

**WAC 365-199-040 Evaluation criteria.** Criteria for evaluation of applications.

(1) The determination of compliance requires a finding that the county's comprehensive and development regulations, including critical areas regulations, are in compliance with the requirements of RCW 36.70A.040(4), 36.70A.060, 36.70A.070(5), 36.70A.170, and 36.70A.172.

(2) The scope of the department's review is limited to outstanding findings of noncompliance established in an order from the growth management hearings board or court. Issues or provisions of the ordinance that were found in compliance, or were not timely challenged at the time of adoption, are not subject to review by the department.

(3) The department must base its decision on the record developed by the county during the process of coming into compliance.

[Statutory Authority: RCW 36.70A.060 (1)(d)(v). WSR 15-19-087, § 365-199-040, filed 9/16/15, effective 10/17/15.]