

**Chapter 365-199 WAC**

**PROCEDURES FOR DETERMINATIONS OF COMPLIANCE APPROVAL AND CERTIFICATION**

~~MAKING A DETERMINATION OF COMPLIANCE FOR JURISDICTIONS SEEKING VOLUNTARY~~

~~REVERSION TO PARTIAL PLANNING STATUS~~ Last Update: 9/16/15

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Part One General Consideration and Definitions

WAC 365-199-010 Purpose and authority.

(1) The purpose of this chapter is to outline the procedures the department shall use when making a determination of compliance under RCW 36.70A.060 (1) (d), determination of approval under RCW 36.70A.636, certification of extension for displacement under RCW 36.70A.637, certification of extension for specific areas lacking infrastructure under RCW 36.70A.638 and certification of parking studies under RCW 36.70A.635 and 36.70A.681.

(2) These rules are adopted under the authority of RCW 36.70A.060 (1) (d) (v) and RCW 36.70A.639.

[Statutory Authority: RCW 36.70A.060 (1) (d) (v). WSR 15-19-087, § 365-199-010, filed 9/16/15, effective 10/17/15.]

WAC 365-199-020 Definitions.

"Department" means department of commerce.

**Commented [RM(1):** This chapter implements HB 1110 and 1337. The prior Chapter 365-199 will be deleted once these are adopted.

[Statutory Authority: RCW 36.70A.060 (1) (d) (v). WSR 15-19-087, § 365-199-020, filed 9/16/15, effective 10/17/15.]

**Part Two PROCEDURES FOR MAKING A DETERMINATION OF COMPLIANCE FOR**

**JURISDICTIONS SEEKING VOLUNTARY REVERSION TO PARTIAL PLANNING STATUS**

**WAC 365-199-030 Review and application process.**

(1) A county that is not in compliance with RCW 36.70A.060, 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time it adopts a resolution for voluntary reversion, under RCW 36.70A.060 (1) (d) must apply to the department for a determination of compliance.

(2) Notice of intent to apply for a determination of compliance.

(a) Not less than one hundred twenty days prior to applying for a determination of compliance, the county must notify the department in writing that it intends to apply for a determination of compliance. Prior notification allows the department to review proposed actions prior to final adoption and advise the county of the actions necessary to achieve compliance.

(b) The notice of intent to apply for a determination of compliance must include:

(i) A statement of all of the issues in which the county is not in compliance with the requirements of the Growth Management Act.

(ii) If applicable, a list of final orders, including number in which the growth management hearings board or court

found the county not in compliance with the requirements of the Growth Management Act.

(iii) A proposed schedule identifying the actions necessary to come into compliance.

(iv) Identification of the date which the county intends to apply for a determination of compliance.

(c) The department will consult with state agencies with expertise that would be helpful in making its determination of compliance.

(d) Public notice of intent to apply for determination of compliance.

(i) The department will publish notice in the *Washington State Register* that a county has notified the department of its intent to request certification.

(ii) The department will post a copy of the notice of intent to apply for a determination of compliance on the department website.

(iii) The department will notify state agencies with expertise that a county has notified the department of its intent to apply for a determination of compliance.

(iv) The department will notify the parties of record in the case or cases before the growth management hearings board that resulted in the finding of noncompliance for which the county is seeking a determination of compliance.

(3) Procedures for an application of determination of compliance.

(a) After taking the legislative action necessary to address the outstanding noncompliance issues, the county may apply to the department for a determination of compliance. A county must submit its application to the department by January 30, 2017.

(b) An application for a determination of compliance must include, at a minimum, the following items:

(i) A cover letter from the board of county commissioners requesting a determination of compliance;

(ii) A copy of the adopted ordinance or resolution taking the legislative action or actions required to comply with RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172;

(iii) A statement of actions the county has taken to address the growth management hearings board's or court's final order or orders; and how the actions taken are sufficient to address the remaining noncompliance orders; and

(iv) A copy of the record developed by the county during the process of coming into compliance. The record of adoption must include copies of any public testimony submitted at the hearings required by (c) of this subsection;

(c) The actions necessary to come into compliance must include at a minimum, one hearing and opportunity for public comment on a statement of the issues on which the county is out of compliance, and one hearing and opportunity to comment on the changes proposed to bring the county into compliance.

