

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

ROD WINDLE,)
)
 Petitioner,)
)
 v.) CRCG File No. C96-0009-H-G-11
)
)
 JONATHAN DOHERTY, Executive)
 Director,) DECISION
)
)
 Respondent.)

1. The Columbia River Gorge Commission met on November 12, 1996, to consider the appeal of Rod Windle of the decision by the Director of an application to construct a single-family dwelling and driveway, place fill to create a yard, and install a septic system and utilities on a 1.42-acre parcel in Hood River County, Oregon.
2. The Commission held a contested case hearing on the appeal, pursuant to Section 10c of the Scenic Area Act, Commission rules 350-16-009 to 350-16-017 and rule 350-70. The Commission admitted as parties to the hearing the appellant and the Director. Bob Thompson, Chair of the Commission served as Presiding Officer. Lawrence Watters acted as counsel for the Commission. Bart Brush presented the case for the Executive Director.
3. At the conclusion of the hearing the Commission voted to reverse and remand the application back to the Executive Director for consideration of siting of the residence in relation to the trees on the property and protecting the rural character of the rural residential land use designation; and for consideration of the size of the dwelling including clarification of dwelling size calculation; how the dwelling size relates to existing development in the vicinity, and how the dwelling size is presented in the conditions of approval. The Commission's decision is based on the following findings:
 - a. The Executive Director's approval of the use was correct.
 - b. The findings of the Executive Director are insufficient to support the decision in regards to the siting and size of the dwelling.
 - c. The decision of the Executive Director in regards to the siting and size of the dwelling is not supported by substantial evidence in the whole record.

ORDER

IT IS HEREBY ORDERED THAT:

1. The decision of the Executive Director is reversed. The application by North Cheatham is remanded back to the Executive Director.
2. The Commission adopts as its findings and conclusions of law those addressed above.

DATED THIS 10th day of December, 1996.

FOR THE COMMISSION:



Robert D. Thompson
Chair

NOTICE: You are entitled to judicial review of this Final Order within 60 days from the date of this order, pursuant to section 15(b) (4) of the Scenic Area Act, P.L. 99-663.