

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:	Time:	Location:
May 8, 1990	9:30 a.m.	The Dalles City Hall 313 Court The Dalles, OR 97058

Hearings Officer(s): Stafford Hansell, Chair

Pursuant to the statutory authority of ~~ORS~~ RCW 493.97.015 to 493.97.035 Washington or
Chapter(s) 499, ~~Oregon~~ Oregon Laws 1987 or
House Bill(s) _____ or Senate Bill(s) _____, 19____ Legislature

the following action is proposed:

ADOPT: _____

AMEND: 350-16 and 350-20

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 May 4, 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

Richard Beamer 4/2/90
Signature Date

APR 04 1990
TIME 9:00
WSR 90-08-089

**BEFORE THE
COLUMBIA RIVER GORGE COMMISSION**

In the Matter of Amendment)	NOTICE OF HEARING AND
to Administrative Rules)	PROPOSED AMENDMENTS OF
Relating to Review by the)	RULES 350-16 AND 350-20
Commission of Major)	
Development Actions and)	STATUTORY AUTHORITY,
Residential Development,)	STATEMENT OF NEED,
350-20, and to Administrative)	PRINCIPAL DOCUMENTS RELIED
Procedures, 350-16)	UPON AND FISCAL IMPACT
)	STATEMENT

HEARING AND AMENDMENT OF RULES

The Columbia River Gorge Commission proposes to amend rules relating to its development review process, 350-20, and to amend rules relating to its administrative procedures, 350-16, at its regularly scheduled meeting on:

May 8, 1990, 9:30 a.m.
The Dalles City Hall
313 Court
The Dalles, Oregon

Commission Chair Stafford Hansell will preside over and conduct the hearing.

Amendment: Rule 350-20 and 350-16. the Commission is the proponent of these proposed amendments.

No prior notice given.

SUMMARY OF RULES

The proposed amendment to 350-20 would allow the Director to hold a pre-hearing conference prior to a contested case hearing on an appeal. The purpose of the conference would be to list witnesses and exhibits and take note of objections to any witness or exhibit.

The proposed amendment to 350-16 would add a definition to Commission rules of "indigency." Commission rules allow a waiver from the cost of preparing a record upon judicial review of Commission contested case orders to an indigent person. The proposed rules would define eligible persons.

STATEMENT OF NEED

The proposed amendment to 350-20 responds to a need for smoother and more efficient contested case hearings. A prehearing conference prior to more complicated hearings will improve the efficiency of the hearings.

The proposed amendment to 350-16 is needed to define which persons are eligible for a waiver from the cost of preparing the record when the person seeks judicial review of Commission orders.

Neither rule is needed as the result of federal law or a court decision.

STATUTORY AUTHORITY

These rules are needed to implement sections 10(c) and 15(b)(4) of the Scenic Area Act, P.L. 99-663. Authority to adopt rules derives from section 5(b) of the Scenic Area Act and the Columbia River Gorge Compact, Article I, section a(4)(g) at ORS 196.150 and 1987 Washington Laws, Chapter 499.

DOCUMENTS RELIED UPON

For the proposed amendment to 350-20 the Commission relied upon its own experience with development reviews. For the proposed amendment to 350-16, the Commission relied upon the rules of the federal Department of Health and Human Services for a definition of "indigency." These rules are available for review in Commission offices.

FISCAL IMPACT STATEMENT

The proposed amendment to 350-20 will increase some Commission operating costs slightly, to staff prehearing conferences. But the amendment will reduce Commission operating costs at the hearing itself. The costs should balance. The amendment would have the same impact upon parties to Commission contested case hearings.

The proposed amendment to 350-16 will reduce costs to an indigent party of judicial review of Commission decisions. The amendment will increase costs to the Commission when granting a waiver for an indigent party

STATEMENT OF ANTICIPATED EFFECTS

The proposed amendments will improve the Commission's appeal process by reducing hearing time and issues. A definition of "indigency" will facilitate the granting of waivers from the cost of preparation of Commission records on judicial review.

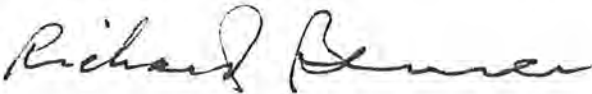
PUBLIC COMMENT

Interested persons may comment orally or in writing at the hearing. Written comment received at the Commission's office by May 4, 1990, will also be considered. Comment may be made to or copies of the proposed rule received from:

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

Dated April 2, 1990.

On behalf of the Columbia River Gorge Commission

A handwritten signature in cursive script that reads "Richard P. Benner". The signature is written in dark ink and is positioned below the typed text.

Richard P. Benner, Executive Director

COLUMBIA RIVER GORGE COMMISSION

PROPOSED RULE AMENDMENTS

350-20

350-20-017. Pre-Hearing Conference.

(1) The Director may schedule a pre-hearing conference with the parties to an appeal no later than five (5) working days prior to the date set for the hearing. The purpose of the pre-hearing conference shall be to:

- (a) List witnesses and exhibits to be presented at the hearing by each party;
- (b) Note objections to any of the witnesses or exhibits by any party;
- (c) Identify, simplify and clarify issues to be raised at the hearing;
- (d) Consider other matters which may facilitate the orderly conduct of the hearing.

(2) All witnesses and exhibits to be presented by the parties at the hearing must be introduced at the pre-hearing conference. The Director shall prepare a list of witnesses and exhibits for introduction at the hearing and inclusion in the record of the hearing. Any witness or exhibit not introduced at the pre-hearing conference may not be presented at the hearing unless the party demonstrates that the witness or exhibit could not have been introduced at the pre-hearing conference.

(3) Any objection to a witness or an exhibit introduced at the pre-hearing conference must be raised at the conference.

350-20-018(7). Conduct of the Hearing. (Note renumbering only)

350-20-019(8). Final Order. (Note renumbering only)

350-20-020(19). Resubmission of Disapproved Application. (Note renumbering only)

350-20-021(0). Changes or Alterations to an Approved Action. (Note renumbering only)

COLUMBIA RIVER GORGE COMMISSION

PROPOSED RULE AMENDMENTS

350-16

350-16-024. Commission Record for Review.

(1) Within thirty days after service of a petition for judicial review, or within further time allowed by the court, the commission shall transmit to the court the original or a certified copy of the commission record specified in 350-16-020.

(2) The commission may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay this cost to the commission relieves the commission from the responsibility for preparation of the record and transmittal to the court. For the purposes of this paragraph, a nonindigent person is one whose income is more than 130 percent of the poverty income guidelines published in the Federal Register by the U.S. Department of Health and Human Resources.