

VISION 2020 + 20 Update

Informational Paper on: Pre-GMA Vested Development in Rural Areas of the Central Puget Sound Region

Puget Sound Regional Council

December 2005

Informational Paper on
"Pre-GMA Vested Development in Rural Areas of the Central Puget Sound Region"

Puget Sound Regional Council staff developed this paper with the assistance of two graduate students from the University of Washington Evans School of Public Affairs. This paper serves as a follow-up project to the work done by PSRC staff on the VISION 2020+20 Issue Paper on Growth Targets.¹ The scope of the project contained the following primary tasks:

- To document the legal and policy context of the vested rights doctrine in Washington State as it relates to pre-Growth Management Act (GMA) vested development rights.
- To review local jurisdictions' regulatory practices in relation to vesting.
- To analyze pre-GMA vested development capacity, and recent vesting trends and patterns in the region's rural areas.

The paper presents information to support the Vision 2020+20 update, and to help explain some of the issues that were identified in the Growth Targets paper. The paper provides members with an understanding of the topic and with the complexities of the analysis. It also points to potential opportunities to continue to monitor this topic.

The work done by the graduate students provides more detail regarding "pre-GMA vesting" case law, the policy context, and existing practices at the county level. The students' report is titled *The Impact of Vested Development In the Puget Sound Region*. Margo Tufts & Christina O'Claire. University of Washington Daniel J. Evans School of Public Affairs. (May 2005). Copies are available through the Evans School of Public Affairs.

¹ *Growth Management By the Numbers: Population, Household, and Employment Growth Targets in the Central Puget Sound Region*. July 2005. (published as part of PSRC's Puget Sound Milestones series)

PURPOSE

The purpose of this paper is to document (I) background regarding the vesting project, (II) provide a brief primer on vesting, (III) state the project findings, and (IV) state the project conclusions and recommendations.

I. BACKGROUND ON PROJECT

A. Genesis of Project

In the fall of 2004, the Puget Sound Regional Council (PSRC) conducted research on the Growth Management Act (GMA) mandated growth targets adopted by the four central Puget Sound region counties and their respective cities. The research was published in July 2005 in a Puget Sound Milestones report titled *Growth Management By the Numbers: Population, Household, and Employment Growth Targets in the Central Puget Sound Region*. The paper also served as an Issue Paper for the VISION 2020+20 update.

One of the findings in the report was that there was a significant variance in some counties between the old growth targets that were adopted in 1992 and actual development trends from 1995-2002, with more growth occurring in the region's rural areas than targeted. Vested development (*see section II for a definition of vesting*) was mentioned by some of the reviewers of the Growth Targets report as one potential cause of this variance.

While recognizing the significant complexities of the issue, PSRC undertook a preliminary research effort to assess the impact of pre-GMA vested development rights on recent development patterns. The PSRC secured the help of two University of Washington graduate students – Margo Tufts and Christina O'Claire – to undertake this study as part of their master's degree requirements.

A determination was made early in the project that the focus should be narrowed to each county's **rural area**, both to limit the scope of the analysis, and to focus on the geography where pre-GMA vesting was most likely to have a significant impact on development trends. Also, while vesting can occur with different types of land use applications, this study focused on subdivision permits.

Recognizing the importance of understanding each county's approach, PSRC staff contacted the lead staff person from each county and asked them to assist the graduate students. In all counties, staff agreed to assist the students.

B. Project Structure

The project included three components, with each component seeking to answer a set of questions. The components and related questions were as follows:

1. A review of the legal and policy context of the vested rights doctrine.
 - a) What is the Vested Rights Doctrine (VRD)? What court cases have been important in shaping the understanding and interpretation of vested rights in this state? How and when does a development right vest? How and when does a vested right expire?
 - b) What additional elements comprise the legal/policy framework governing vesting? How and when do these laws and regulations supersede the VRD?

2. A review of local regulatory practices in relation to vesting.
 - a) How are the counties dealing with vested development? What tools have they utilized or enacted to address vested development and its impacts?

3. An examination of vesting-related data.

To what degree has/can pre-GMA vesting impact(ed) rural residential development in the region's counties? Specifically:

 - a) Since GMA development regulations were adopted by each county, how many building permits authorizing new housing units in the counties' rural areas were issued on pre-GMA vested lots?
 - b) How many of these pre-GMA vested lots are not consistent with current GMA lot size and density regulations?
 - c) How many active lot applications and undeveloped lots vested under pre-GMA development regulations still exist in each county?

