



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Community, Trade and Economic Development

- Permanent Rule
Emergency Rule
Expedited Adoption
Expedited Repeal

(1) Date of adoption: April 15, 2001

(2) Purpose: The purpose of this rule revision is to correct an inaccurate reference in WAC 365-195-900 (1), changing the reference from RCW 36.70A. 215 to RCW 36.70A.130.

(3) Citation of existing rules affected by this order: WAC 365-195-900
Repealed:
Amended: WAC 365-195-900 (1)
Suspended:

(4) Statutory authority for adoption: RCW 36.70A.190 (4) (b)
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
Adopted under notice filed as WSR 01-03-166 on January 24, 2001 (date).
Describe any changes other than editing from proposed to adopted version: none

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...
(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:

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 or effectiveness of rule?:
Yes No If Yes, explain:

(6) Effective date of rule:
Permanent Rules or Expedited Repeal
Emergency Rules
31 days after filing
Other (specify)
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)
Ms Busse Nutley

Signature
[Handwritten Signature]

Title
Deputy Director
Date
April 2, 2001

CODE REVISER USE ONLY

Stamp area with date APR 2 2001, TIME 3:05, WSR 01-08-054

**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	Repealed	.....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	Repealed	.....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	.....	Amended	.....	Repealed	.....

**The number of sections adopted at the request of non governmental entity:**

New	.....	Amended	.....	Repealed	.....
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**The number of sections adopted in the agency's own initiative:**

New	.....	Amended	<u>1</u>	Repealed	.....
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	.....	Amended	.....	Repealed	.....
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**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	.....

**WAC 365-195-900 Background and purpose.** (1) Counties and cities planning under RCW 36.70A.040 are subject to continuing review and evaluation of their comprehensive land use plan and development regulations. Every five years they must take action to review and revise their plans and regulations, if needed, to ensure they comply with the requirements of the Growth Management Act. RCW (~~36.70A.215~~) 36.70A.130.

(2) Counties and cities must include the "best available science" when developing policies and development regulations to protect the functions and values of critical areas and must give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1). The rules in WAC 365-195-900 through 365-195-925 are intended to assist counties and cities in identifying and including the best available science in newly adopted policies and regulations and in this periodic review and evaluation and in demonstrating they have met their statutory obligations under RCW 36.70A.172(1).

(3) The inclusion of the best available science in the development of critical areas policies and regulations is especially important to salmon recovery efforts, and to other decision-making affecting threatened or endangered species.

(4) These rules are adopted under the authority of RCW 36.70A.190 (4)(b) which requires the department of community, trade, and economic development (department) to adopt rules to assist counties and cities to comply with the goals and requirements of the Growth Management Act.