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HOUSE BILL 2245

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Ormsby, Riccelli, Ryu, and Pollet

Read first time 01/15/14. Referred to Committee on Local Government.

1            AN ACT Relating to vesting in urban growth areas with recently  
2 added territory; amending RCW 19.27.095, 58.17.033, and 36.70A.300; and  
3 adding a new section to chapter 36.70A RCW.

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

5            **Sec. 1.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to read  
6 as follows:

7            (1) Except as provided in section 4 of this act, a valid and fully  
8 complete building permit application for a structure, that is permitted  
9 under the zoning or other land use control ordinances in effect on the  
10 date of the application shall be considered under the building permit  
11 ordinance in effect at the time of application, and the zoning or other  
12 land use control ordinances in effect on the date of application.

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

17            (a) The legal description, or the tax parcel number assigned  
18 pursuant to RCW 84.40.160, and the street address if available, and may

1 include any other identification of the construction site by the prime  
2 contractor;

3 (b) The property owner's name, address, and phone number;

4 (c) The prime contractor's business name, address, phone number,  
5 current state contractor registration number; and

6 (d) Either:

7 (i) The name, address, and phone number of the office of the lender  
8 administering the interim construction financing, if any; or

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

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

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

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

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

33 **Sec. 2.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read  
34 as follows:

35 (1) Except as provided in section 4 of this act, a proposed  
36 division of land, as defined in RCW 58.17.020, shall be considered  
37 under the subdivision or short subdivision ordinance, and zoning or

1 other land use control ordinances, in effect on the land at the time a  
2 fully completed application for preliminary plat approval of the  
3 subdivision, or short plat approval of the short subdivision, has been  
4 submitted to the appropriate county, city, or town official.

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

7 (3) The limitations imposed by this section shall not restrict  
8 conditions imposed under chapter 43.21C RCW.

9 **Sec. 3.** RCW 36.70A.300 and 2013 c 275 s 1 are each amended to read  
10 as follows:

11 (1) The board shall issue a final order that shall be based  
12 exclusively on whether or not a state agency, county, or city is in  
13 compliance with the requirements of this chapter, chapter 90.58 RCW as  
14 it relates to adoption or amendment of shoreline master programs, or  
15 chapter 43.21C RCW as it relates to adoption of plans, development  
16 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
17 90.58 RCW.

18 (2)(a) Except as provided in (b) of this subsection, the final  
19 order shall be issued within one hundred eighty days of receipt of the  
20 petition for review, or, if multiple petitions are filed, within one  
21 hundred eighty days of receipt of the last petition that is  
22 consolidated.

23 (b) The board may extend the period of time for issuing a decision  
24 to enable the parties to settle the dispute if additional time is  
25 necessary to achieve a settlement, and (i) an extension is requested by  
26 all parties, or (ii) an extension is requested by the petitioner and  
27 respondent and the board determines that a negotiated settlement  
28 between the remaining parties could resolve significant issues in  
29 dispute. The request must be filed with the board not later than seven  
30 days before the date scheduled for the hearing on the merits of the  
31 petition. The board may authorize one or more extensions for up to  
32 ninety days each, subject to the requirements of this section.

33 (3) In the final order, the board shall either:

34 (a) Find that the state agency, county, or city is in compliance  
35 with the requirements of this chapter, chapter 90.58 RCW as it relates  
36 to the adoption or amendment of shoreline master programs, or chapter

1 43.21C RCW as it relates to adoption of plans, development regulations,  
2 and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

3 (b) Find that the state agency, county, or city is not in  
4 compliance with the requirements of this chapter, chapter 90.58 RCW as  
5 it relates to the adoption or amendment of shoreline master programs,  
6 or chapter 43.21C RCW as it relates to adoption of plans, development  
7 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
8 90.58 RCW, in which case the board shall remand the matter to the  
9 affected state agency, county, or city. The board shall specify a  
10 reasonable time not in excess of one hundred eighty days, or such  
11 longer period as determined by the board in cases of unusual scope or  
12 complexity, within which the state agency, county, or city shall comply  
13 with the requirements of this chapter. The board may require periodic  
14 reports to the board on the progress the jurisdiction is making towards  
15 compliance.

16 (4)(a) Unless the board makes a determination of invalidity under  
17 RCW 36.70A.302 or the vesting of development rights is delayed pursuant  
18 to section 4 of this act, a finding of noncompliance and an order of  
19 remand shall not affect the validity of comprehensive plans and  
20 development regulations during the period of remand.

21 (b) Unless the board makes a determination of invalidity, state  
22 agencies, commissions, and governing boards may not determine a county,  
23 city, or town to be ineligible or otherwise penalized in the acceptance  
24 of applications or the awarding of state agency grants or loans during  
25 the period of remand. This subsection (4)(b) applies only to counties,  
26 cities, and towns that have: (i) Delayed the initial effective date of  
27 the action subject to the petition before the board until after the  
28 board issues a final determination; or (ii) within thirty days of  
29 receiving notice of a petition for review by the board, delayed or  
30 suspended the effective date of the action subject to the petition  
31 before the board until after the board issues a final determination.

32 (5) Any party aggrieved by a final decision of the hearings board  
33 may appeal the decision to superior court as provided in RCW 34.05.514  
34 or 36.01.050 within thirty days of the final order of the board.  
35 Unless the board makes a determination of invalidity under RCW  
36 36.70A.302, state agencies, commissions, or governing boards shall not  
37 penalize counties, cities, or towns during the pendency of an appeal as  
38 provided in RCW 43.17.250.

1        NEW SECTION.   **Sec. 4.**   A new section is added to chapter 36.70A RCW  
2 to read as follows:

3        Applications for development or other land use activities in  
4 territory added to an urban growth area do not vest until the latest of  
5 the following dates:

6        (1) Sixty days after the date of publication of notice of the  
7 comprehensive plan, development regulation, or amendment to the plan or  
8 regulation adoption, modifying the boundaries of the urban growth area,  
9 as provided in RCW 36.70A.290(2); or

10       (2) If a petition for review to the growth management hearings  
11 board is timely filed:

12       (a) Upon issuance of the board's final order finding that the  
13 comprehensive plan, development regulation, or amendment to the plan or  
14 regulation is in compliance with statutory requirements, as provided in  
15 RCW 36.70A.300(3)(a); or

16       (b) If the board finds that the comprehensive plan, development  
17 regulation, or amendments to the plan or regulation are not in  
18 compliance with the requirements of this chapter, upon the board's  
19 subsequent review and determination that the jurisdiction is in  
20 compliance.

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