

APPENDIX A: DEFINITIONS AND TERMS

To fully understand the development permitting processes and vesting, it is important to define the terms used throughout this paper. The issue is complex and jurisdictions use terms differently. The following definitions will be used throughout the report.

Buildable Lot- a lot that contains a building site, as defined in County Code. One of the criteria noted within County Code is that a building site must contain a minimum lot area for construction. Having a lot that is "buildable" still does not necessarily mean that a dwelling unit may be constructed. While a lot may meet the criteria for being "buildable," other approvals such as public health (for septic systems) are required before a building permit can be issued.

Building Permit- a permit for building a structure

Comprehensive Plan- is a community's 20-year projection of its vision, or a blueprint for what the community would like to become. Most local governments are required by the State, via the GMA, to adopt a Comprehensive Plan as a way to logically plan for and manage growth over a 20-year horizon. Comprehensive Plans are drafted by a Planning Commission formed of appointed residents with an interest in planning, with assistance from the planning staff. Public officials such as City Councils or County Commissions adopt the final plan. The plan identifies community interests through a public and political process. Mandatory elements of the Comprehensive Plan include: Land Use, Housing, Capital Facilities Planning, Utilities, Rural Areas, Transportation, Parks and Recreation and Economic Development. All of these elements are combined to provide a well-balanced and livable city.

Development Permit- an umbrella or catch-all phrase that covers both categories of permits- subdivision and building permits.

Development Regulations- are standards established by the local government for zoning and processes by which zoning is implemented. These regulate the size, bulk or conditions of particular types of buildings or uses located within any designated district. Development regulations also include associated actions with development such as landscaping, parking, signs, etc.

Environmental Impact Statement (EIS)- created under the National Environmental Policy Act (NEPA) is a statement on the effect of development proposals and other major actions that significantly affect the environment. An EIS is composed of a comprehensive report that describes the natural features and characteristics of a proposed development site and the changes that will occur as a result of the proposed development. It also addresses activities on the site, the anticipated environmental impacts, consequences of the proposed development and the mitigation measures to be taken to minimize undesirable impacts to the environment.

Environmental Review (SEPA)- is a process in which environmental impacts of a proposal are reviewed in order to identify measures to reduce or eliminate those impacts. During this review process, environmental values are considered as well as technical and economic considerations.

Final Plat- is the final drawing of a subdivision and dedication of land prepared for recording with the County Auditor and containing all elements and requirements outlined in the local government's Development Regulations.

Formal Subdivision- is the division or re-division of land into five or more lots, tracts, or parcels.

Growth Management Act (GMA)- was adopted in 1990 to address rapid growth in Washington State. Growth occurring in the mid to late-1980's in the Puget Sound area put a strain on roads, utilities and public services. The goals of growth management planning include encouraging urban growth, reducing sprawl, active citizen participation and promoting economic development.

Legal Lot- is a parcel of land developed through laws in effect at the time of the original subdivision. The criteria to determine the legal status of a lot are specified in each county.

Large Lot Subdivision- means any number of divisions of land into lots, tracts or parcels for any purpose, each of which the smallest lot size is 5 acres or larger or 1/128 of a Section but smaller than 20 acres or larger.

Long Plat- is the map or representation of a formal subdivision.

Lot- is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts or parcels.

Lot of Record- A lot of record is an approved final plat that has been recorded with the county auditor.

Parcel- means any portion, piece, or division of land; fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.

Plat- is a map or representation of subdivision, showing the division of tract or parcel of land into lots, blocks, streets, or other division and dedication.

Preliminary Plat- is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements. The preliminary plat shall be the basis for approval or disapproval of the general layout of subdivision. The Preliminary Plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Rural Area- Land outside of UGAs and cities designated for agriculture and low density residential uses with possible "activity centers" where limited shopping or industrial uses support the rural residents.

Shoreline Management Act (SMA)- adopted by Washington State in 1971, as Washington's shorelines were increasingly being developed in an uncoordinated and piecemeal way. The purpose of the SMA is to protect and restore the resources of shorelines in Washington. Rapid development threatened the valuable ecological resources and natural character along

Washington's shorelines. The SMA contains three basic policy areas: shoreline preferred uses, environmental protection, and public trust. These policies provide a framework for preferred water dependent uses, protection of the shorelines and preservation of the public's right of access to and use of the shorelines.

Short Plat- is the map or representation of a short subdivision.

Short Subdivision- is the division or re-division of land into four or fewer lots, tracts, parcels, sites or division for the purpose of sale, lease or transfer of ownership. The legislative authority of any county planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulation in compliance with chapter 36.70.RCW may by ordinance increase the number of lots, tract or parcels to be regulated as short subdivision to a maximum of nine in any urban growth area.

Site Plan Review- is a process to assure the physical elements of a proposed use are compatible with both the physical characteristics of the site, and with the existing and potential uses of the surrounding area.

Subdivision Permit- a permit or process for subdividing land and establishing a land use.

Subdividing- is determined by knowing the zoning of the property and its size (in acres). The county "Density and Dimension" charts can determine the base density of property (dwelling units allowed per acre) and the minimum lot area required.

Takings- is "the right not to be deprived of property without just compensation."

Taxable Lot- is a parcel that appears on the county assessor's map and has been assigned a tax parcel number by the Assessor. Tax parcel numbers are assigned for billing purposes. A tax parcel number is not necessarily an indication that the lot was legally created.

Tract- is land reserved for specific uses including, but not limited to reserve tracts, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots of building sites for purposes of residential dwelling construction.

Urban Area- Land inside cities and in urban growth areas that requires urban level utilities and services to support development. Generally with residential densities of 5 dwellings per acre or more (~8,000 square foot lots maximum).

Urban Growth Area (UGA)- Land outside cities designated by the county comprehensive plan for urban uses and likely eventual annexation or incorporation. The GMA requires that UGA be designated. UGAs are to include areas and densities sufficient to permit the urban growth that is projected to occur in the county over the next twenty years. Future urban growth is to be located first in areas already characterized by urban development where existing public facility and service capacity is available, and second in areas where public or private facilities or services are planned or could be provided in an efficient manner.

Vested Rights- the term "vested" refers to rights that are held from some period of time. In this report, "vested lots" refer to lots that have vested rights prior to the implementation of the post-

development regulations in each county (this date will be different for each county). A lot application is vested when a complete preliminary plat application is submitted. Vested Rights freeze the regulation at the time a fully completed application is submitted (preliminary application submittal date).

Zoning- is the public regulation of the use of land. It involves the adoption of ordinances that divide a community into various districts or zones. Each district allows certain uses of land within that zone, such as residential, commercial, or industrial. Typical zoning regulations address building height, bulk, lot area, setbacks, parking, signage, and density. For example, a property that is zoned Rural Residential is allowed to have a base density of 1 dwelling unit per 5 acres. Zoning also determines the setbacks, height restrictions and impervious surface limitations for each property.

APPENDIX B: RELEVANT CASE LAW

Throughout this document, the researchers discuss how the common law interprets the Vested Rights Doctrine. Listed below are several cases that the researchers define as the most relevant to VRD.

45 Wn.2d 492, State Ex. Rel. Ogden v. Bellevue (1954)

The court held that “An owner of property has a vested right to put it to a permissible use as provided for by prevailing zoning ordinances. The right accrues at the time an application for a building permit is made.” “A zoning ordinance is not retroactive so as to affect rights that have already vested.”

106 Wn.2d 47, 720 P.2d 782 West Main Assoc. v. Bellevue (1986)

West Main and Associates and Bellevue Downtown Association, a business association, challenged municipal ordinance 3359, allowing a building permit to be applied for only after eight preliminary approvals and permits were received. In 1984, the City of Bellevue added two sections to its building code by enacting ordinance 3359. The ordinance prohibited the filing of a building permit application for any proposed project in Bellevue until a series of seven procedures were completed. The ordinance specifically provided that if any appeals were taken with respect to the first four of these approvals no building permit application would be accepted until the appeal was finally resolved. The ordinance also provided that filing of applications for any of these preliminary approvals would not vest rights; development rights would be vested only as of the time a building permit application was filed.

The City of Bellevue appealed from a trial court's orders granting partial summary judgment in favor of West Main Associates and summary judgment for Bellevue Downtown Association. The trial court concluded that Bellevue ordinance 3359 unconstitutionally interfered with the vesting doctrine, and suggested that the ordinance violated due process requirements.

123 Wn.2d 864, Erickson & Associates v. McLerran (1994)

This appeal involves the application of Washington's Vested Rights Doctrine to master use permit applications (MUP). A developer, Erickson & Associates, sought judicial review of the application of a critical areas ordinance to a development project for which the developer had earlier submitted a master use permit application. The petitioners challenge a City of Seattle ordinance that sets the vesting date for development projects. Under the city ordinance, Seattle Municipal Code (SMC) 23.76.026, a development project vests (1) when the developer submits a complete building permit application, or (2) when the City earlier issues a master use permit without a building permit application. Erickson contended the ordinance is unconstitutional, arguing Washington's vested rights doctrine requires the City to vest development rights when a master use permit application is submitted rather than when it is issued. The court denied Erickson's summary judgment motion.