II. BRIEF PRIMER ON VESTING

Vesting in Washington "refers generally to the notion that a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the applicant's submission."²

In the GMA context, pre-GMA vesting refers to developments that are allowed to occur under regulations that were in place prior to the effective date of the local government's comprehensive plan (i.e., the date when the plan's development regulations are adopted and take effect).

Figure 1: Growth Management Act Implementation Timeline as Related to Vesting

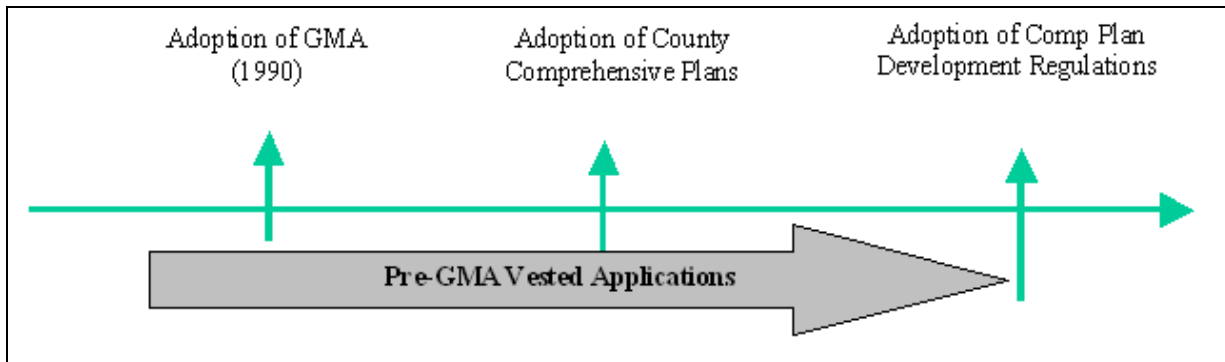


Figure 2: GMA Adoption Dates: Comprehensive Plans and Rural Zoning Regulations

	Adoption Date of Comprehensive Plans	Adoption Date of GMA Rural Zoning Regulations
King County	February 1994	February 1994
Kitsap County	May 1998	May 1998
Pierce County	November 1994	July 1995
Snohomish County	June 1995	December 1996

² *Noble Manor v. Pierce County*, 133 Wn.2d 269, 275. 1997

Vesting is important because "a proposed development, which does not conform to newly adopted laws, is, by definition, inimical to the public interest embodied in those laws. If a vested right is too easily granted, the public interest is subverted."³

Given the study's focus on the rural area, pre-GMA vesting is important because most counties' GMA comprehensive plans changed the development standards for rural areas. The new regulations have changed the density allowances, impervious coverage ratios, septic requirements, and clearing and grading restrictions. Pre-GMA vested lots in the rural areas will not need to comply with the majority of these new approaches to rural land development and will therefore have impacts that are likely to be greater than if developed under the newer regulations.

Last, pre-GMA rural vesting has the potential to undermine the GMA's planning goals to "encourage development in urban areas" and to "reduce the inappropriate conversion of undeveloped land."⁴ The results of the Growth Targets report showed that more growth was occurring outside of urban areas than was targeted, potentially at levels that were leading to an inappropriate conversion of undeveloped land.

II. PROJECT FINDINGS

The following are the major findings of the project:

A. Policy framework

1. The discrete rights that vest continue to get defined in the courts, but at this time are essentially as follows for subdivision permits:
 - Rights that vest include: (a) the right to subdivide, (b) the right to build the proposed use, and (c) the right to build based on the land use regulations in place at time of application.
 - Note: Items that violate current public health and safety codes, or federal regulations such as endangered species listings, may not be allowed to be built regardless of the vested right. Items that violate critical areas designations and regulations are typically dealt with on a case-by-case basis.

B. Tools exist to address pre-GMA vesting

2. Lots become permanently vested when the final lot application is approved and the lots are recorded. However, there are opportunities along the subdivision permitting timeline for addressing vested development rights. (Note: Information regarding each county's use of these tools is shown in Appendix A: County Policy Tools Regarding Pre-GMA vesting):

Prior to Lot Application Approval and Recording

- Active lot applications that exceed the time limit for final approval can be expired (RCW 58.17.140). A local ordinance must be adopted.
 - All the counties have adopted a local ordinance to expire lot applications. Some allow 3 years and some allow 5 years.
 - King, Kitsap and Pierce counties allow for unlimited extensions (typically 1 year) based on good faith effort. King County limits extensions to "qualified plats." Snohomish County allows one 1-year extension that is granted by the land use review department, and

³ *Erickson & Associates v. McLerran*, 123 Wn.2d 864,874. 1994

⁴ Revised Code of Washington - GMA Planning Goals - 36.70A.020 (1) and (2)

an additional extension of no more than four months, which is granted by the County Council.

