
HOUSE BILL 1394

State of Washington 64th Legislature 2015 Regular Session

By Representatives Takko, Taylor, Orcutt, Scott, and Buys

Read first time 01/20/15. Referred to Committee on Judiciary.

1 AN ACT Relating to preserving the common law interpretation and
2 application of the vested rights doctrine; and amending RCW
3 19.27.095, 36.70B.180, and 58.17.033.

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
6 read as follows:

7 (1) A valid and fully complete building permit application for a
8 structure, that is permitted under the zoning or other land use
9 control ordinances in effect on the date of the application shall be
10 considered under the building permit ordinance in effect at the time
11 of application, and the zoning or other land use control ordinances
12 in effect on the date of application. In accordance with RCW
13 4.04.010, neither this subsection (1) nor any other statutory
14 codification of the vested rights doctrine limits the common law
15 interpretation and application of such doctrine.

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

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

1 may include any other identification of the construction site by the
2 prime 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
8 lender 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
12 of the total amount of the construction project.

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

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

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

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

35 **Sec. 2.** RCW 36.70B.180 and 1995 c 347 s 503 are each amended to
36 read as follows:

37 Unless amended or terminated, a development agreement is
38 enforceable during its term by a party to the agreement. A
39 development agreement and the development standards in the agreement

1 govern during the term of the agreement, or for all or that part of
2 the build-out period specified in the agreement, and may not be
3 subject to an amendment to a zoning ordinance or development standard
4 or regulation or a new zoning ordinance or development standard or
5 regulation adopted after the effective date of the agreement. A
6 permit or approval issued by the county or city after the execution
7 of the development agreement must be consistent with the development
8 agreement. In accordance with RCW 4.04.010, nothing in this section
9 nor any other statutory codification of the vested rights doctrine
10 limits the common law interpretation and application of such
11 doctrine.

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

14 (1) A proposed division of land, as defined in RCW 58.17.020,
15 shall be considered under the subdivision or short subdivision
16 ordinance, and zoning or other land use control ordinances, in effect
17 on the land at the time a fully completed application for preliminary
18 plat approval of the subdivision, or short plat approval of the short
19 subdivision, has been submitted to the appropriate county, city, or
20 town official. In accordance with RCW 4.04.010, neither this
21 subsection (1) nor any other statutory codification of the vested
22 rights doctrine limits the common law interpretation and application
23 of such doctrine.

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

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

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