
SENATE BILL 5355

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline, Kohl-Welles, Pridemore and Weinstein

Read first time 01/17/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the time at which rights vest in land use permit
2 applications; amending RCW 19.27.095, 58.17.033, and 58.17.170; and
3 adding a new section to chapter 36.70B RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70B RCW
6 to read as follows:

7 (1) A valid and fully complete project permit application for a use
8 or structure that is allowed under the zoning or other land use control
9 ordinances in effect on the date of the application shall be considered
10 under the construction, zoning, and other land use control ordinances
11 in effect upon the date of the final local government decision on the
12 application.

13 (2) The requirements for a fully completed application shall be
14 defined by local ordinance and shall include, at a minimum:

15 (a) The legal description, or the tax parcel number assigned
16 pursuant to RCW 84.40.160, and the street address if available;

17 (b) The property owner's name, address, and telephone number;

18 (c) The business name, address, telephone number of any
19 contractors, and current state contractor registration number;

1 (d) The business name, address, and telephone number of the project
2 permit applicants;

3 (e) Scaled drawings of the site of the proposed project permit;

4 (f) Scaled and dimensioned drawings of existing and proposed
5 structures on the site of the proposed project permit;

6 (g) A fully completed environmental checklist, except for project
7 permit applications that either are exempt from the state environmental
8 policy act or for which an environmental checklist under chapter 197-11
9 WAC is not required; and

10 (h) Any additional studies, reports, plans, drawings, and
11 calculations necessary for project review under development
12 regulations, including but not limited to critical areas, shoreline,
13 flood plain, drainage, steep slope, soils, traffic, and public service
14 and utility rules and regulations.

15 **Sec. 2.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to read
16 as follows:

17 (1) A valid and fully complete building permit application for a
18 structure, that is permitted under the zoning or other land use control
19 ordinances in effect on the date of the application shall be considered
20 under the building permit ordinance (~~((in effect at the time of~~
21 ~~application))~~), and the zoning or other land use control ordinances in
22 effect upon the date of final local government decision on the ((date
23 ef)) application.

24 (2) The requirements for a fully completed application shall be
25 defined by local ordinance but for any construction project costing
26 more than five thousand dollars the application shall include, at a
27 minimum:

28 (a) The legal description, or the tax parcel number assigned
29 pursuant to RCW 84.40.160, and the street address if available, and may
30 include any other identification of the construction site by the prime
31 contractor;

32 (b) The property owner's name, address, and ((~~phone~~)) telephone
33 number;

34 (c) The prime contractor's business name, address, ((~~phone~~))
35 telephone number, current state contractor registration number; and

36 (d) Either:

1 (i) The name, address, and ((~~phone~~)) telephone number of the office
2 of the lender administering the interim construction financing, if any;
3 or

4 (ii) The name and address of the firm that has issued a payment
5 bond, if any, on behalf of the prime contractor for the protection of
6 the owner, if the bond is for an amount not less than fifty percent of
7 the total amount of the construction project.

8 (3) The information required on the building permit application by
9 subsection (2)(a) through (d) of this section shall be set forth on the
10 building permit document which is issued to the owner, and on the
11 inspection record card which shall be posted at the construction site.

12 (4) The information required by subsection (2) of this section and
13 information supplied by the applicant after the permit is issued under
14 subsection (5) of this section shall be kept on record in the office
15 where building permits are issued and made available to any person on
16 request. If a copy is requested, a reasonable charge may be made.

17 (5) If any of the information required by subsection (2)(d) of this
18 section is not available at the time the application is submitted, the
19 applicant shall so state and the application shall be processed
20 forthwith and the permit issued as if the information had been
21 supplied, and the lack of the information shall not cause the
22 application to be deemed incomplete for the purposes of vesting under
23 subsection (1) of this section. However, the applicant shall provide
24 the remaining information as soon as the applicant can reasonably
25 obtain such information.

26 (6) The limitations imposed by this section shall not restrict
27 conditions imposed under chapter 43.21C RCW.

28 **Sec. 3.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read
29 as follows:

30 (1) A proposed division of land, as defined in RCW 58.17.020, shall
31 be considered under the subdivision or short subdivision ordinance, and
32 zoning or other land use control ordinances, in effect on the land at
33 the time of final local government decision upon a fully completed
34 application for preliminary plat approval of the subdivision, or short
35 plat approval of the short subdivision, that has been submitted to the
36 appropriate county, city, or town official.

1 (2) The requirements for a fully completed application shall be
2 defined by local ordinance.

3 (3) The limitations imposed by this section shall not restrict
4 conditions imposed under chapter 43.21C RCW, nor shall this section
5 govern the zoning or other land use regulations under which any other
6 project permit application, as defined in RCW 36.70B.020, shall be
7 considered.

8 **Sec. 4.** RCW 58.17.170 and 1981 c 293 s 10 are each amended to read
9 as follows:

10 When the legislative body of the city, town or county finds that
11 the subdivision proposed for final plat approval conforms to all terms
12 of the preliminary plat approval, and that said subdivision meets the
13 requirements of this chapter, other applicable state laws, and any
14 local ordinances adopted under this chapter which were in effect at the
15 time of preliminary plat approval, it shall suitably inscribe and
16 execute its written approval on the face of the plat. The original of
17 said final plat shall be filed for record with the county auditor. One
18 reproducible copy shall be furnished to the city, town or county
19 engineer. One paper copy shall be filed with the county assessor.
20 Paper copies shall be provided to such other agencies as may be
21 required by ordinance. Any lots in a final plat filed for record shall
22 be a valid land use notwithstanding any change in zoning laws for a
23 period of five years from the date of filing. A subdivision or short
24 subdivision shall be governed by the terms of approval of the final
25 plat, and the statutes, ordinances, and regulations in effect at the
26 time of approval under RCW 58.17.150 (1) and (3) for a period of five
27 years after final plat approval unless the legislative body finds that
28 a change in conditions creates a serious threat to the public health or
29 safety in the subdivision.

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