

SB 5148 - DIGEST

Finds that: (1) The public interest is served when applications for new land use projects are assessed using the laws in effect at that time, not former versions that have been repealed or revised. Washington requires jurisdictions to update their land use and development laws and regulations on a regular basis. The public has an interest in ensuring that projects proposed during the public comment and approval process for these updates follow the new laws, not the version that has been replaced. Local governments have an interest in ensuring that their new laws are followed by all persons, without exemptions for those who were able to file for a permit application during the period of time the new law was proposed, enacted, and subject to appeal. Real estate developers have an interest in ensuring that everyone is required to follow the same laws, without an exemption for those who win a race to the permit counter when a change is proposed. The public has an interest in meaningfully commenting on large projects to ensure that they fit their community; and

(2) Other states employ a vesting date of the time an application is approved, rather than when it is filed. Many states do so for all projects at all times, not just when changes to the law are proposed. Development in other states has been able to continue in a reasonable fashion. A later vesting date provides reasonable certainty for the development community while providing better protection of the public interest and improving the ability of local governments to comply with the legislature's land use and environmental protection goals and mandates.

Declares an intent to better protect the public interest by setting the vesting date for many projects as the date when permits are issued. The courts should construe this and related laws liberally to effectuate that purpose.