(4) Compliance determination procedures.

(a) The department must approve or deny the application within one hundred twenty days, or by June 30, 2017, whichever date is earlier.

(b) The department will issue its decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision.

(c) The department will publish its decision on the application for determination of compliance as follows:

(i) Notify the county in writing of its determination;

(ii) Publish a notice of action in the *Washington State Register*;

(iii) Post a notice of its decision on the agency website;

(iv) Notify state agencies with expertise with which department consulted regarding the determination of compliance;

(v) Notify parties of record in the case or cases before the growth management hearings board that resulted in the finding of noncompliance for which the county is seeking a determination of compliance.

(5) If the department denies an application for a determination of compliance, the county and each city within is obligated to comply with all requirements of this chapter and the resolution for partial planning adopted under RCW 36.70A.040 (2) (b) is no longer in effect.

[Statutory Authority: RCW 36.70A.060 (1) (d) (v). WSR 15-19-087, § 365-199-030, filed 9/16/15, effective 10/17/15.]

**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.]

**WAC 365-199-050 Sharing of appeal costs.**

(1) If the department approves an application for determination of compliance, the department and the county must equally share the costs incurred by the department for defending an approval of determination of compliance that is before the growth management hearings board.

(2) If the department denies an application for determination of noncompliance, the county is not required to share in the cost of defending the agency action.

[Statutory Authority: RCW 36.70A.060 (1) (d) (v). WSR 15-19-087, § 365-199-050, filed 9/16/15, effective 10/17/15.]

**Part Three PROCEDURES FOR MAKING DETERMINATIONS OF APPROVAL AND  
CERTIFICATION FOR JURISDICTIONS SEEKING ALTERNATIVE ACTIONS, EXTENSIONS  
AND EMPIRICAL PARKING STUDIES**

**WAC 365-199-060 Approval of substantially similar alternative action.**

(1) A city seeking approval of an alternative action as provided for in RCW 36.70A.636 (3) (b) or (c) must make a request for such approval to the department.

(2) Notice of intent to apply for approval of an alternative action.

(a) The city must notify the department in writing that it intends to apply for approval of an alternative action at least 30 calendar days prior to formal submittal of the request. Prior notification allows the department to be aware of a request in advance, anticipate the need to consult with state and other agencies and, if needed, provide technical assistance to the city on required submittal materials.

(b) The City's notice of intent to apply for approval of an alternative action must include:

(i) A statement of whether the request is being made subject to RCW 36.70A.636 (3) (b) or (c), and

(ii) Identification of the ordinance(s), plan(s), documents and other materials the city intends to submit to support its request, as best known at the time of submitting the notice of intent.

(3) Public notice of intent to apply for a request for approval of an alternative action.

(a) The department will publish notice in the Washington State Register that a city has notified the department of its intent to request an approval.

(b) The department will post a copy of the notice of intent to apply for an approval on the department website.

(c) The department will notify state agencies with expertise that a city has notified the department of its intent to apply for an approval.

(4) Procedures for an application of approval

(a) An application for an approval of an alternative action must include, at a minimum, the following items:

(i) A cover letter from the city requesting the approval or determination, and stating which alternative action under RCW 36.70A.636(3) the application addresses.



(ii) If applicable, a copy of the adopted comprehensive plan and zoning ordinances and any other adopted documents that the city is using to demonstrate that the alternative action taken meets required findings in RCW 36.70A.636(3)

(iii) An application narrative, to include:

(A) A general discussion of the request

(B) For approval requests being made under RCW 36.70A.636(3)(b) or (c), how the proposed alternative action:

Allows middle housing throughout the city, rather than just in targeted locations; and

Provides additional density near major transit stops, and allows for projects that incorporate dedicated affordable housing; and

Results in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the applicable provisions of RCW 36.70A.635 were adopted.

