
SUBSTITUTE HOUSE BILL 3202

State of Washington

60th Legislature

2008 Regular Session

By House Local Government (originally sponsored by Representatives Simpson, Sells, and Nelson)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to Washington's vesting laws; amending RCW
2 36.70A.290, 36.70A.130, 58.17.033, and 19.27.095; adding a new section
3 to chapter 36.70A RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the public
6 interest is served when applications for new land use projects are
7 assessed using the laws in effect at that time, not former versions
8 that have been repealed or revised. Washington requires jurisdictions
9 to update their land use and development laws and regulations on a
10 regular basis. The public has an interest in ensuring that projects
11 proposed during the public comment and approval process for these
12 updates follow the new laws, not the version that has been replaced.
13 Local governments have an interest in ensuring that their new laws are
14 followed by all persons, without exemptions for those who were able to
15 file for a permit application during the period of time the new law was
16 proposed, enacted, and subject to appeal. Real estate developers have
17 an interest in ensuring that everyone is required to follow the same
18 laws, without an exemption for those who win a race to the permit

1 counter when a change is proposed. Further, the legislature finds that
2 the public has an interest in meaningfully commenting on large projects
3 to ensure that they fit their community.

4 The legislature finds that other states employ a vesting date of
5 the time an application is approved, rather than when it is filed.
6 Many states do so for all projects at all times, not just when changes
7 to the law are proposed.

8 Development in other states has been able to continue in a
9 reasonable fashion. A later vesting date provides reasonable certainty
10 for the development community while providing better protection of the
11 public interest and improving the ability of local governments to
12 comply with the legislature's land use and environmental protection
13 goals and mandates.

14 This act is intended to better protect the public interest by
15 setting the vesting date for many projects as the date when permits are
16 issued. The courts should construe this and related laws liberally to
17 effectuate that purpose.

18 **Sec. 2.** RCW 36.70A.290 and 1997 c 429 s 12 are each amended to
19 read as follows:

20 (1) All requests for review to a growth management hearings board
21 shall be initiated by filing a petition that includes a detailed
22 statement of issues presented for resolution by the board. The board
23 shall render written decisions articulating the basis for its holdings.
24 The board shall not issue advisory opinions on issues not presented to
25 the board in the statement of issues, as modified by any prehearing
26 order.

27 (2) All petitions relating to whether or not an adopted
28 comprehensive plan, development regulation, or permanent amendment
29 thereto, is in compliance with the goals and requirements of this
30 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days
31 after publication by the legislative bodies of the county or city.

32 (a) Except as provided in (c) of this subsection, the date of
33 publication for a city shall be the date the city publishes the
34 ordinance, or summary of the ordinance, adopting the comprehensive plan
35 or development regulations, or amendment thereto, as is required to be
36 published.

1 (b) Promptly after adoption, a county shall publish a notice that
2 it has adopted the comprehensive plan or development regulations, or
3 amendment thereto.

4 Except as provided in (c) of this subsection, for purposes of this
5 section the date of publication for a county shall be the date the
6 county publishes the notice that it has adopted the comprehensive plan
7 or development regulations, or amendment thereto.

8 (c) For local governments planning under RCW 36.70A.040, promptly
9 after approval or disapproval of a local government's shoreline master
10 program or amendment thereto by the department of ecology as provided
11 in RCW 90.58.090, the local government shall publish a notice that the
12 shoreline master program or amendment thereto has been approved or
13 disapproved by the department of ecology. For purposes of this
14 section, the date of publication for the adoption or amendment of a
15 shoreline master program is the date the local government publishes
16 notice that the shoreline master program or amendment thereto has been
17 approved or disapproved by the department of ecology.

18 (3) Unless the board dismisses the petition as frivolous or finds
19 that the person filing the petition lacks standing, or the parties have
20 filed an agreement to have the case heard in superior court as provided
21 in RCW 36.70A.295, the board shall, within ten days of receipt of the
22 petition, set a time for hearing the matter.

23 (4) The board shall base its decision on the record developed by
24 the city, county, or the state and supplemented with additional
25 evidence if the board determines that such additional evidence would be
26 necessary or of substantial assistance to the board in reaching its
27 decision.

