

**CERTIFICATE AND ORDER
FOR FILING
TEMPORARY
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE**

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of TEMPORARY rule(s) adopted on August 23 1988
(Date)

by the Columbia River Gorge Commission
(Department) (Division)

to be effective immediately through November 23, 1988
(Date) (Date)

The within matter having come before the Columbia River Gorge Commission after
(Department) (Division)

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: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted:
(New Total Rules) _____

Amended:
(Existing Rules) 350-20-002(6) through 002(16)
350-20-011(1); 350-20-013(1)

Suspended:
(Total Rules Only) _____

as Administrative Rules of the Columbia River Gorge Commission
(Department) (Division)

DATED this 1st day of September, 19 88

This Order amends TEMPORARY Order No.(s): _____ By: Richard P. Benner
(Authorized Signer)

NOTE: The Expiration date of this Order remains the same as the original Order. Title: Executive Director

Statutory Authority: ORS 390.500 to 390.515

Chapter(s) _____, Oregon Laws 19 _____ or

House Bill(s) _____, 19 _____ Legislature: **or** Senate Bill(s) _____ Legislature

Subject Matter: _____

**STATE OF WASHINGTON
FILED
SEP 8 1988
CODE REVISER'S OFFICE
WSR 88-19-003**

Statement of Need Attached: Emergency Justification Attached: Do you intend to adopt this rule Permanently? YES NO
If so, have you filed Notice of Proposed Rulemaking for publication in the Oregon Bulletin? YES NO

For Further Information Contact: Richard P. Benner, Executive Director Phone: 509-493-3323
(Rule Coordinator)

COLUMBIA RIVER GORGE COMMISSION

RULE AMENDMENT

STATEMENT OF NEED

Need for rule amendment:

The Commission has determined the term "file" should be defined in the development review rule to remove any ambiguity as to whether a document must be received by the Commission by a deadline or may be mailed. Failure to act immediately may leave a person without an appeal remedy under the rule by failure to meet a filing deadline.

Authority:

These rules are based upon Section 15(a)(3) of the Scenic Area Act, P.L. 99-663. That section authorizes the Commission to impose civil penalties upon any person who willfully violates the Act.

Section a(4) of Article I of the Columbia River Gorge Compact, 1987 Washington Laws, Chapter 499, and 1987 Oregon Laws, Chapter 14, authorizes the Commission to implement P.L. 99-663. These rules implement those authorities.

Documents relied upon:

The term "file" is defined by reference to definitions in similar rules of other agencies.

T E M P O R A R Y A M E N D M E N T S

Chapter 350

Division 20

Review and Approval of

Major Development Actions and New Residential Development

350-20-002. Definitions.

For the purposes of this division, the following definitions shall apply, unless context requires otherwise:

(1) "City" means any city whose boundaries extend into a Special or General Management Area.

(2) "Commission" means the Columbia River Gorge Commission established by Chapter 499, Washington Laws of 1987 and Chapter 14, Oregon Laws of 1987.

(3) "Director" means the Executive Director of the Columbia River Gorge Commission or staff designee.

(4) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon; and Clark, Skamania and Klickitat Counties, Washington.

(5) "General Management Areas (GMAs)" means those lands within the boundaries of the National Scenic Area except for those areas designated as Special Management Areas (SMAs) or Urban Areas (UAs).

(6) "File" means to deliver to Commission offices by mail or otherwise. To be considered filed, a document must be received at Commission offices by 5:00 p.m.

(7) "Forest Service" means U.S.D.A. Forest Service Columbia River Gorge National Scenic Area Office.

(8) "Major Development Action" means any of the following:

(a) subdivisions, partitions, and short plat proposals outside of Urban Areas;

(b) any permit for siting or constructing outside Urban Areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment prepared pursuant to section 6 of P.L. 99-663;

(c) the exploration, development, and production of mineral resources in General and Special Management Areas unless such exploration, development, or production can (i) be conducted without disturbing the surface of any land within the boundaries of a Special Management Area or (ii) is for sand, gravel, and crushed rock used for the construction, maintenance or reconstruction of roads within the

Special Management Areas used for the production of forest products;
and

(d) permits for siting or construction within the Special Management Areas of any residence or other related major structure on any parcel less than forty (40) acres in size.

(9) "National Scenic Area" or "Scenic Area" means the Columbia River Gorge National Scenic Area established pursuant to section 4 of P.L. 99-663.

(10) "Person" means any individual, partnership, corporation, association, governmental division or public or private organization or any character other than the Commission.

(11) "Party" means:

(a) Each person or agency entitled as of right to a hearing before the Commission;

(b) Each person or agency named by the Commission to be a party; or

(c) Any person requesting to participate before the Commission as a party or in a limited status which the Commission determines either has an interest in the outcome of the Commission's proceedings or represents a public interest in such result.

(12) "Related Major Structure" means any detached structure which is accessory to a residence.

(13) "Residential Development" means the permitting for siting or construction of any single family residence, related major structure, or alteration to the exterior of any single family residence or related major structure deemed significant by the Commission or its designee.

(14) "Special Management Areas (SMAs)" means areas within the National Scenic Area established or revised pursuant to section 4(b) of P.L. 99-663.

(15) "Indian Tribes" means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Warm Springs of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

(16) "Urban Areas (UAs)" means those areas within the Scenic Area identified as Urban Areas on the map referred to in section 4(e) of P.L. 99-663 or within the boundaries of an Urban Area as revised pursuant to section 4(f).

350-20-011. Appeal of Decision by Director.

(1) The applicant or any person who submitted comments on a proposed development action pursuant to 350-20-009(7) may appeal the decision of the Director by filing a Notice of Appeal within the following time periods:

(a) Twenty (20) working days after the date the decision was mailed under 350-20-010(4); or

(b) Fifteen (15) working days after the date the decision was mailed under 350-20-010(4) where the proposed development action is one of

these described in 350-20-009(7)(b).

(2) The Notice of Appeal shall:

- (a) Refer to the decision being appealed;
- (b) Show that the person filing the appeal is either the applicant or submitted comments within the time specified in 350-20-009(7);
- (c) Set forth the specific standards, guidelines or other grounds upon which the appeal is based;
- (d) State the date of the Director's decision; and
- (e) Shall show service by mail upon those persons listed in subsection (1).

(3) Notices of Appeal not received within the time allotted by this section shall not be accepted.

350-20-013. Commission Initiated Review

(1) A decision of the Director shall be referred directly to the Commission for hearing if three (3) or more members of the Commission [submit] file a written Notice of Commission Initiated Review to the Director within twenty (20) working days after the date the Notice of Decision was mailed. Copies of the Notice shall also be served by mail upon the applicant and all persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(2) The Notice of Commission Initiated Review shall:

- (a) Refer to the decision being appealed;
- (b) Identify the Commission members filing the Notice;
- (c) Set forth the specific policy issues, standards, guidelines or other grounds upon which the Notice of Commission Initiated Review is based;
- (d) State the date of the Director's decision; and
- (e) Show service by mail upon those persons listed in subsection (1).