Erickson & Associates challenges a City of Seattle ordinance that sets the vesting date for development projects involving the application of Washington's vested rights doctrine to master use permit applications. As noted in the Washington State Vesting law, property development rights vest upon filing a complete application for building permit, or for a preliminary plat. The *Erickson v. McClerran* decision states that the local government may adopt a local vesting

ordinance which vests *use* permits after permit application, as long as the developer could vest the project at any time by applying for a building permit.

78 Wn.2d 929, Hass v. Kirkland (1971)

A vested right to a building permit, insofar as zoning or land use regulations are concerned, may be extinguished by an ordinance enacted pursuant to the police power of a municipality in furtherance of the public health or safety. A fire prevention code containing restrictions as to building construction is such an ordinance. “Appellant contended that a fire prevention ordinance was an invalid attempt to destroy his vested right to a building permit. However, ordinance No. 1028 did take effect before the building permit had been applied for and ordinance No. 1140 is now in existence with the same limitation.

Furthermore, the court held that even if the appellant had a vested right to a building permit, this right would have been extinguished through the exercise of the respondent's police power in enacting ordinance No. 1140. There is no such thing as an inherent or vested right to imperil the health or impair the safety of the community. But to be protected against such impairment or imperilment is the universally recognized right of the community and all civilized governments.”

136 Wn.2d 1, Rhod-A-Zalea v. Snohomish County (1998)

The non applicability of the vested rights rule to so-called “health and safety” regulations was extended in *Rhod-A-Zalea & 35th*, to the requirement of a peat mine operation to obtain a conditional use permit and grading permit to authorize an expansion. Although the use was established well before the county had enacted these permit requirements, the court nonetheless held that they applied to any expansion of the operation. The court reasoned that the vested rights rule has no bearing on the issues of whether a nonconforming use is subject to later enact health and safety regulations, as the doctrine only applies to permit applications. So far the courts have not defined the dividing point between health and safety regulations and other zoning regulations to which the vested rights rule applies.

81 Wn. App. 141 Noble Manor v. Pierce County (1996)

Pierce County issued a stop work order on construction of two duplexes on property on which Noble Manor claimed had vested rights to develop. Noble Manor submitted a complete short plat application to Pierce County to subdivide one lot into three. Before the short plat application was approved, the County passed a new interim zoning ordinance increasing the minimum lot size for duplexes from 13,500 to 20,000 square feet. At the time, the Pierce County permitting authority would only approve the application for one application and refused to accept applications for two of the remaining subdivision permits. The hearings examiner reversed the decision and concluded that Noble Manor's development rights to develop the three duplexes vested before passage of the interim zoning ordinance. In 1996, the court held that the developer's right to divide the property as well as develop it in the manner disclosed in the application is vested upon submission of a completed short plat application.

The court confirmed that not all conceivable uses allowed by the laws in effect at the time of the application vest. Only those uses which are disclosed in the application and which are considered under the zoning and land use laws existing at the time the completed application is submitted vest.

123 WN.2d 518, Friend of the Law v. King County (1994)

This appeal involves the interpretation of RCW 58.17.033 which extended the common law vested rights doctrine to preliminary plat application. Friends of the Law (Friends) claims that respondent's development rights did not vest because its preliminary plat application failed to conform to all the requirements of the plat application ordinance. The appeal also challenges the authority of the County Council to approve an application that does not comply with all applicable zoning. Friends sought judicial review, including declaratory and injunctive relief, of a local governmental decision granting preliminary approval of a subdivision plat application. In order for an application to vest, it must be deemed fully complete by the local jurisdiction. RCW 58.17.033(2), the statute in question clearly states, "[t]he requirements for a fully completed application shall be defined by local ordinance". Both sides agree that at the time the application in question was submitted, King County did not have an ordinance specifically defining the requirements for such a "fully completed application". After examining the ordinances in effect at the time the application was submitted, as well as the history and purpose of RCW 58.17.033, the court stated that the preliminary plat application in this case did vest upon submission.

As stated, RCW 58.17.033 requires counties to define the term "fully completed" as it relates to preliminary plats. King County did not do this – there were no changes to the ordinances in response to RCW 58.17.033 during the period in question. It was not until 1990 that King County enacted KCC 19.36.045, which specifically defines the contents of a "fully completed application" for purposes of the statute. Prior to this time, the actual requirements for vesting were vague.

APPENDIX C: DATA COLLECTION DETAILS OF EACH COUNTY

This section describes the data structure and analysis for each county.

A. Outline of King County Data Collection

For King County's data collection, the researchers worked primarily with Jim Sanders and Paul McCombs, King County representatives from the Department of Development and Environmental Services (DDES). The following is a list of the different data sources provided by King County for this study.

- Subdivision Parcel Data- "*Subdivision Parcels*"- Quarried from the development permit data base parcel number associated with application date. The data was extracted from an Informix data warehouse maintained by DDES IS. The warehouse is a collection of tables and data that reflect an image of permits applications tracked on Permits plus (P+) and used by DDES staff. P+, by Accela, Inc, was installed circa 1999 and a similar product (Permits) was installed in 1988. Both systems use addresses and parcel numbers to 'locate' applications. P+ allows more than one parcel is attached to a permit, but only the primary parcel number is reported to the data where house. Prior to P+, only one parcel number could be attached to an application.
- Permit Parcel Data- "*perm_par*"- List of the parcel number with geospatial data- developed by King County as permits are received, not necessarily a complete list.
- Parcel History Data- "*par_hist*"- Library of the parent parcel numbers (old par) and the child parcel number (new par) not necessarily a complete list.
- Parcel Shape Files- "*kinggeoserv.shp*"- Database that includes a complete list of all the parcel lines drawn for King County.
- KC Permit Data- "*King03pmt*" and "*King98pmt*"- List of all the rural development permits in KC approved in 2003. For 2003, there are 431 development permits for King County. For 1998, there are ___ development permits.

The researchers utilized the following steps to join the data:

- 1) Joined the PIN Numbers in PSRC permit table with Permit Parcel. (Result: 100% match)
- 2) Joined Permit Parcel to Subdivision Parcel and KC Permit Data. (Result: 15 permits joined- some expired)
- 3) Join PIN numbers in Subdivision Permit database with Permit Parcel and with Parcel History (Result: Low match rate)

For subdivision applications, users have to manually attach a parcel to the application using P+. DDES started using the permit system in 1989 but some historic data (which did not have parcel data) was converted at that time as well. For the older permits, many of which were still active in 1989, DDES staff had to research file and property information, and then manually enter the parcel number into P+. If a permit application does not have a parcel number, then staff never entered it into P+.

For the older subdivisions, the original parcel numbers may have been retired with no way to retrieve them. In those cases, subdivisions were 'located' by tying them to the new parcel number for one of the offspring lots in the subdivision. For those subdivisions recorded after 1989, the original parcel numbers were used and those numbers would be 'retired' after the plat

was recorded. The history table Paul provided should show the relationship between the retired and new parcel number.

Some plats applications contained multiple parcels. P+ allows users to enter all the parcel numbers but only one can be identified as the primary parcel number. At the time of plat recording, it's my understanding that all the numbers are retired, but the history table may only link to another number not designated as the primary number of P+. I am not aware of a resource that provides multiple parcel numbers except for P+ (e.g. open each application on P+ and open the LOCS dialog box).

B. Outline of Kitsap County Data Collection

For Kitsap County's data collection, the researchers primarily worked with Eric Baker and David Nash, from the Land Use and Environmental Planning Division. Since the data needed to be collected at the county offices, Kitsap provided an intern to assist with the data collection

The following steps were taken to analyze the data:

- 1) A random sample of PSRC development permits (residential) was generated for the years 2003 and 2000 with a sample size of 50 permits per year.
- 2) From this sample, Kitsap County provided the preliminary application data for the subdivision permit. (See the specific descriptions below that outline this step for each type of subdivision.)
- 3) The database was developed with the information presented above.

As mentioned in step #2, the following are the descriptions on how Kitsap County associated the different types of subdivisions with a vesting date.

- *Permits on final plats:* Staff reviewed the properties using the recorded auditor documents as to the date of their creation. If the date of creation is clearly before or clearly after the date the Comprehensive Plan was adopted (May 1998), staff classified the permit as pre or post GMA. If the date is close to the May 1998 date that the Comprehensive Plan was approved, staff pulled the files and reviewed the specific application date.
- *Permits on final short plats or large lots:* Staff reviewed the short plat files to determine the date of application for each lot. Each lot will be determined to be Pre or Post GMA based upon the May 1998 Comprehensive Plan adoption.
- *Permits on acreage accounts:* All lots not associated with a subdivision are considered Pre-GMA, as their creation would have to have predated the subdivision code created in 1970's.

Since the 2000 PSRC development permit data did not have a Parcel Number associated with each permit. Kitsap county geospatially overlaid these data with the parcel information.

