

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To:
Originator: County Council		02/14/96		02/20/96	County Council
Division Head:					
Dept. Head:					
Prosecutor:	DG	3/7/96			
Purchasing/Budget:					
Executive:					

**SUBJECT:**

Ordinance establishing standards; vesting of project permits and applications

**ATTACHMENTS:**

**SUMMARY STATEMENT:** *Please complete sections of box as appropriate & explain the item below.*

Related County Contract #:	Should clerk schedule a hearing? (Y/N) N	Requested Date:
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Ordinance establishing standards for the vesting of project permits and project permit applications

**CLERK'S RECOMMENDED MOTION (for final action):**

I move to approve....

**COUNCIL ACTION TAKEN:**

1996-76-  
 2/20/96: Introduced  
 3/5/96: Amended and Adopted 7-0; Ordinance #96-011

*Related File Numbers:*

*Ordinance or Resolution Number (this item only):*

Ord. 96-011

SPONSORED BY: Consent

PROPOSED BY: Starkenburg

INTRODUCTION DATE: February 20, 1996

**ORDINANCE NO. 96-011**

**ESTABLISHING STANDARDS FOR THE VESTING OF PROJECT PERMITS AND PROJECT PERMIT APPLICATIONS**

**WHEREAS**, Whatcom County is in the process of compliance with the State Growth Management Act (GMA), RCW Ch. 36.70, including preparing a Comprehensive Plan and Development Regulations in accordance with GMA requirements; and

**WHEREAS**, the incremental preparation and adoption of the Plan and Development Regulations required by GMA has created and will continue to create changing regulatory environment for land development, land use, and building construction for some time; and

**WHEREAS**, Whatcom County recognizes that within the parameters of the vesting doctrine established by case law and statute in Washington state, municipalities may develop vesting schemes best suited to the needs of the particular locality; and

**WHEREAS**, as a matter of policy Whatcom County Council has long recognized the vesting of a number of project applications which have substantial submittal requirements including but not limited to building permits, subdivisions, binding site plans, planned unit developments, major development permits, conditional use permits, but has not formalized this through a vesting ordinance; and

**WHEREAS**, it is the desire of the Whatcom County Council to formalize its vesting policy for the benefit of the public in determining the applicable substantive review standards for project permits that have been approved, and for applications for project permits that are currently under review or may be proposed in the future; and

**WHEREAS**, the Whatcom County Council finds the vesting of project permits and applications to be an issue of concern both to property owners as well as the general public and one that should be clarified by ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

**20.04.031 Vesting of Permits**

**A. Project permits defined**

For the purpose of this ordinance, the term "Project Permit" and "Project Permit

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Application" shall be as defined in RCW 36.70B.020 to wit:

Any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit development permits, site plan review, permits or approvals required by critical areas ordinances, site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

**B. Project permits approved prior to effective date of ordinance.**

1. Project Permits which have been approved by Whatcom County on or before the effective date of this ordinance, are hereby deemed to be vested under the zoning and land use regulations in effect at the time of the complete application therefore.

2. Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in place at the time of the building permit application.

**C. Project permit applications submitted after the effective date of this ordinance.**

1. Project Permit Applications submitted after the effective date of this ordinance shall be vested under the zoning and land use regulations in effect at the time of application, provided that the County has not subsequently notified the applicant that the application is incomplete.

2. If the County has notified that applicant that the application is incomplete, the application shall not be deemed vested until the date the County notifies the applicant that the application is complete.

3. Until the county implements RCW 36.70B.070, the county shall make the determination of completeness in accordance with its existing policy. Once the provisions of RCW 36.70B.070 regarding completeness are implemented, such provision shall govern the determination of a complete application.

4. Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in place at the time of the building permit application.

1 **D. Project permit applications submitted prior to the effective date of this**  
2 **ordinance but which have not received final approval on or before the effective**  
3 **date of this ordinance.**

4 **1. Project Permit Applications submitted prior to the effective date of this ordinance**  
5 **but which have not received final approval on or before the effective date of this**  
6 **ordinance shall be deemed vested under the zoning and land use regulations in**  
7 **effect at the time the County accepted payment of an application fee provided that**  
8 **the County has not subsequently notified the applicant that the application is**  
9 **incomplete.**

10 **2. If the County has notified that applicant that the application is incomplete, the**  
11 **application shall not be deemed vested until the date the County notifies the**  
12 **applicant that the application is complete.**

13 **3. Future building permits that may be required to construct or complete the project**  
14 **as originally approve shall be subject to the building codes in place at the time of**  
15 **the building permit application.**


16 **E. Additional Provisions**

17 **1. Nothing herein shall restrict the County's authority to impose conditions on Project**  
18 **Permits pursuant to the State Environmental Policy Act (SEPA) RCW Ch .**  
19 **43 21C and WAC 197-11-600.**

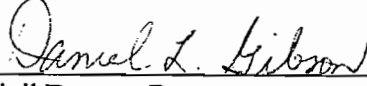
20 **2. Nothing herein shall be construed to restrict the County's ability to the extent**  
21 **otherwise permitted by law, to apply new regulations to a Project Permit or**  
22 **Project Permit Application upon a finding that a change in conditions creates a**  
23 **serious threat to the public health and safety.**

24 ADOPTED this  5  day of  March , 1996.


25 ATTEST:

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27 Dana Brown-Davis, Clerk of the Council

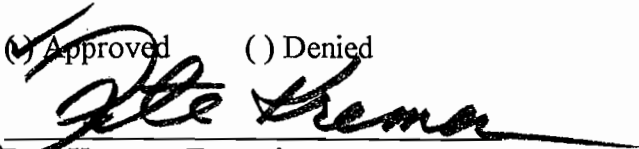
28 APPROVED AS TO FORM:

29   
30 Daniel L. Gibson  
31 Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
L. Ward Nelson, Council Chair

Approved  Denied

  
Pete Kremen, Executive