After Lot Application Approval and Recording

- The proposed use in the approved lot application can be expired after five years (RCW 58.17.170).
 - With the exception of Pierce County, the counties have not enacted this expiration provision through local ordinances.
 - Note: If the vested land use permit has expired, counties generally still allow the landowner to build 1 single-family dwelling unit on each lot to allow a "reasonable use" of the property to address property rights issues.

C. Complete data is limited

3. Fully answering the project’s data questions required the collection and analysis of multiple data sets from each county that varied widely in terms of format, quality, and usability. In each county, the data were incomplete and/or could not be electronically interconnected to conduct the full analysis as originally planned.

D. A sampling method was developed

4. Given the data limitations, an alternative methodology that utilizes a combination of random sampling and manual data research was developed for estimating answers to questions #3a and #3b. (Note: Answering question #3c was determined to be infeasible because of data limitations.) The data issues and methodology are described in detail in Appendix B: Data Analysis Methodology.

The graduate student researchers completed the data analysis to answer question #3a for two selected years in Kitsap and Snohomish counties. Time limitations precluded the students from completing the analysis for King and Pierce counties. The researchers applied a random sample approach in Kitsap County, and a full analysis of formal plat developments (which excludes short plats) in Snohomish County. The results of the students’ analysis are shown in Figure 3 below.

Figure 3: Data Analysis Results for Question #3a

County	Year	Total Permits Issued in Rural Areas	Sample Size	Issued on Pre-GMA Vested Lots	
				Number	Percentage
Kitsap	2003	735	Random: 50	44	92%
	2000	703	Random: 50	46	88%
Snohomish	2003	861	Formal Plat: 426	365	86%
	1999	1,100*	Formal Plat: 507	476	94%

*Includes 30 permits for which plat type was undetermined.

- The results of the initial work indicate that vested development continues to comprise the overwhelming majority of new housing permitted for construction in these counties’ rural areas.
 - Kitsap County: As recently as 2003, 92 percent of the randomly sampled building permits in the rural area in the analysis were issued on lots with pre-GMA vested development rights.

- Snohomish County: As recently as 2003, 86 percent of all building permits issued on formal plat lots in the rural area were pre-GMA vested.
 - (Note: The results for Snohomish County may look different after accounting for short plat development, which constitutes roughly half of permitted rural housing construction in the county. A random sample analysis of short plat building permits would determine if there are significant variances between formal and short plat development characteristics.)
- However, conclusions regarding trends are difficult to establish from the preliminary data analysis.
 - Kitsap County: Due to the size of the data samples, the results do not show a statistically valid trend from 2000 to 2003.
 - Snohomish County: While there is a valid measured decline in building permits issued on vested formal plat lots from 1999 to 2003, these results cannot be extrapolated to short plats, on which half of all the permitted rural housing units were issued in the years analyzed.
 - In both counties, data points for additional years would strengthen the validity of an observed trend line.
- A more robust trend analysis would require expanding the sample size in Kitsap County, conducting a random sample analysis of short plats in Snohomish County, and would analyze additional years in both counties.

E. The data analysis to answer the conformity question could not be completed

5. The students were unable to complete the data analysis to answer question #3b which determines whether the vested lots conform to GMA zoned minimum lot size and/or maximum density requirements. A number of technical questions remain unresolved regarding data availability and how non-traditional zoning practices, e.g. rural clustering, may impact the analysis.

III. PROJECT CONCLUSIONS & RECOMMENDATIONS

The project has resulted in a demonstrated method for determining how many of the new housing units being authorized in rural areas are associated with pre-GMA vested lots.

The preliminary results of the analysis indicate that a surprisingly large proportion of the new housing permitted in rural areas is occurring on vested lots, providing evidence that pre-GMA vesting may indeed have played a role in recent development patterns deviating from the planned distribution of growth under the counties' original growth targets.

A. Existing tools can help lessen potential negative impacts from vested uses on recorded lots

Conclusion: A variety of tools and mechanisms exist to manage vested development rights. These include: (a) the expiration of the proposed use on vested lots, and (b) an array of additional mechanisms such as septic requirements, lot coverage ratios, transfer of development rights programs, lot consolidation requirements, and critical areas ordinances that may be applied to address and minimize the number of nonconforming lots.