(iv) The application must be supported by calculations comparing housing units allowed under the alternative action to housing units allowed were the applicable provisions of RCW 36.70A.635 adopted.

(v) In performing these calculations, consideration should be given to housing element technical guidance documents prepared by the department for housing element land capacity analysis; and

(vi) Map(s) showing the area subject to the requirements of RCW 36.70A.635 in comparison to the area being identified for the alternative action requested under RCW 36.70A.636(3). The map shall show major transit stops, if any.

(X) Any additional information that the city believes supports the alternative action approval request.

(b) In addition to the requirements listed above the department may determine that the combined impact of the adopted comprehensive plan and development regulations are substantially similar to the requirements of RCW 36.70A.635 even if the submittal does not demonstrate the criteria listed in WAC 365-199-~~xxx~~(4) (a) (iii) (B). This determination can only be made if the city can clearly demonstrate that the development regulations adopted by the city will allow for a greater

increase in middle housing production within single family zones than would be allowed through implementation of RCW 36.70A.635.

(c) The department may request additional information or seek clarification of the materials submitted anytime during the 60 calendar day review period.

(5) Approval determination procedures.

(a) The department must approve or deny the application within 60 calendar days of receiving a city's request for approval of alternative action; provided that:

(i) The application contains all the required information identified in WAC 365-199-XXX (3).

(ii) The 60 calendar day time period for a decision does not include the number of days from the time the department has made a request for additional information or clarification to the time the requested materials are received by the department.

(b) The department may at its sole discretion extend the deadline up to an additional 60 calendar days.

(c) The department will issue its decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision.

(d) The department shall publish its decision on the application as follows:

(i) Notify the city in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website; and

(iv) Notify state agencies with expertise with which department consulted and received substantive comments from regarding the request for approval.

(v) For the purposes of RCW 36.70A.290 the date of publication is the date the notice of decision is published on the Washington State Register.

(e) The determination of approval requires a finding that the city's alternative action:

(i) Results in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of RCW 36.70A.635 were adopted; allows for middle housing throughout the city, rather than just in targeted locations; and allows for additional density near major transit stops, and for projects that incorporate dedicated affordable housing, or

(ii) A determination by the department that the regulations adopted by the city will allow for a greater increase in middle housing production within single family

zones than would be allowed through implementation of RCW 36.70A.635.

(f) Any local actions approved by the department pursuant to RCW 36.70A.636(3)(a) to implement the requirements under RCW 36.70A.635 are exempt from appeals under Chapter 36.70A RCW and chapter 43.21C RCW.

(6) The department's final decision is appealable to the growth management hearings board by filing a petition consistent with RCW 36.70A.290.

**WAC 365-199-070 Extension for certain areas at risk of displacement.**

Commented [JD(2)]: HB 1110, Sec 5 - Areas of risk displacement.

(1) As provided for in RCW 36.70A.637, any city choosing the alternative density requirements in RCW 36.70A.635(4) may apply to the department for an extension for areas at risk of displacement as determined by the antidisplacement analysis that a county or city is required to complete under RCW 36.70A.070(2).

(2) Notice of intent to apply for a certification for an extension for certain areas:

(a) The city must notify the department in writing of its intention to apply for certification for an extension authorized by RCW 36.70A.637 at least 30 calendar days prior to the submittal of the request. Prior notification allows the department to be aware in advance of a request, anticipate the need to consult with state and

other agencies and, if needed, provide technical assistance to the city on required submittal materials.

(b) The City's notice of intent to apply for approval of an extension must include:

(i) Identification of the ordinance(s), plan(s), documents and other materials the city intends to submit to support its request for certification, as best known at the time of the submitting the notice of intent;

(ii) The geographic areas to which the extension request will be made, as best known at the time of submittal of the notice of intent; and

(iii) A summary of the status of the analysis being performed intended to support the application for approval of an alternative approach to density provision under RCW 36.70A.635(4).

(3) Public notice of intent to apply for certification of a time extension.

(a) The department will publish notice in the Washington State Register that a city has notified the department of its intent to request the certification of a time extension.

(b) The department will post a copy of the notice of intent to apply for certification of a time extension on the department website.

