

# **Growth Management Act State Agency Notice for Comprehensive Plan and Development Regulation Amendments**

## Submittal Instructions and Frequently Asked Questions (FAQs)

### **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. State agency notice must be submitted to Commerce at least sixty (60) days prior to the scheduled final adoption by the local government and no more than ten days after final adoption.

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 State Agency Notice?**

Counties and cities 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. Counties and Cities must also provide notice of adoption not more than ten days after adoption. (RCW 36.70A.106)

### **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. The notice must describe what the city or county is proposing to change.

1. **Timely:** Notice is submitted at least 60 days prior to final local adoption, and not more than ten days after adoption.
2. **Sufficient:** Notice should be sufficient to allow for a complete review, including:
  - a) 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;
  - b) 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

- c) 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 procedural requirement. It should be in writing and include, at a minimum:**

1. A copy of the proposed amendment text;
2. A description of the amendment, the local government contact person, the contact phone number and address, and proposed adoption date; and
3. Transmission to Commerce, Growth Management Services, by e-mail accompanied by a completed cover sheet or online via the PlanView Data System.

Documents such as those noted below, 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?

The best way to submit notice is through the PlanView Data System. Commerce will also accept notice via e-mail. Commerce is no longer accepting paper copies via U.S. mail. **Use one submittal method only.** A city of county should not submit both via PlanView and email for the same material. Please choose one method only to submit your materials to Commerce.

**To whom should notification be sent?**

The best way is to enter it into the PlanView Data System. You can either create an account that will allow you to keep tracking your submittal, or submit as a guest. If sending notice by e-mail, please submit materials to: [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov).

**Do you have a list of other state agencies I need to notify?**

Commerce does not maintain such a list. Once you have notified Commerce, your submittal is in the PlanView data system and is available to all state agency staff who use the system. You are all done.

**When does the 60-day notice period begin?**

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

- When you enter the document into PlanView, you will get a receipt email upon successful submission of your online submittal.
- Emailed submittals are automatically date stamped upon receipt by e-mail.

For either type of submittal, you will receive an acknowledgement letter confirming receipt via email. 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](mailto:reviewteam@commerce.wa.gov).

**What types of code amendments require 60-day notice?**

Any amendment to development regulations requires state agency notice. "Development regulations" are defined in statute as:

[RCW 36.70A.030\(7\)](#) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. 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.

If you believe what you are proposing meets this definition, you should do state agency notice. If you do not believe what you are proposing meets this definition, then notice is not required. If you are unsure, you can submit notice with a quick online submittal or email and not have to worry about it.

**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.”

**Do we need to do 60-day notice for an emergency amendment?**

There are two types of emergency amendments under Washington law. The first, is an interim official control or moratorium. (RCW 36.70.790) Notice is not required before adoption. Cities and counties should send notice of adoption for interim official controls and should follow the normal state agency notice process for the following permanent regulations.

The second type of emergency is an emergency comprehensive plan amendment (RCW 36.70A.130(2)(b)) Although these are not subject to the once-per-year docketing rule, they are subject to the 60-day notice requirement.

**Do we need to do State Agency notice for Shoreline Master Program Amendments?**

Yes. State agency notice under RCW 36.70A.106 is required. (WAC 173-26-104(2)(a)) Your Shoreline Master Program is considered part of your comprehensive plan (RCW 36.70A.480), but is not subject to the once per year docketing rule (RCW 36.70A.130(2)(a)(iii). Please note in the description that the submittal it is a Shoreline Master Program amendment.