28 (5) The board, shall consolidate, when appropriate, all petitions
29 involving the review of the same comprehensive plan or the same
30 development regulation or regulations.

31 (6) Pending a board's final decision on a petition for review, or
32 during the sixty-day period following the publication of a
33 comprehensive plan, development regulation, or amendment thereto as
34 provided in subsection (2) of this section, whichever occurs later, the
35 submission of an application for a proposed division of land, building
36 permit, or other project approval shall not result in the vesting of
37 any development rights that may be affected by the comprehensive plan,
38 development regulation, or amendment. After a board has issued its

1 final decision on a petition for review or the sixty-day period has
2 expired, whichever occurs later, the application for the proposed
3 division of land, building permit, or other project approval shall be
4 subject to the zoning, permitting, or other land use control ordinances
5 in effect at that time.

6 (7) When an application for the proposed division of land, building
7 permit, or other project approval has been previously submitted by
8 nonprofit affordable housing organizations or housing authorities, and
9 documentable evidence exists that supports a finding that a later
10 vesting date would create an undue burden or significant cost impact
11 that would jeopardize the project, then the legislative review
12 authority may at its discretion, upon consideration of the documentable
13 evidence, allow nonprofit affordable housing organizations or housing
14 authorities to vest at the time an application for the proposed
15 division of land, building permit, or other project approval is
16 approved.

17 **Sec. 3.** RCW 36.70A.130 and 2006 c 285 s 2 are each amended to read
18 as follows:

19 (1)(a) Each comprehensive land use plan and development regulations
20 shall be subject to continuing review and evaluation by the county or
21 city that adopted them. Except as otherwise provided, a county or city
22 shall take legislative action to review and, if needed, revise its
23 comprehensive land use plan and development regulations to ensure the
24 plan and regulations comply with the requirements of this chapter
25 according to the time periods specified in subsection (4) of this
26 section.

27 (b) Except as otherwise provided, a county or city not planning
28 under RCW 36.70A.040 shall take action to review and, if needed, revise
29 its policies and development regulations regarding critical areas and
30 natural resource lands adopted according to this chapter to ensure
31 these policies and regulations comply with the requirements of this
32 chapter according to the time periods specified in subsection (4) of
33 this section. Legislative action means the adoption of a resolution or
34 ordinance following notice and a public hearing indicating at a
35 minimum, a finding that a review and evaluation has occurred and
36 identifying the revisions made, or that a revision was not needed and
37 the reasons therefor.

1 (c) The review and evaluation required by this subsection may be
2 combined with the review required by subsection (3) of this section.
3 The review and evaluation required by this subsection shall include,
4 but is not limited to, consideration of critical area ordinances and,
5 if planning under RCW 36.70A.040, an analysis of the population
6 allocated to a city or county from the most recent ten-year population
7 forecast by the office of financial management.

8 (d) Any amendment of or revision to a comprehensive land use plan
9 shall conform to this chapter. Any amendment of or revision to
10 development regulations shall be consistent with and implement the
11 comprehensive plan.

12 (e) During the review and evaluation process authorized under this
13 subsection, an application for the proposed division of land, building
14 permit, or other project approval shall be subject to the zoning,
15 permitting, and other land use control ordinances in effect at the time
16 the local government takes final action on the application, including
17 all administrative appeals, unless eighteen months have elapsed since
18 the filing of a complete application, at which time the project will
19 vest to the laws in effect at the time the application was completed.

20 (2)(a) Each county and city shall establish and broadly disseminate
21 to the public a public participation program consistent with RCW
22 36.70A.035 and 36.70A.140 that identifies procedures and schedules
23 ~~((whereby))~~ for considering amendments to comprehensive plans and
24 development regulations.

