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October 28, 2009

Governor Chris Gregoire  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

Commissioner Peter Goldmark  
Department of Natural Resources  
PO Box 4700  
Olympia, WA 98504-7000

Dear Governor Gregoire and Commissioner Goldmark:

On behalf of the Association of Washington Cities (AWC) and our 281 cities and towns, thank you for the opportunity to comment on the Natural Resources Subcabinet's "Ideas to Improve Management of Washington's Natural Resources." We appreciate the opportunity to preview the wide range of ideas put forth in this document and look forward to a continuing consultation and dialogue as these ideas mature.

As you can well appreciate, this is a complex issue. Our members work with a number of Natural Resource agencies, but unlike our governance partners in the counties, city connections occur almost exclusively in urban and urbanizing areas. Natural resource management and protection issues within these are often different than those on the more rural and traditional resource lands.

As our membership becomes more aware of your efforts, they are:

- **Enthusiastic and supportive of efforts to make reviewing, commenting upon and permitting projects clearer and more efficient.** This holds true for projects within their jurisdiction as well as projects (such as city road projects) or programs (like implementing Shorelines or Growth Management) that they are responsible for themselves. There are several ideas that have been put forth aimed at such improvements (more detailed comments are attached).
- **Encouraged by and supportive of ideas that promote and foster improved customer service.** Cities across the state have focused their attention on this with considerable success. Like our state partners, there is always room for improvement. We support efforts, such as those by the Office of Regulatory Assistance, to help "make sense" of the regulatory process for project applicants.
- **Less enthusiastic about overall agency structural or administrative changes if they do not save time or fiscal resources.** At first glance, all of the ideas for consolidating various agencies don't save money – at least not at first. Upon further review, cities are sympathetic to the fact that organizational changes aimed at efficiencies take time and have longer term benefits and savings. Don't be discouraged!
- **Skeptical that reforms and efficiencies can be accomplished without some degree of change to agency missions as articulated in each agency's underlying authorizing**

**statutes.** For example, numerous resource agencies seek to attain no net loss of habitat for a variety of plant and animal species. After almost 20 years of efforts to implement the state's Growth Management Act (GMA), there remain unresolved questions on how to accomplish this while also requiring cities to accept and provide infrastructure for significant amounts of job and residential growth. As such, we are most interested in exploring concepts put forth in Idea 1-5 – developing a unified state vision of resource protection, and Idea 1-8 – increased agency collaboration.

**One idea in particular caught our attention.** Idea 3-1 suggests that because Washington State is approaching the 20-year anniversary of passage of the GMA, it might now be the time to conduct some sort of review of it. While a review may well be appropriate, we are reluctant to embrace it at this time.

- GMA is one of the most litigated series of statutes in Washington and overall, one that is a critical foundation of who cities are and where their futures lie. Great care and thought must be taken if such a review is pursued.
- Furthermore, cities and counties representing a majority of the state's population are now undertaking their mandatory every 7-year review and update of local GMA plans and regulations. Should the state embark upon any comprehensive review of the very same statutes these jurisdictions are simultaneously using to update local comprehensive plans and development regulations, there should be a delay or "pause" for this mandate as the review takes place. It makes little sense to move forward with this costly and potentially litigious local process while the state seriously ponders changing "the rules and expectations."
- If a review is undertaken, it is critical that the full range of policy and implementation issues be evaluated. Cities across Washington have been successfully implementing the GMA. They have accepted more growth, higher densities and helped foster economic development. It has not been easy or inexpensive. Our public infrastructure investment capacity is seriously strained. Meeting the goals of GMA cannot and will not be met unless our infrastructure funding crisis is addressed.

AWC shares many of the comments submitted by the Washington State Association of Counties (WSAC). We'd like to reiterate and expand upon our support for the principles they suggest be considered to help guide this effort – however bold or restrained it becomes:

1. Saving money and providing quality customer service should be a goal for both state and local governments;
2. Seek some early successes – if that can be accomplished by either Executive Order or Inter-Agency agreement – that is great;
3. Clarify what is intended in the short-term with any particular idea that is pursued and what policies or statutes may need to be modified to implement the idea in the longer term;
4. Please make sure these efforts connect with and compliment the new and emerging focus of the Department of Commerce;
5. Counties and cities are not stakeholders when it comes to pursuing natural resource protection and regulatory reform. We are partners. We need to be actively engaged and included in most further discussions;

6. Responsibilities should not be shifted from the state to local government unless there is an acceptance of these responsibilities and there are stable resources to carry out the responsibilities;
7. Eliminate duplication and unnecessary state oversight; and
8. Have realistic expectations about what can be accomplished and when, acknowledging both state and local governments have significant resource constraints.

