Overview

Each county and city planning under the Growth Management Act (GMA) is required to notify the Washington State Department of Commerce (Commerce), Growth Management Services office, when adopting or permanently amending its comprehensive plans and/or development regulations. Notice of intent to adopt must be submitted to Commerce at least sixty (60) days prior to the scheduled final adoption by the local government.

The purpose of this notice requirement is to allow Commerce and other state agencies the opportunity to participate during the public review process, and state agencies may provide comments on the proposed changes. For more information on this notice requirement, please see RCW 36.70A.106 and WAC 365-196-630).

What is 60-day Notice of Intent to Adopt?

RCW 36.70A.106(1) and (3)(a) require that each county and city planning under the GMA must provide Commerce with notice of its intent to adopt comprehensive plan and development regulation amendments, 60 days prior to the final adoption date.

What is adequate "Notice"?

The notice must be both “timely” and “sufficient”. In other words Commerce must be fully apprised and fully aware of the substance of any proposed amendment. In other words, the notice of intent to adopt must describe what the city or county is proposing to change.

Timely: Notice is submitted at least 60 days prior to final local adoption. For information about expedited review requests for minor code amendments, click here.

Sufficient: Notice should be sufficient to allow for a complete review, including:
1. A complete textual copy of the amendment(s), clearly identifying the plan or code provision(s) proposed for amendment. All relevant citations and existing text should be included. For example: An amendment in underline/strike-through format showing existing text, deleted text, and new change;

2. A cover sheet, cover letter, or similar concise summary of the notice, with a brief description of the proposal, contact person name, phone number and address should also be included. This helps quickly identify what has been submitted, and assists with processing and review for more complex amendments; and

3. Other relevant materials, such as maps, draft ordinance, staff report, adoption schedules and agendas, and SEPA documentation are encouraged to be submitted if available, and if they assist with a greater understanding of the proposed amendments.

Notice of intent to adopt an amendment under the GMA is a statutory and procedural requirement, therefore it should be in writing and include, at a minimum:

(a) A copy of the proposed amendment text;

(b) A cover sheet, cover letter, or a concise explanation that includes a description of the amendment, the local government contact person, the contact phone number and address, and proposed adoption date; and

(c) Transmission to Commerce, Growth Management Services, by e-mail or U.S. mail, at least sixty (60) days prior to the scheduled adoption date.

Several documents, when submitted alone, or without the above sufficient materials, do not represent adequate 60-day notice of intent to adopt, because they fail to provide sufficient materials for Commerce and other state reviewers to review and provide comment:

A postcard or flyers announcing a schedule or public hearing notice about an upcoming amendment process without any relevant material to review;
A checklist of annual docket amendments or summary of proposed amendments;
State Environmental Policy Act (SEPA) documents required by other state land use laws other than GMA, such as a copy of the Determinations of Non-Significance (DNS) checklist; or
A letter announcing 60-day notice for a proposed amendment, submitted to Commerce without any supplemental materials showing the proposed text changes or details, is also considered insufficient.

What is the proper method to submit materials?

Notice provided by e-mail or U.S. mail is accepted. Commerce encourages electronic submittal (e-mail) whenever possible for comprehensive plan and development regulation amendments. However, paper copies continue to be accepted through U.S. mail.
Reminders:

(a) Use one submittal method only. A city of county should not submit both electronic and paper copies for the same material. Please choose on method only to submit your materials to Commerce.

(b) Send one paper copy only. If submitting paper documents, then one copy is now preferred. Please do not send multiple hardcopies of paper documents or CDs.

(c) Large electronic documents on CD. If submitting an electronic copy by e-mail, please send the documents as attachments rather than a link to the local jurisdiction website. The Commerce Internet firewall security may prevent very large attachments from being received. If e-mail is undeliverable due to file size, please submit a copy of the documents in electronic format (CD disc).

To whom should notification be sent?

If sending notice by e-mail, please submit materials to: reviewteam@commerce.wa.gov.

Growth Management Services coordinates the processing and forwarding of notice to the other state agencies electronically;

OR

If notice is submitted through U.S. mail, or other standard carriers, a single complete copy of all materials should be mailed to:

WA Department of Commerce
Growth Management Services Review Team
PO Box 42525
Olympia, WA 98504-2525

When does the 60-day notice period begin?

The 60-day notice period begins upon receipt of adequate notice by Growth Management Services.

(a) Electronic documents are automatically date stamped upon receipt by e-mail.

(b) Mailed documents are date stamped upon receipt and processing of the Growth Management Service daily mail.

Commerce staff will enter all materials into its database and will transmit to a jurisdiction an acknowledgement letter confirming receipt. Please keep this letter for your files; it is proof that you met the requirement to provide 60-day notice to Commerce prior to final adoption.

For more information, contact reviewteam@commerce.wa.gov.
Do we need to do 60-day notice on site-specific rezones?

No. You are not required to provide 60-day notice on site-specific rezones. A site-specific rezone that does not include an amendment to the comprehensive plan is a project permit application and not a development regulation amendment. RCW 36.70B.030(7) states that “A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.”