(c) The department will notify state agencies with expertise that a city has notified the department of its intent to apply for certification for a time extension authorized by RCW 36.70A.637.

(4) Procedures for certification of a time extension:

(a) A city's application for certification of a time extension authorized by RCW 36.70A.637 must include the following items:

(i) A cover letter from the city requesting the certification,

(ii) Identification of areas at risk of displacement as determined by the antidisplacement analysis that a county or city has completed as required by RCW 36.70A.070(2). This includes specifying those portions of areas at risk of displacement proposed to be certified for extension, if not the entire city or urban growth area.

(iii) A plan for implementing anti-displacement policies by the city's next implementation progress report required by RCW 36.70A.130(9).

(iv) The adopted comprehensive plan housing element, and related elements, that include supporting analysis performed by the city to identify areas at high risk of displacement and which identify the city's adopted anti-displacement policies.

(v) The proposed length of time for the extension request.

(vi) Any additional information that the city believes supports the request for certification of an extension.

(5) Certification determination procedures.

(a) The department must certify or deny the application within 60 calendar days of receiving a city request for a certification of a time extension provided for in RCW 36.70A.637; provided that:

(i) The application contains all the required information identified in WAC 365-199-XXX (4) above.

(ii) The 60 calendar day time period for a decision shall not include the number of days from the time the department has made a request for additional information or clarification to the time the requested materials are received by the department.

(b) The department's action may at the department's sole discretion extend up to an additional 60 calendar days.

(c) The department will issue its certification decision in the form of a written statement, including findings of fact and conclusions, the length of the extension, and noting the date of the issuance of its decision.

(d) The department will publish its certification decision on the application for determination of compliance as follows:

(i) Notify the city in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website;

(iv) Notify state agencies with expertise with which department consulted and received substantive comments from regarding the request for approval.



(vi) For the purposes of RCW 36.70A.290 the date of publication is the date the notice of decision is published on the Washington State Register.

(6) Subsequent Extensions

(a) If there is evidence of significant ongoing displacement risk in an area previously certified for a time extension, the department may certify one further time extension.

(b) Notice of intent to apply for an additional time extension request must be made at least six months prior to the expiration date of the original certification.

(c) The application for additional extension certification shall follow the process for an exemption as described in WAC 365-199-XXX; except that, the city shall also submit:

(i) Evidence of significant ongoing displacement risk in the impacted area.

(ii) Discussion of the effectiveness of the city's anti-displacement policies adopted under RCW 36.70A.070(2) and revisions to those policies necessary to address the significant ongoing displacement risk in the impacted area.

(7) Extension certification determination procedures.

(a) The department must certify or deny the application within 60 calendar days of receiving a city request for a subsequent extension of certification of an extension provided for in RCW 36.70A.637; provided that,

(i) The application contains all the required information identified in WAC 365-199-XXX (3).

(ii) The 60 calendar day time period for a decision shall not include the number of days from the time the department has made a request for additional information or clarification to the time the requested materials are received by the department.

(b) The department's action may at the department's sole discretion extend beyond 60 calendar days.

(c) The department will issue its subsequent time extension certification decision in the form of a written statement, including findings of fact and conclusions, the length of the extension, and noting the date of the issuance of its decision.

(d) A subsequent extension of time should not exceed the length of the original time extension, and should, if certified, be considered the only additional time extension that will be given.

(e) The department will publish its extension certification decision on the application as follows:

(i) Notify the city in writing of its decision;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website;

(iv) Notify state agencies with expertise with which department consulted and received substantive comments from regarding the request for approval.

(v) For the purposes of RCW 36.70A.290 the date of publication is the date the notice of decision is published on the Washington State Register.

**WAC 365-199-080 Extension for certain areas due to lack of infrastructure capacity.**

Commented [JD(3)]: HB 1110, Section 7

(1) As provided for in RCW 36.70A.638, any city choosing the alternative density requirements in RCW 36.70A.635(4) may apply to the department for an extension of the implementation timelines established under RCW 36.70A.635(11) due to lack of infrastructure capacity.

