



November 4, 2022

Mr. Eric Johnson, Executive Director
Washington State Association of Counties
206 Tenth Avenue Southeast, Suite A
Olympia, Washington 98501

Ms. Deanna Dawson, CEO
Association of Washington Cities
1076 Franklin Street Southeast
Olympia, Washington 98501-1346

RE: Updated Principles Governing State Agency Correspondence on Growth Management

Dear Mr. Johnson and Ms. Dawson:

In 2004, we worked with your associations to develop principles that guide our agencies' communication with local governments on local growth management plans and development regulations. With your associations' staff, we have recently reviewed these principles and agree that they work well to ensure that our participation in the planning process is timely, helpful and effective. These principles have minimized conflicts arising from misunderstandings and ensured that our agencies' written correspondence occurs in the proper context. Although differing interpretations and legitimate disagreements occasionally occur, these principles provide a framework for resolving challenges efficiently and ensuring that discussions focus on the substance of the issue. Our staff implement these principles and use them as a guide.

We refresh our commitment to the principles in the attachment, which was updated with cooperative discussions with your staff. The principles recognize the shared responsibility between state and local government for implementation of the Growth Management Act (GMA) and the Shoreline Management Act (SMA). They reflect our shared commitment to work together.

We recognize the vital partnership between state and local government to develop good plans and make them a reality. Effective growth management plans facilitate decisions that foster economic development, protect the natural environment, manage the costs of providing needed public infrastructure, and ensure timely and fair permitting decisions. We hope that state

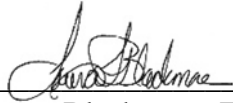
Mr. Eric Johnson, Executive Director
Ms. Deanna Dawson

agencies and local governments will continue to maintain a cooperative relationship to implement the goals of growth management and to realize a bright future for our state.

Sincerely,



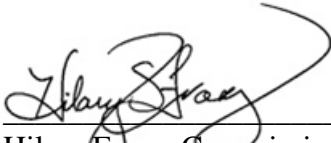
Lisa Brown, Director
Washington State Department of Commerce



Laura Blackmore, Executive Director
Puget Sound Partnership



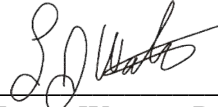
Kelly Susewind, Director
Washington Department of Fish and Wildlife



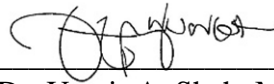
Hilary Franz, Commissioner of Public Lands
Washington Department of Natural Resources



Chris Pettit, Executive Director
Washington Conservation Commission



Laura Watson, Director
Washington State Department of Ecology



Dr. Umair A. Shah, MD, MPH
Secretary of Health
Washington State Department of Health



Roger Millar, Secretary
Washington State Department of Transportation

Principles Governing State Agency Correspondence Under the Growth Management Act (GMA) and the Shoreline Management Act (SMA)

State and local governments have a shared responsibility to provide public services and facilities, improve the quality of life, protect the public health, preserve Washington's cultural heritage, preserve Washington's natural environment, protect air and water quality, to preserve water quantity, and to protect fish and wildlife for all Washington residents, present and future.

Land use decisions and patterns of land development have a significant influence on these areas of responsibility. Under the GMA and the SMA, local governments have primary responsibility for regulating land use and development, and for balancing the goals of the GMA.

Local government planning decisions, both individually and collectively, are matters of critical importance to state agencies. State agencies provide funding, technical guidance and resources to local governments and also comment on the effects of proposed local land use policies and regulations. State agencies are also responsible for developing and operating many facilities that residents of the state depend on. State agencies are required, under RCW 36.70A.103, to comply with local comprehensive plans.

This shared responsibility requires state and local governments to work together as partners during the updating of local GMA plans, SMA programs, and development regulations.