C. Outline of Pierce County Data Collection

Dan Cardwell assisted the researchers in gathering data from Pierce County.

The following steps were taken to analyze the data:

- 1) A random sample of PSRC development permits (residential) was generated for the years 2003 and 1999.
- 2) From this sample, the researchers attempted to look up, via the PALS website, the preliminary application date for each permit.

- 3) The database was developed with the information presented above. From PSRC building permit database, grab the PIN # (this refers to the individual lots, not the parent parcel)
- 4) In GIS (PSRC geocoded building permit data), query for PIN #.
- 5) In the background, bring up the short, formal, and large lot development and engineering layers.
- 6) Zoom in and then bring up attribute table of that formal or short plat.
- 7) This should include project name, auditor ID#, application permit #, and parent parcel #.
- 8) Take the parent parcel # and insert this into the PALS website (On-line permit info, application/permit lookup, tax parcel #)
- 9) From the search, a long list should come up that includes the preliminary application date.
- 10) For Pierce County, we will use a random sample of about 50 permits and look up the preliminary application date. We will also gather characteristics data from this search as well.

D. Outline of Snohomish County Data Collection

Steve Toy and Frank Slusser assisted the researchers in gathering data for Snohomish County. The researchers utilized the following steps to analyze the data:

- 1) Using the 2003 and 1998 recorded formal plat data from Snohomish County, I changed the plat # to a 6-digit #. (made new column- =if(value(cell ref.)<10000, concatenate ("00",cellref.), concatenate("0",cellref.))
- 2) Using the PSRC permit data, I used only the left 6 digits of the PIN #. (=left(cell ref., 6))
- 3) The SnoPlat database included all of the recorded formal plats recorded from 1995-2003 in Snohomish County. The first step was to separate the rural plats and urban plats.
 - SnoPlatR – records of plats in rural area
 - SnoPlatU – records of plats in urban area
- 4) PSRC permits associated with urban plats were left out of the final analysis.
- 5) I linked the entire PSRC permit data (without the urban plats) to SnoCoPlat data for 99 and 03. In new column in SnoCoPlat, created the formula =vlookup(cellref.all cells in permit table<press F4>,column of interest, 0)
- 6) I used vlookup in excel to match exactly the Plat # to the PIN #.
- 7) Looking at the initiation date, I used a 1 to indicate a lot that was pre-GMA vested (pre-Dec. 12th, 1996), and a 0 for lots that were platted post-GMA.
- 8) First sorted all that had a match
- 9) Then sorted the matched fields by date

APPENDIX D: COUNTY CONTACTS

PSRC organized a meeting with representatives from each of the four counties on February 1st, 2005. The county representatives included:

- King County- Chandler Felt, Demographer, Economic Development Program, Budget Office
- Kitsap County- Eric Baker, Manager of Land Use and Environmental Planning, Department of Community Development
- Kitsap County- Travis Black, Transportation Planner II, Public Works Department
- Pierce County- Dan Cardwell, Senior Planner, Planning & Land Services Department
- Snohomish County- Steve Toy, Principal Demographer, Planning & Development Services Department
- Suburban Cities Association- Michael Hubner, Buildable Lands and Land Use Manager

Due to the scope of this project, some of the county representatives put us in contact with other staff that better understood the data, the permitting process, or the policy tools. Below is a list of additional county staff that provided input into this report.

- King County- Harry Reinert, Special Projects Manager, Department of Development and Environmental Services
- King County- Jim Sanders, Managing Engineer Supervisor, Department of Development and Environmental Services
- King County- Paul McCombs, GIS Specialist Engineer, Department of Development and Environmental Services
- Kitsap County- David Nash, GIS Analyst, Public Works Department
- Snohomish County – Frank Slusser, Planner, Planning & Development Services

APPENDIX E: STATUTES AND ORDINANCES (STATE AND COUNTY)

Revised Code of Washington

RCW 58.17.033 (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official. (2) The requirements for a fully completed application shall be defined by local ordinance.

RCW 58.17.070 - Preliminary plat of subdivisions and dedications -- Submission for approval -- Procedure. A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the legislative body of the city, town, or county within which the plat is situated. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

RCW 58.17.095 Ordinance may authorize administrative review of preliminary plat without public hearing. A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing by adopting an ordinance providing for such administrative review. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. The administrative review process shall include the following minimum conditions: [see statute for conditions]

RCW 58.17.140

Time limitation for approval or disapproval of plats -- Extensions. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within five years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements

Recommendations of certain agencies to accompany plats submitted for final approval. Each preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:

- (1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;
- (2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;
- (3) City, town or county engineer.

RCW 58.17.170

Written approval of subdivision -- Original of final plat to be filed -- Copies.

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

RCW 58.17.210

Building, septic tank or other development permits not to be issued for land divided in violation of chapter or regulations -- Exceptions -- Damages -- Rescission by purchaser. No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with provisions of this chapter and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter or local regulations adopted pursuant thereto, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby.

RCW 58.17.275

Proposals to adopt, amend, or repeal local ordinances -- Advance notice. All cities, towns, and counties shall establish procedures to provide reasonable advance notice of proposals to adopt, amend, or repeal local ordinances adopted in accordance with this chapter. These procedures shall include but not be limited to advance notice to individuals or organizations which have submitted requests for notice. Reasonable fees may be charged to defray the costs of providing notice.

Short Subdivisions

RCW 58.17.060- Short plats and short subdivisions -- Summary approval -- Regulations -- Requirements. (1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

Building Permits and Vesting

RCW 19.27.095

Building permit application -- Consideration -- Requirements.

(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

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

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

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

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

(d) Either:

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

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

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

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

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

(6) The limitations imposed by this section shall not restrict conditions imposed under chapter [43.21C](#) RCW.

KING COUNTY CODE

19A.12.010 Purpose. The purpose of this chapter is to specify requirements for the segregation of land into short subdivisions and subdivisions, in accordance with applicable Washington state and King County laws, rules and regulations, including permit processing procedures required by K.C.C. chapter 20.20. (Ord. 14788 § 3, 2003; Ord. 13694 § 55, 1999).

19A.12.020 Preliminary approval of subdivision.

A. Preliminary subdivision approval shall be effective for a period of sixty months.

B. Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary approval.

C. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

19A.12.030 Revisions of preliminary subdivisions. Applications to revise subdivisions that have received preliminary approval shall comply with the following:

A. Revisions that result in any substantial changes as determined by the department, shall be treated as a new application for purposes of vesting and shall be reviewed as Type 3 land use decision pursuant to K.C.C. 20.20.020. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary subdivision.

B. Approval of the following modifications by the department shall not be considered revisions:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;

2. Changes in lot dimensions that are consistent with K.C.C. Title 21A;

3. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of K.C.C. Title 21A, if applicable. (Ord. 13694 § 57, 1999).

19A.12.040 Preliminary short subdivision - approval time. Preliminary approval of a short subdivision shall be effective for a period of sixty months, except the approval period shall be eighty-four months for any short plat or plats that were part of a development agreement or inter-local agreement entered into after January 1, 1996, that included at least four hundred acres of open space dedications and urban land designations at a four-to-one ratio. (Ord. 14788 § 4, 2003; Ord. 13694 § 58, 1999).

19A.12.050 Limitations for short subdivisions.

A. Inside the Urban Growth Area, a maximum of nine lots may be created by a single application. Outside the Urban Growth Area, a maximum of four lots may be created by a single application.

B. An application for further segregation may not be submitted within five years after recording, except through the filing of a subdivision application or unless the short plat contains fewer than nine lots inside the Urban Growth Area or fewer than four lots outside the Urban Growth Area, in which case an alteration application may be submitted to create a cumulative total of up to nine lots inside the Urban Growth Area or up to four lots outside of the Urban Growth Area within the original short plat boundary.

C. A maximum of nine lots inside the Urban Growth Area or eight lots outside the Urban Growth area may be created from two or more contiguous parcels with any common ownership interest. (Ord.15031 § 4, 2004; Ord. 14788 § 5, 2003; Ord. 13694 § 59, 1999).

19A.12.060 Revisions of preliminary short subdivisions. Applications to revise short

subdivisions that have received preliminary approval shall comply with the following:

A. Revisions that result in any substantial changes as determined by the department, shall be treated as a new application for purposes of vesting and shall be reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary short subdivision.

B. Approval of the following modifications by the department shall not be considered revisions:

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary short subdivision approval;
2. Changes in lot dimensions that are consistent with K.C.C. Title 21A;
3. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of K.C.C. Title 21A, if applicable. (Ord. 13694 § 60, 1999).

19A.16.010 Purpose. The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of final plat and final short plat maps, for preliminarily-approved subdivisions and short subdivisions. (Ord. 13694 § 61, 1999).

19A.16.020 Phased development. Portions of an approved preliminary subdivision may be processed separately by the department for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular division must be met. (Ord. 13694 § 62, 1999).

19A.16.030 Final plat and final short plat review procedures.