While it is important that a tool exists to expire vested uses on recorded lots, the application of this particular tool in the rural area is complex. And, it is uncertain if the impact of expiring vested uses would be significant.

- Vested development rights in the rural area are likely to be predominantly single family residential.
- Because vested lots have permanent boundaries, expiration of the vested use would still leave the lot, resulting in nonconforming development densities where the size or number of lots is different than what is allowed under GMA zoning regulations.
- And, because counties generally still allow the landowner to build one single-family dwelling unit to allow a "reasonable use" of the property, the impact of expiring the vested use would seem to be negligible.
- For multifamily or commercial development that is vested, expiring vested uses might have more value. However, this project did not conduct sufficient analysis to understand this issue.

Recommendation: It appears that more important than expiring vested uses is the use of other tools, as noted above. Counties should continue to apply these other available tools as appropriate.

B: There may be value in sunseting any pre-GMA vested lot applications if they exist

Conclusion: It is unclear how many pre-GMA vested active development applications still exist (i.e., are still in the pipeline). While each county has an ordinance on the books that expires these, the unlimited allowance of extensions has effectively made them permanent. Therefore, some need may exist to expire these active lot applications still in the pipeline.

Recommendation: To better manage any additional pre-GMA vesting, counties should consider limiting the extensions in order to expire any pre-GMA permit applications still in the pipeline. These approaches should be monitored and kept up to date.

C: Random sampling methodology adds value and should be utilized by the counties

Conclusion: The original scope and methodological approach to the project's data analysis component could not be implemented due to data insufficiencies and other complexities. Developing the county databases necessary for carrying out the original methodology would require significant resources. But the random sampling methodology designed in response to existing data limitations allows for partial analysis of the impacts of pre-GMA rural vesting on an ongoing basis.

- Compiling the data necessary to fully answer this project's questions will require a significant (and currently unfunded) effort on the part of the counties.
- However, using the alternative methodology is manageable and would seem to allow counties to begin to track and understand the scale of the pre-GMA vesting issue in their county.

Recommendation: Counties should consider using the random sampling methodology to complete the preliminary data analysis initiated by the students:

- Kitsap: Expand the initial sample size for answering question #3a.
- Snohomish: Analyze development activity on short plats to complete the analysis for question #3a.
- King and Pierce: Test the random sampling methodology to answer question #3a for these counties.
- All Counties: Complete the data analysis to answer question #3b, if methods to address existing technical issues are determined to be feasible.

D: PSRC, in collaboration with the counties, should continue to track rural vested development trends

Conclusion: The initial data analysis results seem to support the anecdotal comment that much of the variance in some counties between the old growth target and recent development trends, especially in the rural area, is an outcome of pre-GMA vested development.

Recommendation: The PSRC should continue to monitor this trend, and undertake a regionwide program in collaboration with the counties to track the impacts of pre-GMA rural vesting on an ongoing, periodic basis using the sampling methodology. This effort will require some PSRC staff resources, as well as technical and data support from county staff.

Also, future analysis of growth trends should include a caveat recognizing the impact of pre-GMA vesting. If more data becomes available on pre-GMA vesting trends, this information should be used in future descriptions and explanations of growth trends.

IV. NEXT STEPS

PSRC staff met with the lead county staff and others and confirmed the project's findings, conclusions, and recommendations. PSRC and county staff agreed that the appropriate next step was for PSRC, in collaboration with the counties, to periodically update the trend analysis of pre-GMA vested development rights. This information would be published as a part of the PSRC's *Puget Sound Trends* series.

APPENDICES

- A. County Policy Tools Regarding Pre-GMA vesting
- B. Data Collection & Analysis Methodology

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APPENDIX A: County Policy Tools Regarding Pre-GMA vesting

Figure A-1 is excerpted from the student's report (*The Impact of Vested Development In the Puget Sound Region*. Margo Tufts & Christina O'Claire. University of Washington, Daniel J. Evans School of Public Affairs. May 2005), even though the table is not complete. Information for Snohomish County has been updated based on comments sent by county staff.

The following table outlines tools related to pre-GMA vesting authorized under Washington State law and the regulations adopted by each county. The opportunity to expire vested rights provides valuable tools for counties to manage pre-GMA vesting. However, if counties do not apply the divesting ordinances, development permits with vested rights remain in the permitting system.

