



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Columbia River Gorge Commission

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 13, 2011

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain: This is a consecutive emergency rule filing for the same rule filed on June 14, 2011. RCW 34.05.350(2) prohibits consecutive emergency rules if the content is identical or substantially similar, except that an agency may adopt such an emergency rule if the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. Here, the Commission is filing notice of its intent to adopt the rule as a permanent rule at its February, 2012 meeting. In deciding to adopt this emergency rule, the Commission concluded that it needs additional time to study the effect of the emergency rule to inform whether it needs to adopt the permanent rule.

**Purpose:** 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 temporary 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.

**Citation of existing rules affected by this order:**

Repealed:  
Amended: 350-81-036, 350-81-042, 350-81-054  
Suspended:

**Statutory authority for adoption:** RCW 43.97.015

**Other authority :** ORS 196.150, 16 U.S.C. § 544e(c)(1)

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:**

The Commission has reduced its planning staff from 4.5 FTE down to 1.5 FTE during the past biennium. The Commission's 2011-2013 budget has forced the Commission to further reduce staff. In March 2011, the Commission adopted rule changes that eliminated hard deadlines in many of its rules as a way to manage overall workload and staff resources. At that time, the Commission did not want to change the time periods for issuing development review decisions. However, as a result of the reduction in staff that will be necessary in response to the 2011-2013 budget, the Commission must now change those time periods too.

**Date adopted:** September 13, 2011

CODE REVISER USE ONLY

**NAME (TYPE OR PRINT)**

Nancy A. Andring

**SIGNATURE**

**TITLE**

Administrative Assistant

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 05, 2011**  
**TIME: 3:14 PM**

**WSR 11-21-003**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>3</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>3</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____