A. Following submittal of the engineering plans, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval by the development engineer prior to recording. If more than one sheet is required, an index sheet shall be included that must show the entire segregation with road names and lot numbers;

B. All final plats and final short plats shall conform to the conditions of preliminary approval;

F. Proof of sewer and water availability, including any required water rights, shall be submitted to the department and final health department approval shall be obtained prior to recording, if applicable;

G. Upon approval by the department, the final plat or short plat shall be recorded with the county records and elections division;

19A.16.070 Alterations of final plats.

A. Alterations shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time the alteration application was submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered.

B. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

19A.16.080 Alterations of final short plats. Alteration of a final short plat may be approved by the department when consistent with the following requirements:

A. Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application, as set forth in this chapter.

C. If the short subdivision is subject to restrictive covenants that were filed at the time of the approval of the short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short subdivision or portion thereof.

20.20.050 Notice of complete application to applicant.

A. Within twenty-eight days following receipt of a land use permit application, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspects of the development proposal.

B. An application shall be deemed complete under this section if the department does not provide written notice to the applicant that the application is incomplete within the twenty-eight day period as provided herein.

C. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall notify the applicant in writing within fourteen days whether the application is complete or what

additional information specified by the department as provided in subsection A hereof is necessary to make the application complete. An application shall be deemed complete if the department fails to provide written notice to the applicant within the fourteen day period that the application is incomplete.

D. The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in this chapter. The department's issuance of a notice of complete application as provided in subsections A or C hereof, or the failure of the department to provide such a notice as provided in subsections B or C hereof, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

E. The department may cancel an incomplete application if the applicant fails to submit the additional information required by this chapter within ninety days following notification from the department that the application is incomplete. (Ord. 12196 § 12, 1996).

20.20.070 Vesting.

A. Applications for Type 1, 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

KITSAP COUNTY CODE

Preliminary Plats

16.12.150 Approval - Time limit. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved or returned to the applicant for modification or correction within ninety days from the date of filing thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety-day period shall not include the time spent preparing and circulating the environmental impact statement by the local governmental agency. (Ord. 20 (1983) § 19, 1983)

16.12.160 Board to consider certain facts. The board shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The board shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners. (Ord. 20 (1983) § 20, 1983)

16.12.170 Approval - Constitutes authorization for subdivider. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by Chapters 16.04 through 16.44 and any conditions imposed by the board. (Ord. 20 (1983) § 21, 1983)

16.12.180 Approval - Expiration. The approval given to a preliminary plat shall expire unless, within three years following approval, a proposed final plat in proper form is submitted to the county engineer; provided, however, that an extension may be granted by the hearing examiner. (Ord. 20 (1983) § 22, 1983)

16.16.010 Filing period. At any time within three years following the board's approval of a preliminary plat, the subdivider may submit the original of a proposed final plat to the county engineer. (Ord. 20 (1983) § 23, 1983)

16.16.020 Approval by health department, department of community development, hearing examiner and county engineer. Each and every preliminary plat submitted for final approval by the board of county commissioners shall be accompanied by recommendations for approval or disapproval from:

- (1) The Bremerton-Kitsap County health department as to the adequacy of the proposed means of sewage disposal and water supply;
- (2) The Kitsap County department of community development as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3)As outlined further in Sections 16.16.030 and 16.16.040.
(Ord. 20 (1983) § 24, 1983)

16.16.050 Board determinations - Approval or disapproval.

(a)The board shall, at its next public meeting or any continued meeting, determine:

- (1)Whether conditions imposed when the preliminary plat was approved have been met;
- (2)Whether the bond, if there is one, by its essential terms assures completion of improvements;
- (3)Whether the public use and interest will be served by approving the proposed final plat;
- (4)Whether the requirements of state law and Chapters 16.04 through 16.44 have been satisfied by the subdivider.

(b)The board shall thereupon approve or disapprove the proposed final plat. If the board approves the plat, the county auditor shall file the original for record and return the reproducible copy thereof to the county engineer who shall forward one paper copy to the county assessor, and retain the reproducible copy in the files of the county engineer. The county engineer shall also furnish a reproducible copy of the required plat, without cost, to the land surveyor representing the subdivider.

(Ord. 20 (1983) § 27, 1983)

16.16.060 Approval - Time limit. Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(Ord. 20 (1983) § 28, 1983)

16.40.010 Public interest determination.

No application for a building permit, septic tank permit or other development permit for any lot, tract or parcel of land divided in violation of state law or Chapters 16.04 through 16.44 shall be granted, nor shall such permit be granted during the processing of the preliminary plat, without prior approval of the board. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the board that:

- (1)The director of health has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;
- (2)The county engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interfere with or impair existing or planned public highway and drainage facilities in the vicinity;
- (3)The planning agency has certified that the proposed development conforms to the Comprehensive Plan and all zoning regulations;
- (4)The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property.

(Ord. 20 (1983) § 54, 1983)

16.40.020 Development of illegally divided land. An application for a building permit, septic tank or other development permit for any lot, tract or parcel of land divided in violation of state law or Chapters 16.04 through 16.44 shall not be granted without prior approval of the board, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the board that:

- (1)The applicant purchased the lot, tract or parcel for value;
- (2)The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or Chapters 16.04 through 16.44. (Ord. 20 (1983) § 55, 1983)

Short Subdivisions

16.48.120 Approval - Authorization. Approval of the preliminary short subdivision shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by this chapter and any conditions imposed. (Ord. 108-E (1991) § 12, 1991)

16.48.130 Approval - Expiration. The approval given to a preliminary short subdivision shall expire unless within three years following approval, a proposed final short subdivision in proper form is submitted to the director; provided, however, that an extension may be granted by the director. Notice of preliminary approval shall include an expiration date and procedures for extensions. (Ord. 108-E (1991) § 13, 1991)

16.48.140 Filing period. At any time within three years following the notice of preliminary approval, the subdivider may submit the original of a proposed final short subdivision to the director. (Ord. 108-E (1991) § 14, 1991)

16.48.200 Approval time. The final short subdivision shall be approved, disapproved or returned to the applicant within twenty working days from the date of filing thereof, unless the applicant consents to an extension of such time period.(Ord. 1 16.48.260)

Declaration regarding further subdivision.

(a)Land in a short subdivision may not be further divided in any manner within a period of five years after the recording of the final short plat without the filing of a final plat pursuant to subdivision ordinance number twenty;

except, that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

(b) Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent plat subdivision requirements (contained in the subdivision ordinance, codified in Chapters 16.04 through 16.44 of this code) which control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a rebuttable presumption of an attempt to circumvent plat subdivision requirements may be invoked by the director as a basis of further investigation to assure compliance with the intent of this provision.

(c) No lot in this short subdivision can be divided further without following the current legal requirements. (Ord. 108-E (1991) § 26, 1991) 08-E (1991) § 20, 1991)

16.48.300 Development of illegally divided land. No building permit or development permit of any sort shall be issued for lots created in violation of this chapter; provided, an innocent purchaser for value may obtain permits needed for development upon application to the county board of commissioners after notice where such purchaser shows the following:

(1) The lot was purchased at a market value not reflecting the illegal division;

(2) The purchaser exercised reasonable diligence but did not know of the illegal division;

(3) The public interest will not suffer.

(4) "Notice," unless otherwise stated, means written notice of the date, time and place of the proposed action mailed by first-class mail at least ten days prior to the date thereof to the owners of record of the parcels adjacent to the short subdivision. (Ord. 108-E (1991) § 30, 1991)

PIERCE COUNTY CODE

16.02.010 Applicability.

Every subdivision shall comply with the provisions of Chapter 58.17 Revised Code of Washington, this Title and all future amendments or applicable Federal, State or local laws.

After final plat or short plat approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions, shall be allowed only if the procedures of this Title or the short plat ordinance are first followed, and these requirements shall be applicable to all plats approved prior to the effective date of this Title.

16.08.040 Time Limitations.

A. In General. A final plat meeting all of the requirements of law shall be submitted to the County within three years of the date upon which the approval of the preliminary plat is final. The approval of a preliminary plat shall be automatically null and void if final plat approval is not obtained within the time limitations specified herein.

B. Initial Extension of Time. The applicant for plat approval shall be entitled to one 1-year extension of time within which to submit a final plat upon a showing that he has attempted in good faith to do so within the initial 3-year period. Knowledge of the expiration date and initiation of a request for an extension of approval time is the responsibility of the applicant.

C. Additional Extensions. The applicant for plat approval may be entitled to additional extensions of time within which to submit a final plat. In the event of a written request for additional extensions, the Examiner may, upon request by a party of record or County agency, alter or expand the conditions of approval applicable to any such plat. However, prior to the alteration or expansion of conditions of approval, the proponent of such change in conditions shall establish that either (a) such conditions are required by laws or regulations adopted subsequent to original approval; or (b) such changes are necessary for the protection of the public health, safety or general welfare as a result of material changes in, or discovery of, relevant conditions or circumstances which have occurred since the date of approval of the preliminary plat.

16.08.060

E. Stages. If the developer desires to develop said subdivision in stages, each stage or division must be approved within the time limits specified herein.

