Vested Rights At-A-Glance

What is the Vested Rights Doctrine?

Vested Rights refers to the proposition that a person has a legal right to have a building permit, short plat, or subdivision application considered only under the zoning or other land use control ordinances in place at the time a complete application is submitted. Additionally, certain land use approvals and agreements, as specified below, include similar statutory vesting protections.

What types of applications, approvals, and agreements does vesting apply to?

Only those identified in state statute or local code. These are:

APPLICATIONS

- Building permit applications (RCW 19.27.095(1))
- Subdivision & short plat applications (RCW 58.17.033(1))
- · Any additional applications identified in local code

APPROVALS & AGREEMENTS

- Development Agreements (<u>RCW 36.70B.180</u>)
- Subdivision approvals (but see statutes for specific timeframes/conditions. <u>RCW 58.17.170</u>)

What does the application/approval/agreement vest to?

LOCAL ZONING ORDINANCES LOCAL LAND USE CONTROL ORDINANCES

INCLUDES

Ordinances adopted as a matter of local discretion that have a restraining or directing influence on the use of the land.

For example:

- · Uses identified in zoning designations
- · Minimum lot size
- Setbacks
- Design standards

DOES NOT INCLUDE

Ordinances that don't have a restraining or directing influence on the use of the land.

For example:

- · Impact fees
- Procedural regulations such as ordinances establishing expiration dates for applications
- · Utility connection fees

Ordinances implementing a state or federal mandate.

For example:

 Stormwater regulations required under municipal stormwater permit (NPDES) issued by Dept. of Ecology Ordinances necessary to protect the public health and safety.

For example:

• Fire code

What constitutes a complete application?

Local procedures will determine what constitutes a complete application. See also RCW 36.70B.070 and RCW 58.17.033(2).

Disclaimer: This "At-A-Glance" document is for information purposes only and does not constitute legal advice. For more information, see MRSC's <u>Vested Rights</u> page. Any factual situation should be discussed with your agency's legal counsel.

