

COLUMBIA RIVER GORGE COMMISSION

In the Matter of Adoption of) STATUTORY AUTHORITY,
 Administrative Rules Relating) STATEMENT OF NEED,
 to Review by the Commission) PRINCIPAL DOCUMENTS
 of Major Development Actions) RELIED UPON AND FISCAL
 and Residential Development) IMPACT STATEMENT

SUMMARY OF RULES

The Columbia River Gorge Commission proposes to adopt rules following a public hearing at its regularly scheduled meeting on Dec. 1, 1987 at the Corbett Christian Center, 34395 NE Mershon Road, Corbett, Ore., at 9:30 a.m. to govern its development review process. The rules establish the process the Commission will follow to review all "major development actions" and "residential development" as defined in the Columbia River Gorge National Scenic Area Act, P.L., 99-663. The Commission must review these actions during the "interim" while it adopts the Gorge management plan and while counties bring their ordinances into compliance with the plan.

Under the rule, applicants will submit an application to the Commission. The Commission staff will review the application and decide whether it is consistent or inconsistent with the Commission's Interim Guidelines. A decision by the staff may be appealed to the Commission, which will hear appeals as contested cases.

STATEMENT OF NEED

These rules are needed to carry out the Commission's responsibilities under the Scenic Area Act and the Bi-State Compact to review major development actions and residential development for consistency with standards in the Act.

STATUTORY AUTHORITY

These rules are based upon direction in Section 10(c) of the Scenic Area Act:

Prior to the effective date of a land use ordinance for each county pursuant to section 7 of this Act, and concurrence of the Secretary on a land use ordinance for each county pursuant to section 8 of this Act, the Commission shall review all proposals for major development actions and new residential development in such county in the scenic area, except urban areas. The Commission shall allow major development actions and new residential development only if it determines that such development is consistent with the standards contained in section 6 and the purposes of this Act.

Section 4(4) of Article I of the Columbia River Gorge Compact, 1987 Washington Laws, Chapter 499, and 1987 Oregon Laws, Chapter 14, authorized the Commission to implement the Scenic Area Act charge. The rule is consistent with these authorities.

DOCUMENTS RELIED UPON

These rules are based upon development review procedures contained in county ordinances and review provisions for similar agencies in Oregon and Washington. These ordinances and regulations may be inspected in county courthouses and law libraries.

FISCAL IMPACT STATEMENT

These rules will have some minor fiscal impact on county planning departments which will be called upon to direct applicants for major development actions and residential development to the Commission for review. County offices will receive copies of Commission application forms for distribution to applicants.

The rules will also have minor impact on state agencies. In some cases, agencies with permitting authority will also be called upon to direct applicants to the Commission for review.


The rules will impose an impact upon members of the public who become applicants for Commission review. The rules impose a \$10 fee to cover the Commission's notification costs.

The rules may result in some delay costs, although a Commission review will take place at the same time as relevant county reviews. Also, the rules impose a 30-day decision deadline upon Commission staff to minimize delay.

The rules impose a \$60 annual fee for those persons who wish to receive notice of all Commission development review decisions. This fee covers the expense of providing the notice. Finally, the rules impose a \$100 fee for appeal of a staff decision to the Commission. This fee covers a portion of the cost of an appeal.

Dated October 30, 1987

On behalf of the Columbia River Gorge Commission:


 Richard P. Behner, Executive Director

STATE OF WASHINGTON
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