(2) An extension certified under this section may be applied only to specific areas where a city demonstrates that water, sewer, stormwater, transportation infrastructure, including facilities and transit services, or fire protection services lack capacity to accommodate the housing density required in RCW 36.70A.635.

(3) Notice of intent to apply for an extension

(a) The city must notify the department in writing of its intention to apply for certification for a time extension authorized by RCW 36.70A.638 at least 30 calendar days prior to submittal of the request. Prior notification allows the department to be aware in advance of a request, anticipate the need to consult with state and other agencies and, if needed, provide technical assistance to the city on required submittal materials.

(b) The City's notice of intent to apply for a certification request must include:

(i) Identification of the ordinance(s), plan(s), documents and other materials the city intends to submit to support its request for approval, as best known at the time of the submitting the notice of intent.

(ii) The geographic areas to which the time extension request will be made, as best known at the time of the submitting the notice of intent.

(iii) A summary of the status of the application for approval of alternative approach to density requirement analysis being performed under RCW 36.70A.635(4).

(4) Public notice of intent to apply for certification of an extension.

(a) The department will publish notice in the Washington State Register that a city has notified the department of its intent to request a time extension certification.

(b) The department will post a copy of the notice of intent to apply for a time extension certification on the department website.

(c) The department will notify state agencies with expertise that a city has notified the department of its intent to apply for certification for a time extension authorized by RCW 36.70A.638.

(5) Procedures for certification of an extension

(a) A city's application for certification for a time extension authorized by RCW 36.70A.638 must include the following items:

(i) A cover letter from the city requesting the time extension certification.

(ii) The specific capital facilities that lack capacity to accommodate the density required by RCW 36.70A.635 that serves as the basis for the time extension request.

(iii) In cases where a special district is responsible for providing the necessary infrastructure provide:

a. Identification of the special district and a special district contact person.

b. The applicable special district provider's plan documenting the lack of capacity.

c. A list of projects identified by the special district as associated with the extension.

(iv) In cases where an area zoned predominantly for residential use is currently served only by on-site sewage systems, documentation that limiting development to two units per lot would still require a time extension based on lack of infrastructure capacity.

(v) Identification of one or more improvements in the adopted capital facilities plan to adequately address the capacity needs for the area for which the certification of time extension request is being made. This must include planning level cost estimates for the identified improvements.

(vii) The proposed length of time for the extension request.

(vi) Any additional information that the city believes supports the request for approval of a time extension based on a lack of infrastructure capacity.

(6) Certification determination procedures.

(a) The department must certify or deny the application within 60 calendar days of receiving a city request for a certification of an extension provided for in RCW 36.70A.638; provided that,

(i) The application contains all the required information identified in WAC 365-199-XXX (5) above.

(ii) The 60 calendar day time period for a decision shall not include the number of days from the time the department has made a request for additional information or clarification to the time the requested materials are received by the department.

(b) The department's action may at the department's sole discretion be extended beyond 60 calendar days.

(c) The department will issue its certification decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision.

(d) The department will publish its time extension certification decision on the application for extension for lack of infrastructure capacity as follows:

(i) Notify the city in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

- (iii) Post a notice of its decision on the agency website;
- (iv) Notify state agencies with expertise with which department consulted and received substantive comments from regarding the request for approval.
- (v) For the purposes of RCW 36.70A.290 the date of publication is the date the notice of decision is published on the Washington State Register.

(e) A time extension granted under this section remains in effect until the earliest of:

- (i) The infrastructure is improved to accommodate the capacity;
- (ii) The city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130; or
- (iii) The city's deadline to complete its implementation progress report to the department as required under RCW 36.70A.130(9).

(7) Subsequent Extensions

(a) A city that has received a time extension under this section may reapply for any needed extension by either:

- (i) Its next periodic comprehensive plan update under RCW 36.70A.130; or
- (ii) Its next implementation progress report to the department under RCW 36.70A.130(9).

(b) The application for an additional time extension shall follow the process and application materials for an exemption as described in WAC 365-199-XXX except that the city shall also submit:

(i) A list of infrastructure improvements necessary to meet the capacity required in RCW 36.70A.635.