25 (b) The procedures under (a) of this subsection must provide that
26 updates, proposed amendments, or revisions of the comprehensive plan
27 are considered by the governing body of the county or city no more
28 frequently than once every year. "Updates" means to review and revise,
29 if needed, according to subsection (1) of this section, and the time
30 periods specified in subsection (4) of this section or in accordance
31 with the provisions of subsections (5) and (8) of this section.
32 Amendments may be considered more frequently than once per year under
33 the following circumstances:

34 (i) The initial adoption of a subarea plan that does not modify the
35 comprehensive plan policies and designations applicable to the subarea;

36 (ii) The adoption or amendment of a shoreline master program under
37 the procedures set forth in chapter 90.58 RCW;

1 (iii) The amendment of the capital facilities element of a
2 comprehensive plan that occurs concurrently with the adoption or
3 amendment of a county or city budget; and

4 ~~(iv) ((Until June 30, 2006, the designation of recreational lands~~
5 ~~under RCW 36.70A.1701. A county amending its comprehensive plan~~
6 ~~pursuant to this subsection (2)(a)(iv) may not do so more frequently~~
7 ~~than every eighteen months; and~~

8 ~~(v))~~) The adoption of comprehensive plan amendments necessary to
9 enact a planned action under RCW 43.21C.031(2), provided that
10 amendments are considered in accordance with the public participation
11 program established by the county or city under this subsection (2)(a)
12 and all persons who have requested notice of a comprehensive plan
13 update are given notice of the amendments and an opportunity to
14 comment.

15 ~~((b))~~) (c) Except as otherwise provided in (a) of this subsection,
16 all proposals shall be considered by the governing body concurrently so
17 the cumulative effect of the various proposals can be ascertained.
18 However, after appropriate public participation a county or city may
19 adopt amendments or revisions to its comprehensive plan that conform
20 with this chapter whenever an emergency exists or to resolve an appeal
21 of a comprehensive plan filed with a growth management hearings board
22 or with the court.

23 (d) Land use development applications filed after the submission or
24 filing of a proposed comprehensive plan or development regulation
25 amendment shall not vest until the time the local government takes
26 final action on the application, including all administrative appeals,
27 unless eighteen months have elapsed since the filing of a complete
28 application, at which time the project will vest to the laws in effect
29 at the time the application was completed.

30 (3)(a) Each county that designates urban growth areas under RCW
31 36.70A.110 shall review, at least every ten years, its designated urban
32 growth area or areas, and the densities permitted within both the
33 incorporated and unincorporated portions of each urban growth area. In
34 conjunction with this review by the county, each city located within an
35 urban growth area shall review the densities permitted within its
36 boundaries, and the extent to which the urban growth occurring within
37 the county has located within each city and the unincorporated portions
38 of the urban growth areas.

1 (b) The county comprehensive plan designating urban growth areas,
2 and the densities permitted in the urban growth areas by the
3 comprehensive plans of the county and each city located within the
4 urban growth areas, shall be revised to accommodate the urban growth
5 projected to occur in the county for the succeeding twenty-year period.
6 The review required by this subsection may be combined with the review
7 and evaluation required by RCW 36.70A.215.

8 (4) The department shall establish a schedule for counties and
9 cities to take action to review and, if needed, revise their
10 comprehensive plans and development regulations to ensure the plan and
11 regulations comply with the requirements of this chapter. Except as
12 provided in subsections (5) and (8) of this section, the schedule
13 established by the department shall provide for the reviews and
14 evaluations to be completed as follows:

15 (a) On or before December 1, 2004, and every seven years
16 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
17 Snohomish, Thurston, and Whatcom counties and the cities within those
18 counties;

19 (b) On or before December 1, 2005, and every seven years
20 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
21 Skamania counties and the cities within those counties;

22 (c) On or before December 1, 2006, and every seven years
23 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
24 Yakima counties and the cities within those counties; and

25 (d) On or before December 1, 2007, and every seven years
26 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
27 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
28 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
29 within those counties.

30 (5)(a) Nothing in this section precludes a county or city from
31 conducting the review and evaluation required by this section before
32 the time limits established in subsection (4) of this section.
33 Counties and cities may begin this process early and may be eligible
34 for grants from the department, subject to available funding, if they
35 elect to do so.

36 (b) A county that is subject to a schedule established by the
37 department under subsection (4)(b) through (d) of this section and
38 meets the following criteria may comply with the requirements of this

1 section at any time within the thirty-six months following the date
2 established in the applicable schedule: The county has a population of
3 less than fifty thousand and has had its population increase by no more
4 than seventeen percent in the ten years preceding the date established
5 in the applicable schedule as of that date.

