

CERTIFICATE AND ORDER

FOR FILING

PERMANENT

ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE REVISER

I **HEREBY CERTIFY** that the attached copy is a true, full and correct copy of **PERMANENT** rule(s) adopted on September 27, 1994, by the Columbia River Gorge Commission to become effective October 31, 1994.

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.

Notice of Intended Action in Code Revisers Register

No _____ Yes _____ X

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

Adopted: 350-120, Economic Development Certification Process
as Administrative Rules of the Columbia River Gorge Commission

DATED this 28th day of September, 1994.

By: *Jonathan Doherty*

Title: Jonathan Doherty, Executive Director

Statutory Authority: RCW 43.97.015 to 43.97.035, Chapter 499,
Washington Laws 1987

For Further Information Contact: Jan Brending, Rules Coordinator,
(509) 493-3323.

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 30 1994

TIME: 9:09
WSR 94-20-052

COLUMBIA RIVER GORGE COMMISSION

Chapter 350 Division 120

Economic Development Certification Process

350-120-000. Purpose.

This division specifies the process of the Columbia River Gorge Commission (Commission) to certify activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Scenic Area Act, the management plan, and land use ordinances adopted pursuant to the Act.

350-120-010. Authority.

Section 11(c)(1) of the Scenic Area Act requires the Commission to certify all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to the Act.

The Scenic Area Act states as follows:

§ 544i. Economic development

(a) Economic development plan. Based on the Economic Opportunity Study and other appropriate information, each State, in consultation with the counties and the Commission, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this Act.

(b) Funds provided to States for grants. Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide \$5,000,000 to each State which each State shall use to make grants and loans for economic development projects that further the purposes of this Act.

(c) Conditions of grants. Each State making grants under this section shall require as a condition of a grant that--

- (1) all activities undertaken under the grant are certified by the Commission as being consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to this Act;
- (2) grants and loans are not used to relocate a business from one community to another;
- (3) grants and loans are not used for program administration; and
- (4) grants and loans are used only in counties which have in effect land use ordinances found consistent by the Commission

and concurred on by the Secretary pursuant to section 8 of this Act [16 USCS § 544f].

(d) Report. Each State shall--

- (1) prepare and provide the Secretary with an annual report to the Secretary on the use of the funds made available under this section;
- (2) make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and
- (3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

16 USCS § 544i.

350-120-020. Application for Certification.

- (1) The applicant shall submit one complete application to the Executive Director of the Commission.
- (2) A complete application shall include:
 - (a) One complete copy of the application materials required by the state agency administering the grant or loan program, excluding confidential financial information;
 - (b) If the proposed project will be located entirely or partially within the general management area or special management area one complete copy of a Scenic Area land use ordinance development review decision, issued by the applicable county planning director, approving the proposed project as consistent with the ordinance requirements, or a copy of a letter from the applicable county planning director stating why the proposed project does not require review under the county's Scenic Area land use ordinance;
 - (c) One completed application for certification form, available from the Gorge Commission and/or the state agencies administering the grant or loan program. The form shall include the following information:
 - (A) applicant's name and business address;
 - (B) description of proposed project for which a Scenic Area grant or loan is sought;
 - (C) legal description and map of the specific location of proposed project; if project has multiple or regional locations, these should be identified;

- (D) description of the existing use of the property or properties on which the project will be located and/or used;
 - (E) a statement setting forth any local, state or federal permits required and a report on their status; and
 - (F) signature of applicant and property owner if, different from applicant.
- (d) One copy of each of any state and federal environmental permits that have been issued for the proposed project. If permits have not been received, copies of permit applications shall be submitted instead.

(3) The Director shall review the application and determine if it is complete. If it is not complete, the applicant is required to submit the additional information requested by the Director. Once the Director determines the application is complete, the process of staff analysis shall begin.

350-120-030. Recommendation of the Director.

(1) In making a recommendation on a proposed grant or loan 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;

(2) The Director shall recommend a grant or loan for certification only if it is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(3) Within 15 working days of acceptance of the application as complete, the Director shall issue a report setting forth the recommendation and the basis for it.

(4) The Director shall mail a copy of the decision to the applicant, Gorge Commissioners, the Forest Service, the States of Oregon and Washington, the Indian Tribes with treaty rights in the Scenic Area, and the planning director of the applicable county or city.

350-120-040. Review and Decision by Commission.

(1) The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.

(2) The Commission may request further information at the meeting if it is deemed relevant to its decision.

(3) At the first Commission meeting occurring five (5) or more working days of after issuance of the Director's report, the Commission shall make a decision on the grant or loan, as follows:

- (a) approve the request, certifying the grant or loan is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act;
- (b) approve the request contingent upon approval of certain required state and/or federal environmental permits;
- (c) defer the decision, pending receipt of further information; or
- (d) deny the request, stating that the grant or loan is not consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.