



M E M O R A N D U M

July 14, 2026

TO: Gorge Commissioners

FROM: Jeff Litwak, Counsel

SUBJECT: Staff Report for Rules Committee Recommendation to Begin Rulemaking to Update Land Use Ordinance to Incorporate the Disaster Relief Plan Amendment

Action Requested

Hold a public hearing on proposed rules and vote to adopt the proposed rules. A simple majority of a quorum of commissioners is needed to adopt the proposed rules, so any seven affirmative votes are needed. A recommended motion to adopt the proposed rules is below:

"I move to adopt the proposed rules to division 82 of the Gorge Commission's rules implementing the disaster response plan amendment as printed in the Oregon Bulletin and Washington State Register. The rules are consistent with the GMA portion of the Management Plan and tentatively consistent with the SMA portion of the Management Plan. The GMA and SMA rules will go into effect after filing the adopted rules with the states after concurrence by the Secretary of Agriculture."

This is one of two staff reports for your rulemaking hearing. You need two motions to adopt all the proposed rules: the motion in this staff report (above) and the motion in the other staff report. All the proposed

rules (accompanying this staff report and the other) are in one filing. The rules accompanying this motion and staff report are in division 82 of the Gorge Commission's rules (350-082), which are the last several pages of the attachment.

Background

In January 2026, the Gorge Commission adopted an amendment to the Management Plan to assist landowners in their recovery from a disaster. The plan amendment clarified standards for landowners and allows landowners to apply for temporary use of a recreational vehicle and a temporary accessory structure during their recovery. On February 24, 2026, the U.S. Secretary of Agriculture concurred with the plan amendment. On March 10, 2026, the Gorge Commission directed staff to file proposed rules with the states.

Staff filed the proposed rule with the states. The proposed rules appear in the May 2026 Oregon Bulletin and in the Washington State Register at WSR 26-10-027. The rulemaking activity has been posted on the Gorge Commission's website since the beginning of June.

The proposed rules are the same as the draft rules you reviewed at your March meeting. As a reminder, the Rules Committee reviewed the drafts and recommended they were ready for rulemaking. Staff also discussed the draft with Wasco County as Wasco County is concurrently preparing to implement the plan amendment.

Introduction to the Draft

The draft rules largely follow the text of the adopted plan amendment. Staff changed the cross-references to refer to other rules rather than plan provisions. The Commission should focus its attention on Rule 350-082-0150(9). This is new text that implements the requirement in the plan amendment to approve temporary use of a recreational vehicle and accessory structure.

Staff is not recommending that a landowner complete an application for a temporary use. If a landowner informs staff they need a temporary use, staff will prepare a site plan showing where the landowner may place the temporary use consistent with the requirements to avoid sensitive resources and their buffer zones and ground-disturbing actions, and to use an existing access to a parcel, etc. Staff will provide

the site plan and a letter with requirements for the use, including using only the location shown on the site plan, access, and timing for removal of the temporary use. The landowner will sign the letter acknowledging their understanding of the requirements for their temporary use. The letter and site plan will constitute the Executive Director's decision, which staff will send to the standard list of people and entities that receive copies of development review notices. The standard appeal period in the National Scenic Area Act will apply. Staff will show you a sample site plan and a template for the decision letter at the Commission meeting to give you a sense of what these will look like (staff is still refining the letter and will continue to refine the letter and site plans as we gain experience with allowing temporary uses).

Next Steps

If the Gorge Commission adopts the proposed rules, staff will forward them to the Forest Service for review and to obtain the Secretary of Agriculture's concurrence as required in the National Scenic Area Act. The Secretary of Agriculture has 90 days to review the rules and concur with the Gorge Commission's tentative finding of consistency with the SMA portion of the Management Plan.

After the Secretary of Agriculture concurs, staff will file notices of the adopted rules with the states to make the rules effective.

Staff will be ready to answer your questions at the July 14 Gorge Commission meeting.