16.08.100 Administrative Review of Final Plats.

The Examiner has the full authority to approve final plats. The Pierce County Planning Director or authorized assistant shall review applications for the proposed final plat and be satisfied that the following conditions exist:

Short Subdivisions

16.12.010 Applicability.

Every short plat and short subdivision shall comply with the provisions of this Chapter.

A. Exemptions.

16.12.020

C. Further divisions. Land within a short subdivision shall not be further divided in any manner for a period of five years from the date said approved short plat is recorded with the Auditor without the filing of a final plat on the land which is proposed to be further divided. This requirement shall be stated on the face of the short plat. (Ord. 96-96 § 1, 1996; Ord. 88-75S § 1 (part), 1988; Ord. 81-117 § 1 (part), 1982; Res. 17409 § 1 (part), 1974; prior Code § 67.02.270)

16.12.050 Departmental Review.

A. The County Engineer's Office may review a short plat for adequacy of access, storm water drainage facilities, public sewer system, survey accuracy, feasibility for building sites.

B. The Planning Department may review the proposed short plat for conformance with zoning laws, the comprehensive plan and subdivision code.

C. The Health Department may review the proposed short plat for adequacy of water supply, and septic tank conditions.

D. The Fire Marshal may review the proposed short plat for adequacy of the fire protection water system and access for fire fighting equipment. (Ord. 88-75S § 1 (part), 1988; Ord. 81-117 § 1 (part), 1982; Res. 17409 § 1 (part), 1974; prior Code § 67.02.310)

16.12.070 Summary Approval.

4. The applicant is required to submit the revisions as requested, at the expiration of the allowable time line, along with six prints and the mylar to the Planning Department.

The submittal shall be considered the "FINAL REVIEW" and all previous extensions that were granted to the applicant shall be considered void. The reviewing departments shall have a 30-day review period. At the conclusion of the review period, the reviewing department directors or authorized representative shall approve or deny the short plat. Denial by any one department shall constitute denial of the short plat by the County.

E. Effect of Approval. The approval of a short plat shall not be a guarantee that future permits will be granted for any structures or development within said area and a notation to this effect shall be stated on the face of the short plat.

(Ord. 94-96S § 2, 1994; Ord. 88-75S § 1 (part), 1988; Ord. 81-117 § 1 (part), 1982; Res. 17409

18.40.010 Preliminary Reviews.

Preliminary reviews are informational meetings between Department staff and an applicant prior to or concurrent with filing of a complete application. Preliminary reviews should outline requirements for filing a complete application, timelines for the County review process, application processing options, and identify environmental information on the project site including potential impacts and regulations that may mitigate environmental impacts.

A. Filing Review. Department staff reviews an application for completeness prior to acceptance for filing. If an application is complete it can be accepted for filing.

Incomplete applications shall not be accepted for filing and may be referred to a pre-application consultation, pre-filing meeting or a pre-development conference.

B. Pre-Application Consultation. Pre-application consultations are conducted by

Department staff who review a proposed application and determine necessary items for filing a complete application.

A pre-application consultation may be provided at the request of the applicant.

18.40.020 Complete Applications.

A. Form and Content. The Department shall prescribe, on a Submittal Standards

Checklist, the form and content for complete applications made pursuant to this Title including, but not limited to:

Building Permits, Site Development Permits, Use Permits,

Wetland Permits, Preliminary Plats, Short Plats, Final Plats, Binding Site Plans, and

18.60.010 Initiation of Review Process.

The Department shall not commence the review process of any application until the application is deemed to be complete. (Ord. 96-19S § 1 (part), 1996)

18.60.020 Initial Review.

A. All reviewing departments shall complete an initial review within 30 days from the application filing date for applications which require a public hearing process as set forth in Title 18A and Chapter 1.22, Pierce County Code.

B. All reviewing departments shall complete an initial review within 60 days from the application filing date for applications which do not involve a public hearing process.

C. After completion of the initial review, any department request for additional information, plan correction or studies shall be outlined in a written notice and mailed to the applicant. Such notice shall also contain applicable time

limits for the applicant to resubmit requested material to the Department. (Ord. 97-84 § 1 (part), 1997; Ord. 96-19S § 1 (part), 1996)

18.60.030 Additional Information.

A. Acceptance of a complete application shall not preclude the Department or Examiner from requiring additional information or studies at a later date during the review process, if new information is disclosed or substantial changes in the proposed action occur.

B. In the interest of public health, safety, or welfare or to meet the requirements of the State Environmental Policy Act or other Local or State requirements, a department may request additional application information including, but not limited to: wetland reports, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis, and transportation impact studies.

C. The application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Department's or Hearing Examiner's request, unless the applicant has been granted a time period extension. The applicant shall be granted a 180-day extension if:

1. The applicant requests such an extension in writing prior to the expiration of the initial 180-day time period; and
2. The Director or Hearing Examiner finds that unusual circumstances beyond the applicant's control have prevented them from providing the additional information within the initial 180-day time period. Only one extension may be granted.

(Ord. 96-19S § 1 (part), 1996)

18.160.030 Applicability.

This Chapter applies to complete applications and permit approvals required by Pierce County pursuant to Title 18, including and limited to, use permits, preliminary plats, final plats, short plats, large lot divisions, binding site plans, shoreline development permits and any other land use permit application that is determined by the Washington State legislature to be subject to the Vested Rights Doctrine. Vesting of building permit applications are governed by the rules

of RCW 19.27.095 and Title 15 PCC. (Ord. 98-66S § 1 (part), 1999)

18.160.050 Vesting of Applications.

A. An application described in Section 18.160.030 shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.

B. An application described in Section 18.160.030 shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described

in Section 18.160.030 to vest for a construction or utility standard. A site development application for stormwater design and construction may vest on the date of preliminary plat or use permit application if the applicant submits the stormwater site development application within 180 days of completed preliminary plat or use permit application and

adheres to the process outlined in 18.40.010 D. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in 18.160.030.

C. An application described in Section 18.160.030 utilizing vested rights shall be subject to all development regulations in effect on the vesting date.

D. An application described in Section 18.160.030 that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.

E. Applications submitted pursuant to Title 18 that are not listed in Section 18.160.030 shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.

F. The property owner is responsible for monitoring the time limitations and review deadlines for the application. The County shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the Department, but shall be subject to the development regulations in effect on the date of the new application.

(Ord. 98-66S § 1 (part), 1999)

18.160.060 Duration of Approvals.

A. **Use Permits.** An approved use permit shall be allowed to develop for a period of one year from the effective date of the permit approval unless a different time limitation was specifically authorized in the final approval. The development of an approved use permit shall be governed by the terms of approval of the permit unless the legislative

body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

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B. Preliminary Plat. Development of an approved preliminary plat shall be based on the controls contained in the Hearing Examiner's decision. A final plat meeting all of the requirements of the preliminary plat approval shall be submitted within five years of the effective date of the Hearing Examiner's decision. Any extension of time beyond this

five year limitation may contain additional or altered conditions and requirements based on current development regulations and other land use controls.

C. Use Permits Associated with a Preliminary Plat. Use Permit applications, such as Planned Development District applications, that are approved as a companion to a preliminary plat application, shall remain valid for the duration of the preliminary and final plat as provided in subsections B. and D.

D. Final Plat. The lots in a final plat may be developed by the terms of approval of the final plat, and the development regulations in effect at the time the preliminary plat application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

E. Short Plat, Large Lot Division. The lots in a short plat or large lot division may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

F. Binding Site Plan. The lots in a Binding Site Plan may be developed by the terms of approval of the Binding Site Plan, and the development regulations in effect at the time the application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

G. All approvals described in this Section shall be vested for the specific use, density, and physical development that is identified in the permit approval. (Ord. 98-66S § 1 (part), 1999)

18.160.070 Modification. Proposed modifications to an application which has been deemed to be complete by the Department shall be treated as follows:

A. Modifications proposed by the Department to an application shall not be considered a new application.

B. Any modification to an application may require revised public notice and/or additional review fees.

C. Modifications proposed by the applicant to a pending application which meet or exceed any of the criteria in Sections C.1.- C.8. as determined by the Department shall require a new application. The new application shall conform to the development regulations which are in effect at the time the new application is submitted. The Department shall

apply the following criteria to determine if a substantial modification is proposed:

1. the perimeter boundaries of the original site are extended by more than 5 percent of the original lot area;

2. the modification adds more than 25 percent gross square footage to proposed structures on the site;

3. the modification increases the overall impervious surface on the site by more than 25 percent;

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4. the modification increases the overall residential density of a site by more than 20 percent;

5. the modification reduces designated open space by more than 10 percent;

6. the modification increases or substantially relocates points of access unless supported by a revised traffic analysis;

7. the modification consists of changing the original application's primary use category

to a new primary use category of greater intensity, as determined by the new use's impacts, including but not limited to traffic, impervious surface, noise, glare, dust, and hours of operation; or

8. the modification will result in a substantial change in the project's impacts and/or use.

D. Proposed modifications to applications that do not exceed the criteria described in C.1. through C.7. shall be reviewed for the development regulations in effect on the date of the original complete application.