6 (c) A city that is subject to a schedule established by the
7 department under subsection (4)(b) through (d) of this section and
8 meets the following criteria may comply with the requirements of this
9 section at any time within the thirty-six months following the date
10 established in the applicable schedule: The city has a population of
11 no more than five thousand and has had its population increase by the
12 greater of either no more than one hundred persons or no more than
13 seventeen percent in the ten years preceding the date established in
14 the applicable schedule as of that date.

15 (d) State agencies are encouraged to provide technical assistance
16 to the counties and cities in the review of critical area ordinances,
17 comprehensive plans, and development regulations.

18 (6) A county or city subject to the time periods in subsection
19 (4)(a) of this section that, pursuant to an ordinance adopted by the
20 county or city establishing a schedule for periodic review of its
21 comprehensive plan and development regulations, has conducted a review
22 and evaluation of its comprehensive plan and development regulations
23 and, on or after January 1, 2001, has taken action in response to that
24 review and evaluation shall be deemed to have conducted the first
25 review required by subsection (4)(a) of this section. Subsequent
26 review and evaluation by the county or city of its comprehensive plan
27 and development regulations shall be conducted in accordance with the
28 time periods established under subsection (4)(a) of this section.

29 (7) The requirements imposed on counties and cities under this
30 section shall be considered "requirements of this chapter" under the
31 terms of RCW 36.70A.040(1). Only those counties and cities: (a)
32 Complying with the schedules in this section; (b) demonstrating
33 substantial progress towards compliance with the schedules in this
34 section for development regulations that protect critical areas; or (c)
35 complying with the extension provisions of subsection (5)(b) or (c) of
36 this section may receive grants, loans, pledges, or financial
37 guarantees from those accounts established in RCW 43.155.050 and
38 70.146.030. A county or city that is fewer than twelve months out of

1 compliance with the schedules in this section for development
2 regulations that protect critical areas is making substantial progress
3 towards compliance. Only those counties and cities in compliance with
4 the schedules in this section may receive preference for grants or
5 loans subject to the provisions of RCW 43.17.250.

6 (8) Except as provided in subsection (5)(b) and (c) of this
7 section:

8 (a) Counties and cities required to satisfy the requirements of
9 this section according to the schedule established by subsection (4)(b)
10 through (d) of this section may comply with the requirements of this
11 section for development regulations that protect critical areas one
12 year after the dates established in subsection (4)(b) through (d) of
13 this section;

14 (b) Counties and cities complying with the requirements of this
15 section one year after the dates established in subsection (4)(b)
16 through (d) of this section for development regulations that protect
17 critical areas shall be deemed in compliance with the requirements of
18 this section; and

19 (c) This subsection (8) applies only to the counties and cities
20 specified in subsection (4)(b) through (d) of this section, and only to
21 the requirements of this section for development regulations that
22 protect critical areas that must be satisfied by December 1, 2005,
23 December 1, 2006, and December 1, 2007.

24 (9) Notwithstanding subsection (8) of this section and the
25 substantial progress provisions of subsections (7) and (10) of this
26 section, only those counties and cities complying with the schedule in
27 subsection (4) of this section, or the extension provisions of
28 subsection (5)(b) or (c) of this section, may receive preferences for
29 grants, loans, pledges, or financial guarantees from those accounts
30 established in RCW 43.155.050 and 70.146.030.

31 ~~((10) Until December 1, 2005, and notwithstanding subsection (7)~~
32 ~~of this section, a county or city subject to the time periods in~~
33 ~~subsection (4)(a) of this section demonstrating substantial progress~~
34 ~~towards compliance with the schedules in this section for its~~
35 ~~comprehensive land use plan and development regulations may receive~~
36 ~~grants, loans, pledges, or financial guarantees from those accounts~~
37 ~~established in RCW 43.155.050 and 70.146.030. A county or city that is~~

1 ~~fewer than twelve months out of compliance with the schedules in this~~
2 ~~section for its comprehensive land use plan and development regulations~~
3 ~~is deemed to be making substantial progress towards compliance.))~~

4 (10) When an application for the proposed division of land,
5 building permit, or other project approval has been previously
6 submitted by nonprofit affordable housing organizations or housing
7 authorities, and documentable evidence exists that supports a finding
8 that a later vesting date would create an undue burden or significant
9 cost impact that would jeopardize the project, then the legislative
10 review authority may at its discretion, upon consideration of the
11 documentable evidence, allow nonprofit affordable housing organizations
12 or housing authorities to vest at the time an application for the
13 proposed division of land, building permit, or other project approval
14 is approved.