Your Administrations are to be applauded for getting out front on this topic. It is one we at the local level have grappled with over time. The challenges are significant, but the rewards can be great. Promoting first-class customer services and administering regulatory systems during times of diminishing revenues is hard work.

We are providing specific comments on some of the ideas that have been generated. Like our partners at WSAC, we have highlighted certain ideas where city interests should be directly involved in any further discussions.

Thank you again for your leadership on this issue. Representing AWC, I am available to assist in any way I can.

Sincerely,

Dave Williams  
Legislative & Policy Advocate  
State and Federal Relations

Attachment

## **IDEAS IN REPORT OF PARTICULAR INTEREST TO CITIES**

### **Idea 1-5 – UNIFIED STATE VISION & Idea 1-8 – FORMALIZE MULTI-AGENCY COOPERATION**

From the perspective of cities, both of these hold promise.

The Report does a good job of articulating that inconsistencies and conflicts do arise among agencies with differing missions and objectives. That's at times confusing to project applicants within cities. It's also frustrating to cities when they are project proponents and more so these days, when they get advice and guidance from Resource agencies commenting upon proposed local amendments to significant plans - such as our Growth Management or Shorelines Management Plans and Regulations.

Cities must balance natural resource protection objectives with other state policies calling for accommodating growth. Underlying missions and statutes of some Resource Agencies haven't yet considered or "caught up" with the fact that resource protections may have to be looked at differently in urban and urbanizing areas.

This is a challenging topic that might best be approached in an incremental fashion. In addition to identifying where missions conflict or are complimentary, there is a model now in place that has proven helpful when conflicts arise.

The Growth Management Division of the Department of Commerce is "rebooting" an Inter-Agency Memorandum of Agreement among key state agencies who typically provide input when cities or counties review and update their GMA Plans and Regulations. Several years ago, agency Directors signed a "Principles of Communications" document that helps coordinate agency input and tries to ensure consistent feedback from the Director's office down through the chain of command and regional offices. It has proven valuable and in anticipation of the current round of GMA updates now getting underway, it is being "rebooted" to ensure that current Directors and staff are all on board.

### **Idea 3-1 – GMA 20-Year Look**

Comments from AWC indicating our concern with this idea were provided in our October 28<sup>th</sup> letter to the Governor and Commissioner Goldmark.

To reiterate:

- If a review of GMA after 20-years is undertaken, it must be comprehensive, sufficiently staffed and funded and focus on successes and failures in statutes and policies impacting both the rural, urban and urbanizing areas of Washington.

- It makes little sense to undertake this review while cities and counties representing the majority of Washington’s population are simultaneously conducting their mandatory “every 7-year” review and update of local GMA plans and regulations. If the state believes a review of GMA is in order – there should be a “pause” in conducting this review until it is completed.

### **Idea 2-7 – CREATING A Natural Resource Grants and Loan Council**

This is an idea worth pursuing IN TANDEM with creating a clearer state vision of resource protection priorities and approaches within the state’s rural, urban and urbanizing areas. Absent such clarity, it’s not immediately clear whether such a consolidated and coordinated funding approach would be beneficial.

### **Idea 4-2 – Consolidation of Various Boards**

AWC has been actively engaged in discussions surrounding consolidation of the Growth Management Hearings Boards and is on record in support of pursuing that.

We are interested in and open to ideas on consolidating other Boards dealing with Resource disputes.

These disputes arise in large part because of conflicts seen arising over how local governments interpret state goals and policies through implementation of significant statutes such as the GMA and Shorelines Management Act. It is our hope that as attention is paid to look for ways to consolidate some Boards, there remain a commitment (likely longer term) to evaluate the underlying statutes to identify ways to lessen the potential for interpretation conflicts.