(Ord. 2004-52s § 1 (part), 2004; Ord. 98-66S § 1 (part), 1999)

18.160.080 Expiration of Applications.

Any application type described in Section 18.160.030 that was pending on July 28, 1996, that does not contain all submittal items and required studies that are necessary for a public hearing or has not been reviewed by the Hearing Examiner in a public hearing shall become null and void one year after registered notice is mailed to the applicant and property owner. A one time, one year time extension may be granted by the Hearing Examiner after a public

hearing if the extension request is submitted within one year of the effective date of this Chapter and applicant has demonstrated due diligence and reasonable reliance towards project completion. In considering due diligence and reasonable reliance the Examiner shall consider the following:

- A. Date of initial application
 - B. Time period the applicant had to submit required studies
 - C. Availability of necessary information
 - D. Potential to provide necessary information within one year
 - E. Applicant's rationale or purpose for delay
 - F. Applicant's ability to show reliance together with an expectation that the application would not expire.
- (Ord. 98-66S § 1 (part), 1999)

18.160.090 Waiver of Vesting

A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the Director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in Section

18.160.070 and may require revised public notice and/or additional review fees. (Ord. 98-66S § 1 (part), 1999)

SNOHOMISH COUNTY CODE

30.41A.040 Procedure, special notice, and timing requirements. (1) The hearing examiner may approve, approve with modifications, or deny subdivisions under the circumstances set forth in this chapter. The decision is processed as a Type 2 application as described in chapter 30.72 SCC. (2) A preliminary subdivision application may be denied without prejudice by the hearing examiner pursuant to SCC 30.71.060. If denied without prejudice, the application may be reactivated under the original project number and without additional filing fees if a revised application is submitted within six months of the date of the hearing examiner's decision. In all other cases a new application shall be required.

30.41A.050 Submittal requirements. (1) A preliminary subdivision application shall comply with the requirements set out in the application checklist as provided by the department pursuant to SCC 30.70.030.

30.41A.100 Decision criteria - general. (1) The hearing examiner and the department shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The hearing examiner shall approve a preliminary subdivision only if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection and other public facilities. The hearing examiner shall consider all other relevant facts, including the physical characteristics of the site and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school to determine whether the public interest will be served by the subdivision and dedication.

(2) If the hearing examiner finds that the proposed preliminary subdivision makes appropriate provisions for the matters listed in SCC 30.41A.100(1) and enters written findings that the subdivision conforms to all applicable development regulations and construction codes, then it shall be approved. If the hearing examiner finds that the proposed subdivision does not make such appropriate provisions or that development regulations requirements are not met, or the public use and interest will not be served, then the hearing examiner may deny the proposed preliminary subdivision.

(5) All subdivisions are also subject to the requirements of chapters 30.32A and 30.32B SCC, regarding forest and agricultural lands and the right to practice forestry and to farm. In the event of a conflict between the provisions of this chapter and the forest and agricultural resource lands chapters, the resource lands chapters shall control.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.110

30.41A.300 Preliminary subdivision approval - term.

(1) The standard term of approval for a preliminary subdivision is five years. An applicant must file for and complete final subdivision approval within the five-year period running from the date of preliminary subdivision approval or the approval will expire. An applicant may request, in writing, a one-year extension of preliminary approval. Such request must be received at least 30 days prior to the expiration of the preliminary subdivision approval. The department may grant one one-year extension if the applicant can demonstrate a good faith effort to complete the final subdivision within the five-year period in accordance with the terms of the preliminary approval.

Approval may be further extended for an additional period not to exceed four months by the county council concurrent with the council's consideration of final subdivision approval.

(2) The department shall grant an extension in cases where a preliminary approval has been appealed to court, not to exceed the period of time the approval is under judicial review.

(3) The applicant may request final subdivision approval in phases, subject to the time restrictions in 30.41A.300(1) and the terms of the preliminary subdivision approval. Open space, amenities, and other requirements of the preliminary approval shall be completed coincident with each phase of the final subdivision on a prorata basis unless otherwise required in the preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request to complete the final subdivision improvements in phases.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.320 Prohibition against other subdivisions.

No short subdivision (chapter 30.41B SCC) shall be approved which includes any land contained within an approved preliminary subdivision during the period in which the preliminary subdivision is valid. (Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.330 Revisions after preliminary subdivision approval.

Approved preliminary subdivisions may be revised prior to installation of improvements and recording of the final subdivision. Revisions that are generally consistent with the approved preliminary subdivision, which do not alter conditions of preliminary approval and do not adversely affect public health, safety, and welfare may be administratively approved by the department; provided that any increase in trip generation or change in access points shall be reviewed pursuant to SCC 30.66B.075. Any other change shall require processing as a new preliminary subdivision. Relevant county departments and agencies shall be notified of any administrative revision. A revision does not extend the life or term of the preliminary subdivision approval, which shall run from the original date of preliminary approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

The following approvals must be submitted in writing to the department prior to certification of the final subdivision:

(1) Health approval. The Snohomish Health District shall indicate compliance with the health requirements of the preliminary subdivision and shall indicate the adequacy of the method of sewage disposal. The health district may require that those lots which do not meet health district standards be so noted on the face of the final subdivision. Approval by the health district of the final subdivision shall not vary or negate any requirements for obtaining septic tank and drainfield permits for any lots therein;

(2) Fire marshal's approval;

(3) Water purveyor's approval;

(4) Sewer purveyor's approval (when applicable);

(5) Proof of electrical availability; and

(6) Other approvals as may be required in the conditions of preliminary subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Subdivision alteration.

(1) A recorded final subdivision may be altered pursuant to SCC 30.41A.710 through 30.41A.750. These provisions apply to the reconfiguration of any element graphically portrayed on a recorded final plat and to the alteration of conditions, restrictions, easements, or other textual materials on the plat or with a recorded final subdivision.

(2) Any change to a recorded final plat where an additional lot(s) is proposed shall not be considered a subdivision alteration and shall be processed as a new subdivision or short subdivision.

(3) The subdivision alteration provisions do not apply to corrections to recorded final plats, revisions to lot boundaries authorized pursuant to the boundary line adjustment provisions of chapter 30.41E SCC, or to alterations of final short subdivisions pursuant to SCC 30.41B.700. (Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.710

Review or revocation of preliminary approval.

After preliminary subdivision approval, if the department learns of any possible violations of conditions of approval, the department may initiate review or revocation proceedings in accordance with SCC 30.71.027 within 90 days of notice of the violation. (Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Short Subdivisions

30.41B.010 Purpose and applicability.

(2) Land within a short subdivision which has been recorded within the immediately preceding five years, may not be further divided in any manner, except that a final subdivision may be approved and filed for record pursuant to

chapter 30.41A SCC. When a short subdivision contains fewer than four parcels when located outside of an urban growth area adopted by the county council pursuant to chapter 36.70A RCW or fewer than nine parcels when located in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, the owner who filed the short subdivision may file an alteration within the five year period to create up to a total of four lots within the original short subdivision boundaries when located outside an urban growth area adopted by the county council pursuant to chapter 36.70A RCW. After five years, further divisions may be permitted through the short subdivision process by a parcel owner when otherwise consistent with the then current regulations. PROVIDED, that when the subdivider owns more than one lot within a short subdivision, he may not divide the aggregate total into more than four lots when located outside an urban growth boundary adopted by the county council pursuant to chapter 36.70A RCW or nine lots when located in an urban growth area adopted by the county council pursuant to chapter 36.70A RCW. Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit an applicant from completely withdrawing the entire short subdivision and thereafter presenting a new application.

(3) Land within a subdivision exempted from subdivision or short subdivision requirements by RCW 58.17.040(2) or SCC 30.41A.020(7), may not be further divided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel; except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC. This prohibition shall not apply as to lots, tracts, or parcels conveyed to purchasers for value. For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or the department, or such other similar proof as is considered sufficient by the department. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the current regulations.

30.41B.030 Procedure and special notice requirements.

(1) Short subdivisions shall be processed as a Type 1 administrative decision except that if a dedication of right-of-way for a new public road is proposed or required, a Type 2 process decision by the hearing examiner shall be used. The decision maker may approve, approve with conditions, deny, or deny without prejudice a proposed short subdivision application.

(2) A preliminary short subdivision application which has been denied without prejudice may be reactivated under the original project file number and without additional filing fees if a revised application is submitted within six months of the date of the denial without prejudice.

(3) The department shall distribute copies of the preliminary short subdivision application to each reviewing section within the department and to each of the following and shall allow 21 days from the dated published notice for the agencies to submit comments on the proposal:

- (a) Snohomish Health District;
- (b) Department of public works;
- (c) Washington State Department of Transportation;

(d) Any city or town whose municipal boundaries are within one mile of the proposed short subdivision or whose urban growth area includes the subject site or whose public utilities would be used by the proposed short subdivision; and

(e) Any other federal, state, or local agencies as may be relevant.

(4) Public notice of application shall be provided as set forth in SCC 30.70.050.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Preliminary short subdivision approval - term.

