

Department of Commerce  
Department of Ecology  
Department of Fish & Wildlife  
Department of Social & Health Services



Department of Transportation  
Department of Corrections  
Puget Sound Partnership  
Department of Health

December 16, 2010

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

Mr. Mike McCarty, Executive Director  
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 Mr. McCarty:

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. Together with your associations' staff, we have recently reviewed these principles and agree that they have worked well to ensure that our participation in the planning process is timely, helpful, and effective. They have minimized conflicts arising from misunderstandings, and ensured that our agencies' written correspondence occurs in the proper context. Although differing interpretations and legitimate disagreements do occur occasionally, these principles provide a framework for resolving those disagreements efficiently and for ensuring that disagreements are focused on the substance of the issue itself. Our staff implement these principles and use them as a guide.

We refresh our commitment to the principles in the attachment, which have been updated slightly through 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 reflect our shared commitment to work together in this task.

Although state and local government resources are severely limited at this time, we recognize the vital partnership between state and local government in working together 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 agencies and local governments will continue

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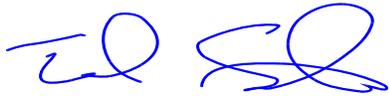
to maintain a cooperative relationship to implement the goals of growth management and to realize a bright future for our state.

Sincerely,



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Rogers Weed, Director  
Washington State Department of Commerce



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Ted Sturdevant, Director  
Washington State Department of Ecology



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Phil Anderson, Director  
Washington Department of Fish and Wildlife



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Mary Selecky, Secretary  
Washington State Department of Health

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Gerry O'Keefe, Acting Executive Director  
Puget Sound Partnership



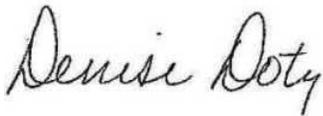
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Susan N. Dreyfus, Secretary  
Washington State Department of Social and Health Services



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Paula Hammond, Secretary  
Washington State Department of Transportation



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Denise Doty, Assistant Secretary  
Washington Department of Corrections

## Principles Governing State Agency Correspondence Under the Growth Management Act

State and local governments have a shared responsibility to provide public services and facilities, improve the quality of life, protect the public health, air and water quality, and protect fish and wildlife habitat 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, it is primarily local governments who have responsibility for regulating land use and development, and for balancing the 14 goals of the GMA.

As a consequence, local government planning decisions, both individually and collectively, are matters of critical importance to state agencies. State agencies provide funding and technical 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 and 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 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 following principles will establish expectations to guide collaborative input into local planning decisions.

### Principles Regarding State Agency - Local Government Coordination on GMA 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 or elected officials before drafting a written comment letter.
4. State agencies will share draft comments informally with local government staff or elected officials and be available to discuss the language in the letter prior to sending formal written comments.
5. 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.
6. 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 agency interpretations or policies, these should be immediately communicated to the state agency GMA leads and to the Department of Commerce so that they can be resolved.
7. 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. State agencies may express concerns, but conclusory statements as to compliance will be avoided.
8. 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.

9. State agencies will clearly distinguish in their correspondence between legal requirements, guidance regarding best practice, matters of fact and matters of professional opinion.
10. State agency and local government written correspondence, including comment letters and e-mails, are 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.
11. State agencies and local governments will review these principles as needed to ensure that they are meeting their intended purpose.