(ii) Narrative on how the extension only addresses infrastructure deficiency that a city is not reasonably able to address within the first extension as required by RCW 36.70A.638 (5).

(iii) The proposed length of time for the additional extension request.

(c) The department's decision on the additional extension request must only address infrastructure deficiency that the city has shown it was not able to reasonably address with the first extension.

(d) The department may impose the time period for which the additional extension is effective. An additional time extension should, if certified, be considered the only additional time extension that will be given.

(8) In considering or granting extensions under RCW 36.70A,638, nothing affects or modifies the responsibilities of cities to plan for or provide urban governmental services as defined in RCW 36.70A.030 or affordable housing as required by RCW 36.70A.070.

**WAC 365-199-090 Certification of Empirical Parking Study.**



(1) As provided for in RCW 36.70A.635(7) (a) and RCW 36.70A.681(2) (b) (i) a county or city may submit an empirical study to the department for review and certification that the requirements of RCW 36.70A.635(6) (d) through (f) and RCW 36.70A.681 (2) (a) (i) through (iii) do not apply.

(2) The parking study will only be certified if it clearly demonstrates the parking limitations of RCW 36.70A.635 will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the county or city's parking requirements were applied to the same location for the same number of detached houses.

(3) Notice of intent to apply for a certification for a parking study for certain areas

(a) The city must notify the department in writing of its intent to apply for certification of an empirical study as authorized by RCW 36.70A.635(7) (a) and RCW 36.70A.681(2) (b) (i) at least 30 calendar days prior to submittal of the request. Prior notification allows the department to be aware in advance of a request, anticipate the need to consult with state and other agencies and, if needed, provide technical assistance to the city on required submittal materials.

(b) The county or city notice of intent to apply for certification of a parking study must include:

(i) Acknowledgement that the certification request may be approved, approved with conditions or denied.

(ii) Acknowledgment that the jurisdiction has reviewed the department's parking study guidance document; and,

(iii) The geographic areas to which the request will be made, as best known at the time of the submitting the notice of intent.

(4) Public notice of intent to apply for certification of an extension.

(a) The department will publish notice in the Washington State Register that a city has notified the department of its intent to request an approval.

(b) The department will post a copy of the notice of intent to apply for a certification on the department website.

(c) The department will notify state agencies with expertise that a city has notified the department of its intent to apply for certification of a parking study as authorized by RCW 36.70A.635(7) (a) and RCW 36.70A.681(2) (b) (i).

(5) Procedures for certification of a parking study

(a) A city's application for certification for a parking study authorized by RCW 36.70A.635(7) (a) and RCW 36.70A.681(2) (b) (i) must include the following items:

(i) A cover letter from the city requesting the certification.

(ii) The department's parking study certification request application form.

(iii) The department's local government parking study application checklist.

(e) Identification of areas proposed for certification in relation to, as applicable, areas of the city subject to the requirements of RCW 36.70.635 and RCW 36.70a.681.

(f) The empirical parking study.

(g) A narrative addressing the following findings:

(h) Any additional information that the city believes supports the request for approval of alternative action.

**Commented [JD(4)]:** List findings to be developed from consultant report.

(6) Certification determination procedures.

(a) The department must certify, or deny the application within 60 calendar days of receiving a city request for a certification of the empirical parking study application; provided that,

(i) The application contains all the required information identified in WAC 365-199-090 (5).

(ii) The 60 calendar day time period for a decision shall not include the number of days from the time the department has made a request for additional information or clarification to the time the requested materials are received by the department.

(b) The department's action may at the department's sole discretion extend up to 60 calendar days.

(c) The department will issue its certification decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision.

(d) The department will publish its certification decision on the application for determination of compliance as follows:

(i) Notify the city in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

- (iii) Post a notice of its decision on the agency website;
- (iv) Notify state agencies with expertise with which department consulted and received substantive comments from regarding the request for approval.
- (v) For the purposes of RCW 36.70A.290 the date of publication is the date the notice of decision is published on the Washington State Register.