The GMA, under RCW 36.70A.106, authorizes state agencies to provide comments on draft plans and regulations. Under RCW 36.70A.130, the GMA encourages state agencies to provide technical assistance to counties and cities in their periodic review of critical area ordinances, comprehensive plans, and development regulations. WAC 365-196-710 calls on state agencies to use comment letters as one means of advising local governments of other laws that may be related to the local land use decision before them. WAC 365-196-735 also provides local governments a list of state and regional regulations that may affect their decisions.

The SMA, under RCW 90.58.130, directs local governments to invite agency involvement in updating SMPs, and directs state agencies to "participate fully to ensure that their interests are fully considered" by the local government and Ecology. Ecology rules provide more detailed guidance on the role of state agencies in updating Shoreline Master Programs (SMPs) (WAC 173-26-201).

The following principles will establish expectations to guide collaborative input into local planning decisions.

Principles Regarding State Agency - Local Government Coordination on GMA and SMA Actions:

1. Early notification and involvement is critical to effective participation and is essential to provide sufficient time for state agencies and local governments to follow the principles established.
2. Local governments will make every effort to seek out state agency participation as early in the process as possible. State agencies will make every effort to respond to such requests as early as possible. For significant issues, this should be in advance of a formal public participation process and will allow reasonable time for comments to be prepared and discussed prior to a formal planning commission recommendation.
3. Effective participation requires on-going involvement. State agencies and local governments will make every effort to maintain contact throughout the planning process. This should include at least one contact, preferably by phone, with local government staff and/or elected officials before drafting a written comment letter.
4. State agencies will share draft comments informally with local government staff and/or elected officials and be available to discuss the language in the letter prior to sending formal written comments.
5. State agencies are encouraged to provide assistance and guidance directly to local governments during the Shoreline Master Program (SMP) update process. State agencies should share draft comments on formal SMP amendments with Department of Ecology prior to sending formal comments to local governments. This extra step in coordinating comments on formal SMP amendments reflects the unique role for Ecology in approving local SMPs.
6. Each state agency will approve procedures that ensure written correspondence on growth management issues reflects the official agency policy. Each state agency will designate a lead person for GMA issues. Local governments, including local elected officials, who have a serious policy disagreement with an agency position may contact the agency GMA lead directly to resolve a policy disagreement prior to the state agency finalizing its written comments. Because state agencies are required to meet local government deadlines for comments and hearings, state agencies may request comment deadline extensions to allow time to discuss draft letters or for resolution of issues prior to final submittal of state agency comments. Local governments should reasonably consider deadline extension requests to resolve policy disagreements.
7. Although state agencies have different mandates and interests, state agencies will make every attempt to resolve conflicts prior to finalizing

- comments to local governments. State agencies should attempt to contact appropriate staff at other state agencies to coordinate comments. When local governments identify apparent discrepancies in state agency policies or state agency interpretations of laws, these should be immediately communicated to the state agency GMA leads and to the Department of Commerce so that they can be resolved.
8. State agency involvement in commenting on local government plans under the GMA is a technical assistance role and not a regulatory role. State agency written correspondence will not state that local plans are out of compliance with the GMA. The GMA reserves determination of compliance to the Growth Management Hearings Board. State agencies may express concerns, but conclusory statements as to compliance will be avoided.
 9. State agencies may provide guidance that urges local governments to exercise their discretion in ways that go beyond the minimum requirements of the law. State agencies should provide such guidance as early as possible in the local government's planning process. State agencies may also point to a particular means of meeting the requirements of the GMA without the implication that this is the only way to meet those requirements.
 10. State agencies will clearly distinguish in their correspondence between legal requirements, guidance reflecting best practice, matters of fact, matters of science cited, and matters of professional opinion.
 11. State agency and local government written correspondence, including comment letters and e-mails are, with some exceptions, public records. State agencies and local governments are required by the Public Records Act to provide a copy of such written correspondence in its possession to any person who requests it. State agencies and local governments will make every effort to notify each other as soon as possible when they have complied with such a request.
 12. State agencies and local governments will review these principles as needed to ensure that they are meeting their intended purpose.

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