(1) The standard term of approval for a preliminary short subdivision is five years. An applicant must file for and complete final short subdivision approval within the five year period, running from the date of preliminary short subdivision approval, or the approval will expire; except that an applicant may request in writing a one year extension. The department may extend the approval for not more than one additional 12-month period if the applicant or his or her successors files a written application for extension with the department at least 30 days prior to the expiration date of the preliminary approval. In cases where dedication of right of way is required, approval may be further extended for an additional period not to exceed four months.

(2) The department shall grant an extension in cases where a preliminary approval has been appealed to court, not to exceed the period of time the approval is under judicial review.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.310 Revisions after preliminary short subdivision approval.

Approved preliminary short subdivisions may be revised prior to installation of improvements and recording of the final short subdivision. Revisions that are generally consistent with the approved preliminary short subdivision, which do not alter conditions of preliminary approval and do not adversely affect public health, safety, and welfare

may be administratively approved by the department. Any other change shall require processing as a new preliminary short subdivision application. Relevant county departments and agencies shall be notified of any administrative revision. A revision does not extend the life or term of the preliminary subdivision approval, which shall run from the original date of preliminary approval. (Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.600 Final short subdivision application approval - timing.

A final short subdivision application shall be approved within the five year time period for preliminary approval unless an extension of time is granted pursuant to SCC 30.41B.300.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.605 Final short subdivision application approval - form.

An application for a final short subdivision approval shall meet the submittal requirements established by the department pursuant to SCC 30.70.030, and shall include declarations, dedications, acknowledgments, certificates, and easements in the form prescribed by the department. (Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.700 Short subdivision alterations.

(1) A recorded final short plat may be altered through a Type 1 process. The reconfiguration of any element graphically portrayed on a recorded final short plat and the alteration of restrictions, easements, conditions, or other textual materials on or with a recorded final short plat shall be altered using the same process and decision criteria as for a new short subdivision approval; provided that mailed notice shall be limited to property owners within or directly abutting on the original short subdivided property.

(2) The addition of one or more lots to a recorded short plat approved pursuant to this title may be processed as an alteration or a new short subdivision, provided that no more than four total lots may be created within five years of recording of the original short subdivision.

(3) The provisions of this section do not apply to corrections to recorded final short plats, revisions to lot boundaries authorized pursuant to the boundary line adjustment provisions of chapter 30.41E SCC, or to alterations of final subdivisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.800 Violation of preliminary approval.

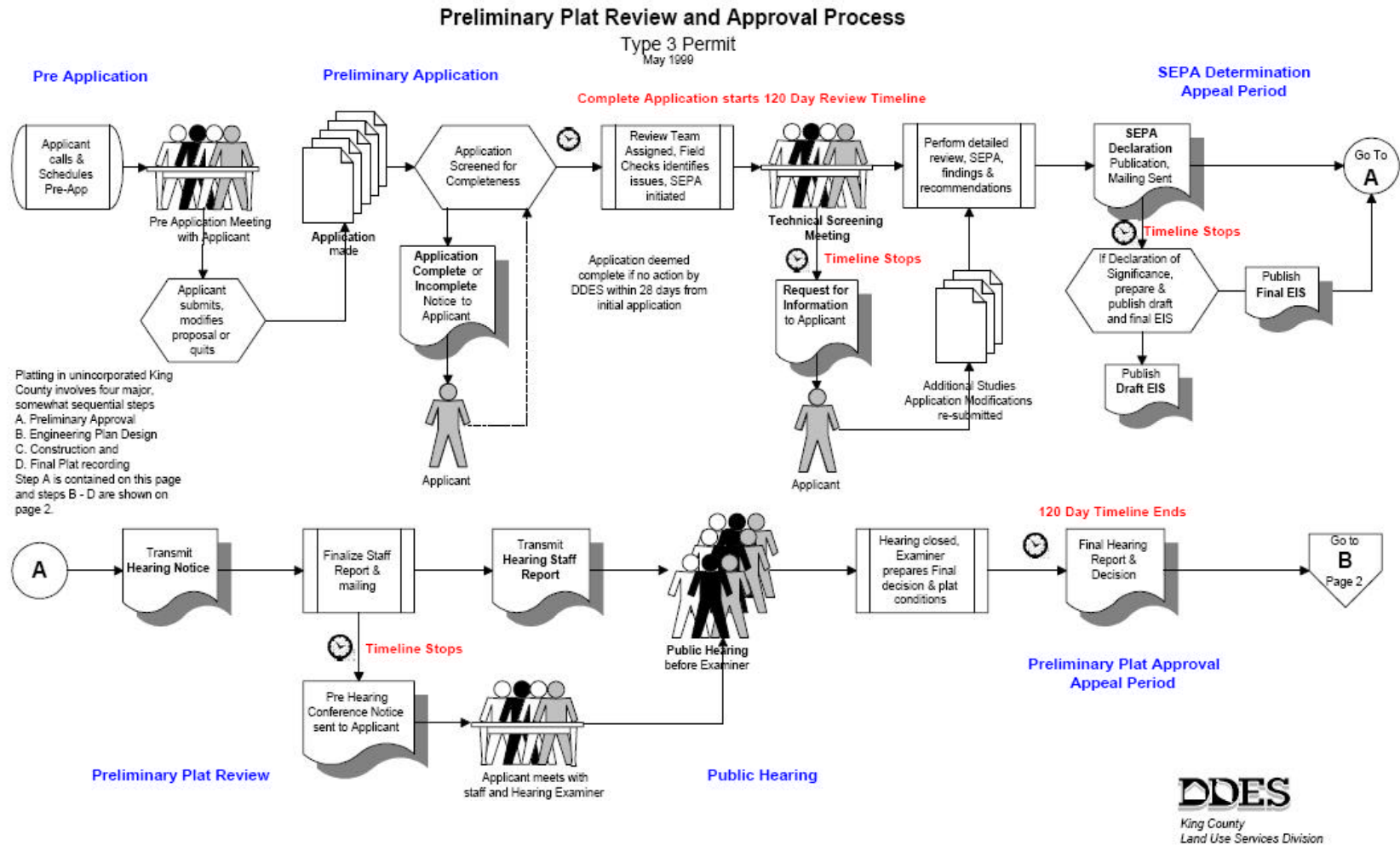
After preliminary short subdivision approval, if the department learns of possible violations of conditions of such approval, the department may set the matter for public hearing before the hearing examiner within a reasonable time, not to exceed 90 days of notice of the violation. Notice of this hearing shall be provided in the same manner as was provided on the preliminary short subdivision application. At the hearing, the hearing examiner shall determine whether a violation exists, and may impose conditions that conform the short subdivision to the provisions of the county code and/or to the conditions of the original preliminary short subdivision approval.

30.41B.830 Permit prohibition.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this code or of chapter 58.17 RCW, unless the authority authorized to issue such permit finds that the public interest would not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with chapter 58.17 RCW and each purchaser or transferee may recover damages from any person or agent, including any amount reasonably spent as a result of an inability to obtain any development permit and any amount spent to conform to the requirements of this code, as well as cost of investigation, suit and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming the property to these requirements, rescind the sale or transfer and recover cost of investigation, suit and reasonable attorney's fees occasioned thereby.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

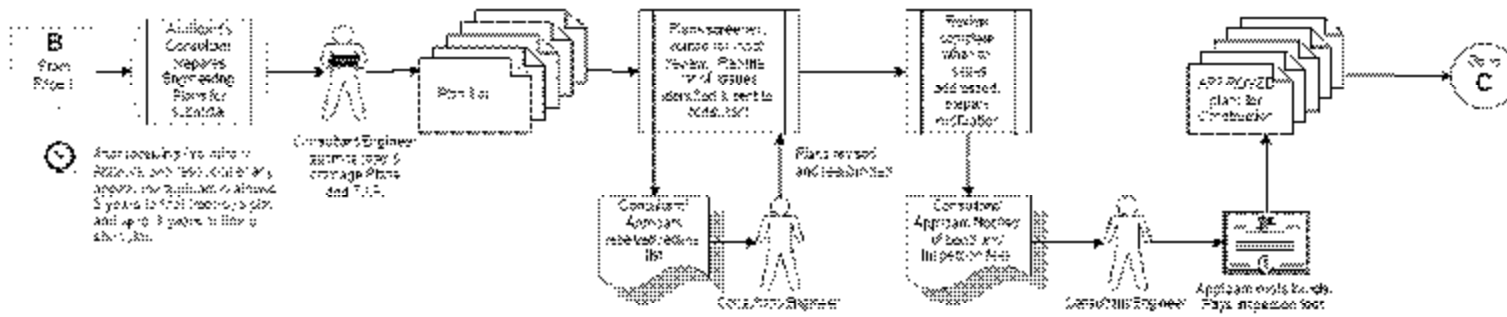
Appendix F: King County Subdivision Approval Process



