

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Columbia River Gorge Commission 350
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

RULE CAPTION

Proposed Rule Revising Dates and Notice Requirements for Development Review Decisions and Incorporating SMA Changes
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

February 14, 2012 9:00 am Hood River Best Western Inn, 1108 E. Marina Way, Hood River, OR CRGC
Hearing Date Time Location Hearings Officer

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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 350-081-0020, 350-081-0036, 350-081-0038, 350-081-0042, 350-081-0054, 350-081-0082, 350-081-0190, 350-081-0370, 350-081-0550, 350-081-0600, 350-081-0620

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 196.150

Other Auth.: RCW 43.97.015; 16 U.S.C. §§ 544d(c)(5)(A), 544e(c)(1), 544f(l)

Stats. Implemented: ORS 196.150


RULE SUMMARY

Currently, the Executive Director of the Gorge Commission must review a development review application for completeness within 14 days after receiving it, and must issue a decision on a standard development review application within 72 days after accepting the application as complete and an expedited review application within 30 days. The proposed rule changes those time periods into goals that the Executive Director will attempt to make. The proposed rule also eliminates the requirement that the Commission publish notices of development review applications in the local newspaper and send a notice to the local library. Finally, the proposed rule incorporates changes to the Management Plan for the Special Management Areas that the Forest Service provided to the Commission in 2011 and the Commission adopted without change.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

January 30, 2012

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

 Nancy Andring 10-5-11
Signature Printed name Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Columbia River Gorge Commission

350

Agency and Division

Administrative Rules Chapter Number

Proposed Rule Revising Dates and Notice Requirements for Development Review Decisions and Incorporating SMA Changes

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Statutory Authority: ORS 196.150

Other Authority: RCW 43.97.015; 16 U.S.C. § 544e

Stats. Implemented: ORS 196.150; RCW 43.97.015; 16 U.S.C. §§ 544d(c)(5)(A), 544e(c)(1), 544f(1)

Need for the Rule(s):

The Commission's 2011-2013 budget has forced the Commission to reduce staff. As a result, the Executive Director can no longer assure that she can review applications for completeness within 14 days or issue standard development review decisions within 72 days or expedited review applications within 30 days, which the Commission's rules specify. The proposed rule does not propose new hard time periods, but rather sets the 14-day and 72-day time periods as goals. The Executive Director anticipates meeting these time periods in most cases, but needs the flexibility of surpassing them to manage overall workload and staff resources. The proposed rule also eliminates the requirement that the Commission publish notices of development review applications in the local newspaper and send a notice to the local library, which will save money. Finally, the proposed rule incorporates changes to the Management Plan for the Special Management Areas that the Forest Service provided to the Commission in 2011 and the Commission adopted without change; this last set of changes is required by federal law, 16 U.S.C. §§ 544d(c)(5)(A), 544f(1).

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This rule could extend the time for decisions on development review applications, which may cause delay for applicants wanting to initiate construction within short time periods.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: There are no small businesses specifically subject to these rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No additional costs anticipated

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, or supplies required for compliance with the rules. The changes to Div. 81 resulting from the court decisions may require additional commission staff labor, but the commission is unable to quantify the amount or cost.

How were small businesses involved in the development of this rule?

Small businesses were not specifically involved in the development of these rules.

Administrative Rule Advisory Committee consulted?:

If not, why?: Prior to this filing, the Gorge Commission's Rules Committee held one public hearing on the development of these rules, and the Gorge Commission held two public hearing. The Commission's Rules Committee expects to hold one additional hearing to review information about how an identical temporary rule has worked for staff and the public.

Nancy Andring

Nancy Andring

10-5-11

Signature

Printed name

Date