

COLUMBIA RIVER GORGE COMMISSION

Chapter 350

Division 120

Economic Development Certification Process

As Amended Through April 1, 2004

350-120-000. Purpose.

This division specifies the process of the Columbia River Gorge Commission (Commission) to certify activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Scenic Area Act, the management plan, and land use ordinances adopted pursuant to the Act.

350-120-010. Authority.

Section 11(c)(1) of the Scenic Area Act requires the Commission to certify all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to the Act.

350-120-015. Definitions.

For the purpose of this rule, the following definitions apply:

- (1) "Activity" refers to the specific proposed action for which the grant or loan is being sought.
- (2) "Project" refers to the ultimate business enterprise, development, and/or land use for which the activity supports or is a component part.

350-120-020. Application for Certification.

- (1) The applicant shall submit one complete application to the Executive Director of the Commission.
- (2) A complete application shall include:
 - (a) One complete copy of the application materials required by the state agency administering the grant or loan program, excluding confidential financial information;
 - (b) If the proposed project will be located entirely or partially within the general management area or special management area one complete copy

of a Scenic Area land use ordinance development review decision, issued by the applicable county planning director, approving the proposed project as consistent with the ordinance requirements, or a copy of a letter from the applicable county planning director stating why the proposed project does not require review under the county's Scenic Area land use ordinance;

- (c) One completed application for certification form, available from the Gorge Commission and/or the state agencies administering the grant or loan program. The form shall include the following information:
 - (A) applicant's name and business address;
 - (B) description of proposed project and activity for which a Scenic Area grant or loan is sought;
 - (C) legal description and map of the specific location of proposed project; if project has multiple or regional locations, these should be identified;
 - (D) description of the existing use of the property or properties on which the project will be located and/or used;
 - (E) a statement setting forth any local, state or federal permits required and a report on their status; and
 - (F) signature of applicant and property owner if, different from applicant.
- (d) One copy of each of any state and federal environmental permits that have been issued for the proposed project. If permits have not been received, copies of permit applications shall be submitted instead.

(3) The Director shall review the application and determine if it is complete. If it is not complete, the applicant is required to submit the additional information requested by the Director. Once the Director determines the application is complete, the process of staff analysis shall begin.

350-120-025. Certification Procedures.

All applications for certification shall follow either the process in 350-120-030 through 040 or the process in 350-120-050.

350-120-030. Recommendation of the Director.

(1) In making a recommendation on a proposed grant or loan the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(2) The Director shall recommend a grant or loan for certification only if it is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(3) Within 21 days of acceptance of the application as complete, the Director shall issue a report setting forth the recommendation and the basis for it.

(4) The Director shall mail a copy of the report to the applicant, Gorge Commissioners, the Forest Service, the States of Oregon and Washington, the Indian Tribes with treaty rights in the Scenic Area, and the planning director of the applicable county or city.

350-120-040. Review and Decision by Commission.

(1) The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.

(2) The Commission may request further information at the meeting if it is deemed relevant to its decision.

(3) At the first Commission meeting occurring five (5) or more working days of after issuance of the Director's report, the Commission shall make a decision on the grant or loan, as follows:

(a) approve the request, certifying the grant or loan is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act;

(b) approve the request contingent upon approval of certain required state and/or federal environmental permits;

(c) defer the decision, pending receipt of further information; or

(d) deny the request, stating that the grant or loan is not consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(4) The Director shall notify the applicant, and the applicable state investment board of the Commission's decision.

350-120-050. Expedited Certification.

(1) The Executive Director of the Gorge Commission may issue a decision for a certification application that meets all of the following criteria. The Executive Director may, at his or her discretion, require an application be reviewed pursuant to 350-120-030 and 040 above.

- (a) The project and activity shall not involve ground disturbance or changes to structures that are 50 years old or older;
- (b) The project shall be located wholly within an Urban Area;
- (c) The project and activity shall be consistent with the economic development policies in the Management Plan
- (d) The project and activity shall be consistent with the Economic Development Plans for Oregon and Washington as amended from time to time by the states consistent with Section 11 (a) of the Scenic Area Act;
- (e) The project shall not involve relocation of a business from one National Scenic Area community to another;
- (f) The activity shall not involve program administration; and
- (g) The project shall occur only in counties that have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary.

(2) In making a decision to certify a proposed grant or loan the Director shall:

- (a) Consult with the applicant and such agencies as the Director deems appropriate, and
- (b) Consider information submitted by the applicant and all other relevant information available.

(3) The Director shall approve a grant or loan for certification only if it is consistent with the purposes of the Act, and the management plan.

(4) Within 14 days of acceptance of the application as complete, the Director shall issue a decision along with findings of fact and conclusions of law setting forth the basis for the decision.

(5) The Director shall mail a copy of the decision to the applicant, the Forest Service, the States of Oregon and Washington, the Indian Tribes with treaty rights in the Scenic Area, the planning director of the applicable county or city, and any person who requests a copy of the decision.

(6) The Executive Director shall prepare periodic summaries of the certifications approved through this expedited process for submission to the Gorge Commission.