



**STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE**

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**[www.commerce.wa.gov](http://www.commerce.wa.gov)**

July 30, 2021

TO: Office of the Code Reviser

FROM: Amber Siefer, Commerce Department Rules Coordinator

SUBJECT: SEMI-ANNUAL RULE MAKING AGENDA, July 2021-December 2021

Attached, please find the Department of Commerce semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please contact me if you have questions – [amber.siefer@commerce.wa.gov](mailto:amber.siefer@commerce.wa.gov) or 360-522-0101.

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 30, 2021**

**TIME: 3:01 PM**

**WSR 21-16-074**

## Department of Commerce

### Semi-Annual Rule-Making Agenda

July 2021 through December 2021

<b>Division</b>	<b>WAC Citation</b>	<b>Subject Matter/Purpose of Rule</b>	<b>Current Activity/Approx. Filing Date</b>
CSHD	WAC 365-230-020	Lead-based paint definitions	Commerce is updating rules to align with the Environmental Protection Agency's newly lowered clearance standards for lead-based paint on floors and windows. A CR-101 was filed on March 9, 2021. A CR-102 was filed on July 7, 2021. A public hearing will be held via Zoom on September 9, 2021.
LGD	WAC 365-135	Reallocation dates for the Bond Cap Allocation Program	Commerce filed an expedited rulemaking CR-105 notice on May 19, 2021, with proposed revisions to six references for initial bond cap set-asides from September 1 to July 1. No written objections were received and a CR-103 was filed on July 20, 2021 adopting the rule changes. The changes will take effect August 20, 2021.
LGD	WAC 365-196	Growth Management Act mandatory elements for comprehensive plans	Commerce anticipates filing a CR-101 in Fall 2021 to update the recommendations and guidance for local governments regarding new housing element requirements for comprehensive plans per E2SHB 1220 (2021).
LGD	WAC 365-190	Growth Management –Planning by Selected Counties and Cites  Minimum guidelines to classify agricultural, forest and mineral lands and critical areas	Commerce is updating administrative rules and guidance to conform with legislative changes and new case law and to provide clarification on feedback from local governments. Commerce filed a CR-101 on December 29, 2020, with the intent to finalize rulemaking in summer 2022. Commerce anticipates filing a CR-102 in April 2022.

LGD	WAC 365-195	Growth Management Act best available science	Commerce is updating administrative rules and guidance to conform with legislative changes and new case law and to provide clarification on feedback from local governments. Commerce filed a CR-101 on December 29, 2020, with the intent to finalize rulemaking in summer 2022. Commerce anticipates filing a CR-102 in April 2022.
LGD	WAC 365-196	Growth Management Act procedural criteria for adopting comprehensive plans and development regulations	Commerce is updating administrative rules and guidance to conform with legislative changes and new case law and to provide clarification on feedback from local governments. Commerce filed a CR-101 on December 29, 2020, with the intent to finalize rulemaking in summer 2022. Commerce anticipates filing a CR-102 in April 2022.
Energy	WAC 194-40	Clean Energy Transformation Act issues related to double counting, market purchases of electricity and the interpretation of compliance with RCW 19.405.040(1)(a)	On May 17, 2021, the Utilities and Transportation Commission and Department of Commerce issued a Notice of Opportunity to file written comments under <a href="#">WSR 21-10-088</a> , which included a proposed schedule for rulemaking that is subject to change. Written comments for questions 5 through 10, were requested by 5 p.m., Monday, June 14, 2021. A June 9, 2021 workshop was canceled to meet a request for postponement by stakeholders. Commerce is required to adopt rules by June 30, 2022 under RCW 19.405.130(3). Commerce anticipates filing a CR-102 in March 2022.
Energy	WAC 194-40	Clean Energy Transformation Act treatment of energy storage for compliance with RCW 19.405.030 through 19.405.050	Commerce and the Utilities and Transportation Commission held a joint rulemaking workshop on June 22, 2021, under <a href="#">WSR 21-10-088</a> . Commerce is required to adopt rules by June 30, 2022 under RCW 19.405.130(3).
Energy	WAC 194-40	Clean Energy Transformation Act interpretations of RCW	Commerce and the Utilities and Transportation Commission will hold a

		19.405.040 (1)(a), and other portions of RCW 19.405 that may affect or be affected by the Clean Energy Transformation Act	joint rulemaking workshop on September 27, 2021, under <a href="#">WSR 21-10-088</a> . Commerce is required to adopt rules by June 30, 2022 under RCW 19.405.130(3).
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