

NOTICE OF PROPOSED RULEMAKING HEARING

(Statement of Need and Fiscal Impact **must** accompany this form.)

AGENCY: Columbia River Gorge Commission
(Department) (Division)

The above named agency gives notice of hearing.

HEARINGS TO BE HELD:

Date: Aug. 27, 1990 **Time:** 9:30 a.m. **Location:** Clark County PUD
89 'C' Street
Washougal, WA 98671

Hearings Officer(s): Stafford Hansell, Chair

Pursuant to the statutory authority of ORS RCW 43.97.015 to 43.97.035 or
Chapter(s) _____, Oregon Laws 19____ or
House Bill(s) _____ or Senate Bill(s) _____, 19____ Legislature

the following action is proposed:

ADOPT: _____

AMEND: 350-20-010
350-20-015

REPEAL: _____

Prior Notice Given; Hearing Requested by Interested Persons No Prior Notice Given

SUMMARY:

See attached.

Interested persons may comment on the proposed rules orally or in writing at the hearing. Written comments received by August 24, 1990 will also be considered. Written comments should be sent to and copies of the proposed rulemaking may be obtained from:

AGENCY: Columbia River Gorge Commission
ADDRESS: 288 E. Jewett Blvd.
P.O. Box 730
White Salmon, WA 98672
ATTN: Jan Brending, Rules Coordinator
PHONE: (509) 493-3323

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 05 1990

Richard Benner July 2, 1990
Signature Date

TIME: 4:20
WSR 90-14-112

COLUMBIA RIVER GORGE COMMISSION

PROPOSED RULE AMENDMENT

350-20-015 and 350-20-010

350-20-010

SUMMARY:

The amendment extends the validity of a Commission approval from one year to two years. Approval of a development proposal will be good for two years instead of one under existing rules.

STATEMENT OF NEED:

1. Failure to amend the current rule will require the Commission to 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.

FISCAL IMPACT:

The amendment is likely to have a slightly beneficial impact on private applicants and upon the agency because fewer development approvals will have to go through the development review process upon expiration.

350-20-015

SUMMARY:

The amendment allows the Commission to schedule contested case hearings more than 45 days after the filing on an appeal if necessary. The current rule requires the scheduling within 45 days.

STATEMENT OF NEED:

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.

FISCAL IMPACT:

The amendment will have a small fiscal impact upon applicants to the Commission for development. The rule will result in occasional delays in Commission hearings on appeals beyond the 45-day limit (after filing) now provided in Commission rules.

COLUMBIA RIVER GORGE COMMISSION

Proposed 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.

COLUMBIA RIVER GORGE COMMISSION

Proposed 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.