RULE-MAKING ORDER
PERMANENT RULE ONLY

CR-103P (August 2017)
(Implements RCW 34.05.360)

Agency: Washington State Department of Commerce

Effective date of rule:
Permanent Rules
☒ 31 days after filing.
☐ Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes   ☒ No   If Yes, explain:

Purpose: To amend existing rules to reflect recent Growth Management Hearings Board (GMHB) cases and Supreme Court decisions pertaining to development regulations and the adequate protection of critical areas functions and values where agricultural activities take place. The proposal also adopts amendments to reflect legislative changes to the GMA, which was amended in 2011 to include a chapter on the Voluntary Stewardship Program (RCW 36.70A.700). This includes amending rules to add the statutory definition for 'agricultural activities', to describe the responsibility of counties enrolled in the Voluntary Stewardship Program when conducting a periodic review and update of comprehensive plans and development regulations, to clarify the relationship between the Shoreline Management Program and the Voluntary Stewardship Program, and to provide direction on the exemption of agricultural activities in critical areas. Additionally, a housekeeping amendment is proposed to comply with updated definitions in RCW 82.02.090. The rule update includes a new section (WAC 365-196-832) within Chapter 365-196, to provide specific guidance to implement the Voluntary Stewardship Program. The proposal amends five rules and creates one new rule, including WAC 365-196-200, WAC 365-196-580, WAC 365-196-610, WAC 365-196-830, WAC 365-196-832 (new),WAC 365-196-850.

Citation of rules affected by this order:
New: WAC 365-196-832
Repealed:
Amended: WAC 365-196-200, WAC 365-196-580, WAC 365-196-610 WAC 365-196-830, WAC 365-196-850.

Suspended:

Statutory authority for adoption: RCW 36.70A.050, RCW 36.70A.190

Other authority:

PERMANENT RULE (Including Expedited Rule Making)
Adopted under notice filed as <u>WSR 17-15-084</u> on <u>July 17, 2017</u> (date).
Describe any changes other than editing from proposed to adopted version: Minor, non-substantive changes were made to WAC 365-196-610(1)(a) and (3)(b), WAC-365-196-830(8)(b), WAC 365-196-832(4) and (5)(d), changing "necessary" to "needed" for consistency throughout the rules..

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

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:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	1	Amended	5	Repealed	0

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

New	0	Amended	0	Repealed	0

The number of sections adopted in the agency's own initiative:

New	1	Amended	5	Repealed	0

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0

The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	0	Repealed	0

Date adopted: October 2, 2017

Name: Brian Bonlender

Title: Director

Signature: