to appear, the commission may issue a subpoena, requiring his appearance before such officer.

(2) On petition of any party to a contested case the commission may order that the party be allowed an opportunity to visit the property that is the subject of a hearing before the commission. The petition shall set forth the name, address and telephone number of the person or persons who will visit the property, a showing of the purpose of the visit and the materiality and proposed use of the information sought on the property. The applicant, the owner of the property or a representative shall be entitled to accompany the petitioning party while on the property and shall be given access to any written report or notes from the site visit prepared for the petitioning party.