



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/23/95)**

**Agency:** Community, Trade and Economic Development

- Permanent Rule
- Emergency Rule
- Expedited Repeal

**(1) Date of adoption:** September 15, 1995

**(2) Purpose:** To adopt procedural rules for application for and distribution of grants to cities and counties from the growth management planning and environmental review fund.

**(3) Citation of existing rules affected by this order:** None

**Repealed:**

**Amended:**

**Suspended:**

**(4) Statutory authority for adoption:** RCW 36.70A.500 and 43.21C.240

**Other authority:**

**PERMANENT RULE ONLY**

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

See Attachment

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

**(5.3) Any other findings required by other provisions of law as precondition to adoption of effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**(6) Effective date of rule:**

**Permanent Rules**

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*

**Emergency Rules**

- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**NAME (TYPE OR PRINT)**

Mike Fitzgerald

**SIGNATURE**

*Thomas D. Campbell for MR*

**TITLE**

Director

**DATE**

9/15/95

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

SEP 15 1995

TIME: 9:17

WSR 95-19-053

**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:**

<b>Federal statute:</b>	New _____	Amended _____	Repealed _____
<b>Federal rules or standards:</b>	New _____	Amended _____	Repealed _____
<b>Recently enacted* state statutes:</b>	New <u>6</u>	Amended _____	Repealed _____

\*(current calendar year)

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

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

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

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

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

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New _____	Amended _____	Repealed _____
<b>Pilot rule making:</b>	New _____	Amended _____	Repealed _____
<b>Other alternative rule making:</b>	New _____	Amended _____	Repealed _____

## Reasons for an Emergency Rule

The Growth Management Act in RCW 36.70A.010 states "that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state."

The Department of Community, Trade and Economic Development is required by RCW 36.70A.500 to provide management services for the growth management planning and environmental review fund. This fund was created to assist local governments in integrating growth management planning and environmental review. Under RCW.70A.500 the Department must adopt rules for management of the fund.

Immediate adoption of such rules is necessary to carry out the legislative intent behind creation of the fund. Under ESHB 1724, local governments must adopt a permit processing scheme which integrates GMA and SEPA requirements. The deadline to adopt this permit processing system is March 31, 1996. Local governments have identified funding for the integrated permit process as a priority.

Observing the time requirements for adopting a permanent rule would be contrary to the public interest. In order to be useful to local governments, money for integrated permitting must be distributed immediately. The deadline for adoption of integrated permitting systems is near and the local legislative process is often extensive and lengthy. Rules for this purpose could not have been developed earlier because it was only after meeting with local governments that the Department determined that funding for integrated permit processing was a priority. These meetings extended into late August.

**CHAPTER 365-185 WAC  
PROCEDURES FOR MANAGEMENT OF  
GROWTH MANAGEMENT PLANNING AND ENVIRONMENTAL REVIEW FUND**

**NEW SECTION**

**WAC 365-185-010 Purpose and authority.** (1) The purpose of this chapter is to outline the conditions and procedures by which the department of community, trade and economic development will make available grants from the growth management planning and environmental review fund to local governments required to plan or have chosen to plan under RCW 36.70A.040 to assist them in complying with RCW 43.21C.240, 36.70B.050, 36.70B.060, and 36.70B.090. The department will make up to \$150,000 available to local governments for projects that specifically demonstrate integrated permit processes.

(2) This activity is undertaken pursuant to RCW 36.70A.500 and 43.21C.240.

**NEW SECTION**

**WAC 365-185-020 Definitions.** (1) "Applicant" means a local government that has submitted an application for a grant from the growth planning and environmental review fund.

(2) "Contractor" means an applicant which has executed a contract for receipt of growth management planning and environmental review funds with the department.

(3) "Department" means the department of community, trade and economic development.

(4) "Growth management planning and environmental review fund" means the growth management planning and environmental review fund established pursuant to RCW 36.70A.490.

(5) "Integrated permit process" means a system for integrating environmental review with review of project permits, consistent with RCW 36.70B.050 and RCW 36.70B.060.

(6) "Integrated plan" means a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(7) "Local government" means a city or county that is required or has chosen to plan under RCW 36.70A.040 and 43.21C.240.

**NEW SECTION**

**WAC 365-185-030 Eligibility criteria.** (1) A grant may be awarded to a local government that is qualified pursuant to this section.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed to not be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

## NEW SECTION

**WAC 365-185-040 Grant application process.** (1) Applications for growth management planning and environmental review funds shall be filed with the department.

(2) The department will specify the form and manner of application and will set the date and time for receipt of applications.

(3) Applications shall be filed in the form, manner and time specified by the department. Failure of an applicant to make application in the specified form, manner and time will cause the applicant to be ineligible for grant funds.

(4) Applications for grant funds shall contain a detailed strategy, budget, and timeline for meeting the department's application requirements.

(5) The department will review each application for eligibility under the criteria specified in WAC 365-200-030.

(6) In awarding grants, the department may consider:



(a) An applicant's ability and intent to develop an integrated planning process that will have applicability to jurisdictions with similar characteristics;

(b) A geographic balance of communities;

(c) A balance of urban and rural communities;

(d) A variety of permit processes;

(e) Diversity in population; or

(f) Other criteria that the department considers advisable.

(7) Applicants will be notified in writing of the department's decisions on grants.

(8) The department may offer a contract to an applicant with such reasonable terms and conditions as the department may determine.

#### NEW SECTION

**WAC 365-185-050 Grant Evaluation Procedure.** The department should appoint a committee to assist it in evaluating the applications. The committee may include:

(1) Department staff;

(2) Department of ecology staff;

(3) Representatives of cities and counties; or

(4) A representative of private business.

#### NEW SECTION

**WAC 365-185-060 Method of payment.** (1) Grant allocations from the fund will be paid subject to the provisions of the applicable contract.

(2) All grant funds will be disbursed by June 30, 1997.