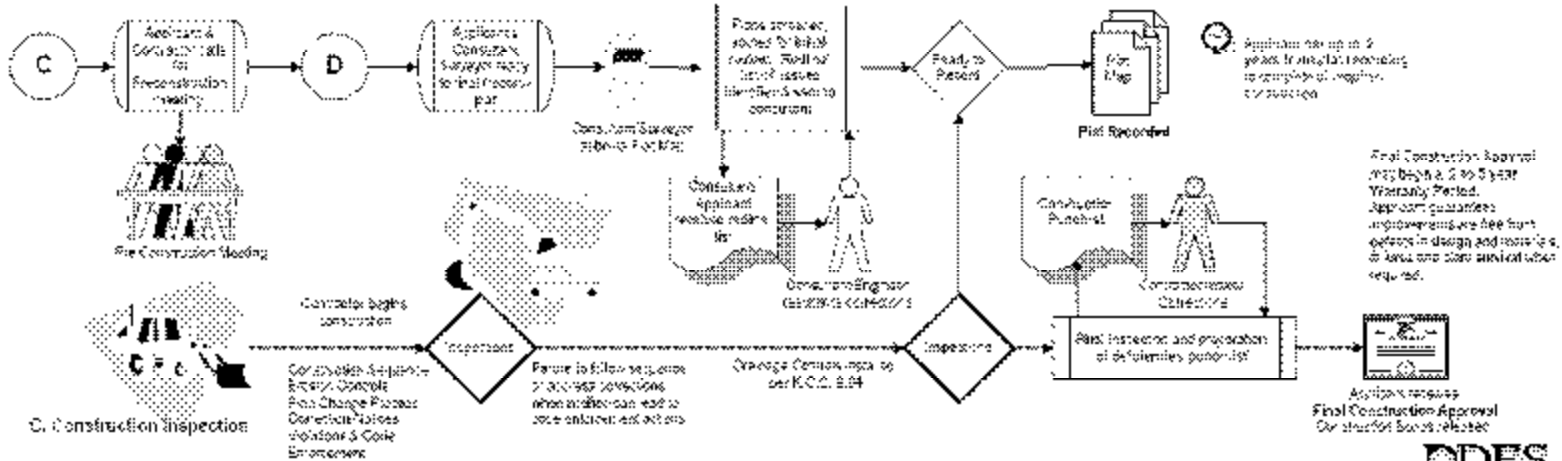
Other Reviews and Approval Processes for Subdivisions

May 2007

B. Engineering Plan Review

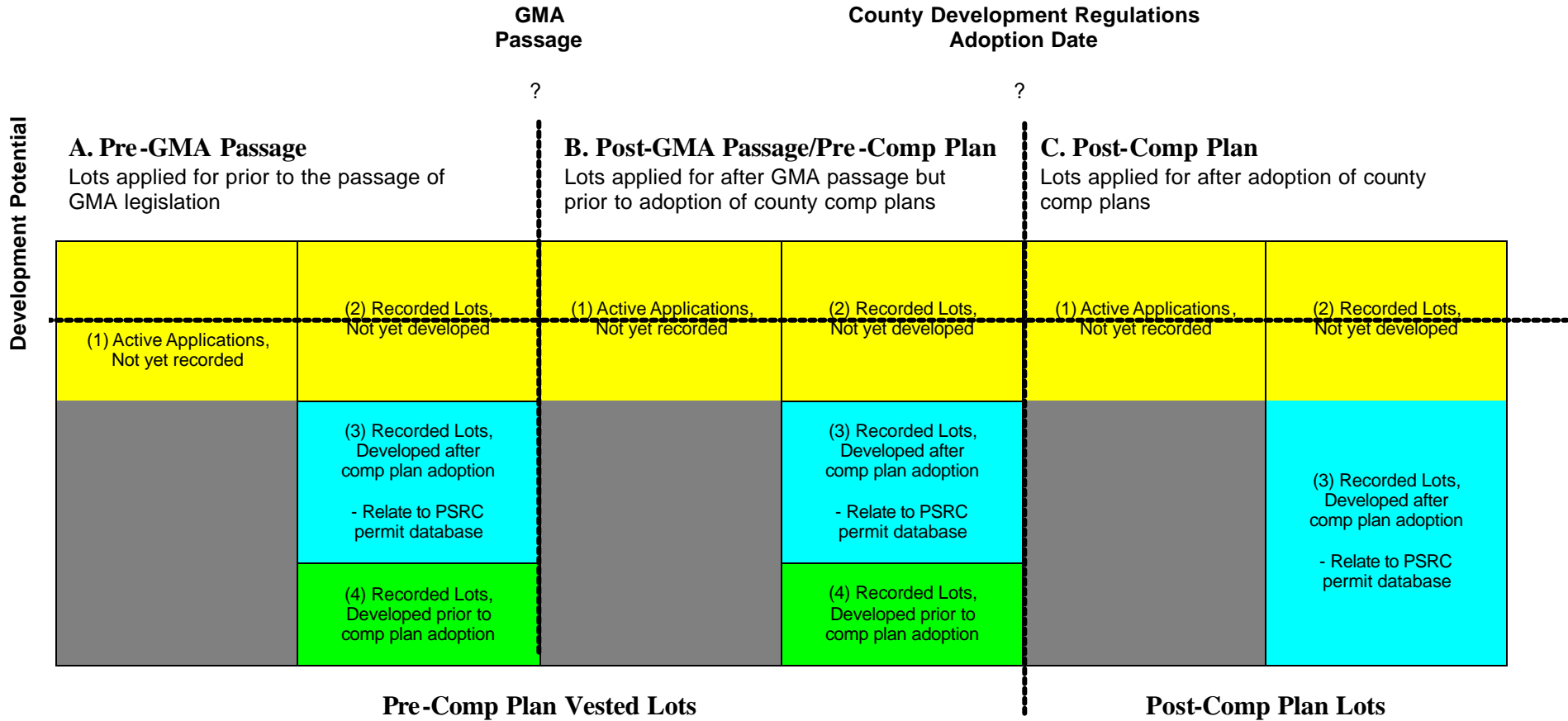


D. Final Plan Approval



DDES
 King County
 Land Use Services Division

APPENDIX G: UNIVERSE OF VESTED LOTS



Note: For purposes of this project, we propose to use the term “pre-comp plan vested lots” to refer to all activities that fall under categories A and B. We shall further delineate between “vested development potential” (categories A-1, A-2, B-1 and B-2) from “development on vested lots” (categories A-3, A-4, B-3 and B-4.)

APPENDIX H: REFERENCES

Community Trade and Economic Development. *A Short Course on Local Planning*. (November, 1999).

Commission of Washington State Community Trade, and Economic Development. *Land Use Study Commission Final Report*, (December 1998).
(<http://www.cted.wa.gov/landuse/report/toc.html>)

Corvin, Aaron. *Turf Wars- When houses go up, the sun sets on rural life in Pierce County*. *The News Tribune*. (April 25, 2005).

David Evans and Associates. *Report on Permits Vested During Periods of Invalidity or Non-Compliance Under the Growth Management Act- Report to the Land Use Study Commission*. (September 1998).

Hochman. *The Supreme Court and the Constitutionality of Retroactive Legislation*. 73 *Harvard Law Review* 692 (1960).

King County Bar Association. *The Washington Lawyers' Practice Manual*. Chapter 23. (2004).

Madison, James. *The Federalist No. 44*. at 301 (January 25, 1788).

Office of Financial Management, Forecasting Division. *Projections of the Total Resident Population for the Growth Management Act Intermediate Series: 200-2025*. (January 2002).
(<http://www.ofm.wa.gov/pop/gma/gmintermediate.pdf>)

Office of Financial Management, Forecasting Division. *State of Washington 2004 Population Trends*. (September 2004). (www.ofm.wa.gov/pop/poptrends/poptrends_04.pdf)

Puget Sound Regional Council. *Growth Management By the Numbers: Population, Household, and Employment Growth Targets in the Central Puget Sound Region*. (April 2005).

Wynne, Roger D., *Land Use- Washington's Rights Doctrine: How We have Muddled a Simple Concept and How We Can Reclaim It*, *Information Bulletin 517 Legal Notes*. (2003).

Legal Documents: (See Appendix E)

King County Code- Title 19 & 20

Kitsap County Code- Title 16

Pierce County Code- Title 16 & 18

Revised Code of Washington

Snohomish County Code- Title 34

United States Constitution- Article I

Case Law Reverences:

Erickson & Assocs., Inc. v. McLerran, 123 Wn.2d 864, (1994)
F.D. Processing Inc., 119 Wn.2d 452, (1992)
Friends of the Law v. King County, 123 Wn.2d 518, (1994)
Hass v. Kirkland, 78 Wn.2d 929, (1971)
Noble Manor v. Pierce County, 81 Wn. App.141 (1996)
Pilchuck v. Snohomish County (Pilchuck II) CPSCGMH Case No. 95-3-0047(1995)
Rhod-A-Zalea & 35th, Inc. v. Snohomish County, 136 Wn.2d 1,(1998)
State ex rel. Ogden v. Bellevue, 45 Wn.2d 492 (1954)
West Main Assocs. V. City of Bellevue, 106 Wn. (1986)