15 **Sec. 4.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read
16 as follows:

17 (1) Except as provided in subsections (2) through (5) of this
18 section, a proposed division of land, as defined in RCW 58.17.020,
19 shall be considered under the subdivision or short subdivision
20 ordinance, and zoning or other land use control ordinances, in effect
21 on the land at the time a fully completed application for preliminary
22 plat approval of the subdivision, or short plat approval of the short
23 subdivision, has been submitted to the appropriate county, city, or
24 town official.

25 (2) An application for preliminary plat approval that is filed
26 while a petition for review is pending before a growth management
27 hearings board, or during the sixty-day period following the
28 publication of the local government's comprehensive plan, development
29 regulation, or amendment thereto, whichever is later, shall be subject
30 to the vesting provisions of the growth management act as set forth in
31 RCW 36.70A.290(6).

32 (3) A local government's decision regarding the issuance of plat
33 approvals for the following categories of large development projects
34 shall be in accordance with the pertinent ordinances governing
35 subdivisions and short subdivisions, zoning, other land use
36 regulations, and impact fees that are in effect on the date the permit
37 application is approved or denied:

1 (a) Fully contained communities established under RCW 36.70A.350;
2 (b) Master planned resorts established under RCW 36.70A.360;
3 (c) Residential development exceeding one hundred housing units of
4 any lot size, or ten or more units of less than ten acres in size, and
5 located outside of an urban growth area;

6 (d) Retail developments exceeding forty thousand square feet of
7 floor area; and

8 (e) Any development of agricultural, mineral resource, or forest
9 lands of long-term commercial significance designated under RCW
10 36.70A.170, except for single residential dwellings or structures for
11 agricultural accessory uses developed in accordance with RCW
12 36.70A.177.

13 (4) An application for preliminary plat approval that is filed
14 during a local government's process of reviewing a comprehensive land
15 use plan and development regulations shall be subject to the vesting
16 provisions of the growth management act as set forth in RCW 36.70A.130
17 (1)(e) and (2)(d).

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

20 ~~((+3+))~~ (6) The limitations imposed by this section shall not
21 restrict conditions imposed under chapter 43.21C RCW.

22 (7) Beginning July 1, 2008, for a period of up to five years from
23 the date of filing, or once substantial construction has begun,
24 whichever occurs earlier, any lots in a final plat filed for record are
25 a valid land use, notwithstanding any change in zoning laws during the
26 intervening period.

27 (8) When an application for the proposed division of land, building
28 permit, or other project approval has been previously submitted by
29 nonprofit affordable housing organizations or housing authorities, and
30 documentable evidence exists that supports a finding that a later
31 vesting date would create an undue burden or significant cost impact
32 that would jeopardize the project, then the legislative review
33 authority may at its discretion, upon consideration of the documentable
34 evidence, allow nonprofit affordable housing organizations or housing
35 authorities to vest at the time an application for the proposed
36 division of land, building permit, or other project approval is
37 approved.

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

3 (1) Except as provided in subsections (2) through (4) of this
4 section, a valid and fully complete building permit application for a
5 structure, that is permitted under the zoning or other land use control
6 ordinances in effect on the date of the application, shall be
7 considered under the building permit ordinance in effect at the time of
8 application, and the zoning or other land use control ordinances in
9 effect on the date of application.

10 (2) An application for a building permit that is filed while a
11 petition for review is pending before a growth management hearings
12 board, or during the sixty-day period following the publication of the
13 local government's comprehensive plan, development regulation, or
14 amendment thereto, whichever is later, shall be subject to the vesting
15 provisions of the growth management act as set forth in RCW
16 36.70A.290(6).

17 (3) An application for a building permit that is filed during a
18 local government's process of reviewing a comprehensive land use plan
19 and development regulations shall be subject to the vesting provisions
20 of the growth management act as set forth in RCW 36.70A.130 (1)(e) and
21 (2)(d).

