

WAC 365-191-300 Local process to review and if necessary revise development regulations to be certified by the department as protective of critical areas in areas used for agricultural activities. (1)

A county choosing to adopt development regulations under RCW 36.70A.735 (1)(c) must notify the department in writing of its intent to submit existing or amended regulations for certification prior to initiating the regulation adoption process. Early notice is encouraged and will allow for consultation with the department and other agencies. Reviewing agencies shall coordinate between each other and with counties to ensure a common understanding of issues and options to address concerns.

(2) Prior to submitting development regulations to the department for certification, a county must conduct a public process consistent with locally adopted procedures.

(3) A county may submit draft regulations to the department for precertification. Precertification means submittal of draft regulations to the department for review and a nonbinding determination whether the draft regulations could be certified or, if not, what changes would be necessary. The department will review the draft regulations and provide a written opinion whether the regulations meet the criteria specified in WAC 365-191-330.

(a) Precertification is offered to identify significant issues prior to submittal to the department for formal certification.

(b) Prior to making its precertification determination, the department must consult reviewing state agencies, including the departments of agriculture, ecology, fish and wildlife, and the commission, as specified in RCW 36.70A.735 (1)(c).

(c) Precertification does not guarantee the outcome of the final department certification decision.

[Statutory Authority: RCW 36.70A.735(3) and 36.70A.190. WSR 15-20-041, § 365-191-300, filed 9/29/15, effective 10/30/15.]