22 (4) A local government's decision regarding the issuance of
23 building permits for the following categories of large development
24 projects shall be in accordance with the pertinent ordinances governing
25 building permits, zoning, other land use regulations, and impact fees
26 that are in effect on the date the permit application is approved or
27 denied:

28 (a) Fully contained communities established under RCW 36.70A.350;

29 (b) Master planned resorts established under RCW 36.70A.360;

30 (c) Residential development exceeding one hundred housing units of
31 any lot size, or ten or more units of less than ten acres in size, and
32 located outside of an urban growth area;

33 (d) Retail developments exceeding forty thousand square feet of
34 floor area; and

35 (e) Any development of agricultural, mineral resource, or forest
36 lands of long-term commercial significance designated under RCW
37 36.70A.170, except for single residential dwellings or structures for

1 agricultural accessory uses developed in accordance with RCW
2 36.70A.177.

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

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

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

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

14 (d) Either:

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

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

21 ~~((+3))~~ (6) The information required on the building permit
22 application by subsection ~~((+2))~~ (5)(a) through (d) of this section
23 shall be set forth on the building permit document which is issued to
24 the owner, and on the inspection record card which shall be posted at
25 the construction site.

26 ~~((+4))~~ (7) The information required by subsection ~~((+2))~~ (5) of
27 this section and information supplied by the applicant after the permit
28 is issued under subsection ~~((+5))~~ (8) of this section shall be kept on
29 record in the office where building permits are issued and made
30 available to any person on request. If a copy is requested, a
31 reasonable charge may be made.

32 ~~((+5))~~ (8) If any of the information required by subsection
33 ~~((+2))~~ (5)(d) of this section is not available at the time the
34 application is submitted, the applicant shall so state and the
35 application shall be processed forthwith and the permit issued as if
36 the information had been supplied, and the lack of the information
37 shall not cause the application to be deemed incomplete for the

1 purposes of vesting under subsection (1) of this section. However, the
2 applicant shall provide the remaining information as soon as the
3 applicant can reasonably obtain such information.

4 ~~((6))~~ (9) The limitations imposed by this section shall not
5 restrict conditions imposed under chapter 43.21C RCW.

6 (10) When an application for the proposed division of land,
7 building permit, or other project approval has been previously
8 submitted by nonprofit affordable housing organizations or housing
9 authorities, and documentable evidence exists that supports a finding
10 that a later vesting date would create an undue burden or significant
11 cost impact that would jeopardize the project, then the legislative
12 review authority may at its discretion, upon consideration of the
13 documentable evidence, allow nonprofit affordable housing organizations
14 or housing authorities to vest at the time an application for the
15 proposed division of land, building permit, or other project approval
16 is approved.

17 NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW
18 to read as follows:

19 The vesting of any land use or development rights for the following
20 categories of large development projects shall be in accordance with
21 the pertinent ordinances that are in effect on the date the permit
22 application is approved or denied:

23 (1) Fully contained communities established under RCW 36.70A.350;

24 (2) Master planned resorts established under RCW 36.70A.360;

25 (3) Residential development exceeding one hundred housing units of
26 any lot size, or ten or more units of less than ten acres in size, and
27 located outside of an urban growth area;

28 (4) Retail developments exceeding forty thousand square feet of
29 floor area; and

30 (5) Any development of agricultural, mineral resource, or forest
31 lands of long-term commercial significance designated under RCW
32 36.70A.170, except for single residential dwellings or structures for
33 agricultural accessory uses developed in accordance with RCW
34 36.70A.177.

35 When an application for the proposed division of land, building permit,
36 or other project approval has been previously submitted by nonprofit
37 affordable housing organizations or housing authorities, and

1 documentable evidence exists that supports a finding that a later
2 vesting date would create an undue burden or significant cost impact
3 that would jeopardize the project, then the legislative review
4 authority may at its discretion, upon consideration of the documentable
5 evidence, allow nonprofit affordable housing organizations or housing
6 authorities to vest at the time an application for the proposed
7 division of land, building permit, or other project approval is
8 approved.

9 NEW SECTION. **Sec. 7.** This act shall be broadly construed to give
10 full effect to the objectives and purposes under section 1 of this act.

--- END ---