<u>Legend for Figure A-1</u>	
<input checked="" type="checkbox"/>	Tool adopted by county (may contain stricter standards than state law)
<input type="checkbox"/>	Not adopted by county
?	Need further information

Figure A-1: Policy Tools Regarding Pre-GMA vesting

	State Law	King	Kitsap	Pierce	Snohomish
Pre-Application Meeting					
<i>Meeting</i>	Jurisdictional Option	Meeting Mandatory	Meeting Recommended	Meeting Recommended	Meeting Recommended
Preliminary Application Review Period					
<i>Review Period</i>	<input checked="" type="checkbox"/> 90 days, plus 21 days if public hearing is requested, extension if approved by applicant (RCW 58.17.140)	?	?	?	<input checked="" type="checkbox"/> SCC 32.70, requires a maximum 120-day period for issuance of a decision. Period begins when application is complete and there is sufficient information to continue processing it. The "clock" stops while PDS is awaiting submittals or additional information.
Preliminary Application to Final Application – Term of Approval					
<i>Short Plat</i>	<input checked="" type="checkbox"/> 5 years	<input checked="" type="checkbox"/> 5 years (KCC 19A.12.040)	<input checked="" type="checkbox"/> 3 years (KCC 16.48.140)	<input checked="" type="checkbox"/> 3 years (PCC 16.08.040)	<input checked="" type="checkbox"/> 5 years (30.41B SCC)
<i>Formal Plat</i>	<input checked="" type="checkbox"/> Final plat must be approved and recorded within 5 years of preliminary approval (RCW 58.17.140)	<input checked="" type="checkbox"/> 5 yrs (need code)	<input checked="" type="checkbox"/> 5 yrs (KCC 16.52.140)	<input checked="" type="checkbox"/> 3 yrs (PCC 16.08.040)	<input checked="" type="checkbox"/> 5 yrs (30.41A.600 SCC)
<i>Extensions</i>	<input checked="" type="checkbox"/> State law allows local jurisdictions to enact ordinances, which would allow for extensions of time (RCW 58.17.140)	<input checked="" type="checkbox"/> None, except 'qualified' plats may have extended periods (need code)	<input checked="" type="checkbox"/> Extension w/good faith effort + additional subject to request (need code)	<input checked="" type="checkbox"/> 1 yr extension w/good faith effort + additional subject to request (need code)	<input checked="" type="checkbox"/> One 1-year extension with good faith effort may be granted by department. Additional period up to 4 months may be granted by council. (SCC 30.41A.300)

	State Law	King	Kitsap	Pierce	Snohomish
<i>Final Recorded Plat – Term of Approval on Vested Use</i>					
<i>Short Plat</i>	<input type="checkbox"/> None <i>(not determined by statute, but usually less than five years)</i>	<input type="checkbox"/> Allows building permits to fall under plat regulations for 5 years (need code)	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None
<i>Formal Plat</i>	<input checked="" type="checkbox"/> Valid land use for 5 years after final plat approval, unless public safety is threatened (RCW 58.17.170)	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None
<i>Plat Re-Division Period</i>					
<i>Short Plat</i>	<input checked="" type="checkbox"/> Cannot re-divide within 5 years w/o filing formal plat (RCW 58.17.060)	<input checked="" type="checkbox"/> Conforms with state law (need code)	<input checked="" type="checkbox"/> Conforms with state law (need code)	<input checked="" type="checkbox"/> Conforms with state law (need code)	<input checked="" type="checkbox"/> Conforms with state law (need code)
<i>Formal Plat</i>	<input checked="" type="checkbox"/> Any re-division requires new formal plat application (need RCW)	<input checked="" type="checkbox"/> Conforms with state law (need code)	<input checked="" type="checkbox"/> Conforms with state law (need code)	<input checked="" type="checkbox"/> Conforms with state law (need code)	<input checked="" type="checkbox"/> Conforms with state law (need code)

APPENDIX B: Data Collection & Analysis Methodology

Introduction

The data analysis portion of the Impact of Vested Development project was aimed at evaluating the effects of pre-GMA vesting on rural development trends in the region. This appendix details the methodology that was developed to answer key questions put forth in this section.

Data Questions

The project posed the following questions for data analysis:

- 3) To what degree has/can pre-GMA vesting impacted/impact, rural residential development in the region's counties? Specifically:
 - a) Since GMA development regulations were adopted by each county, how many building permits authorizing new housing units in the counties' rural areas were issued on pre-GMA vested lots?
 - b) How many of these pre-GMA vested lots are not consistent with current GMA lot size and density regulations?
 - c) How many active lot applications and undeveloped lots vested under pre-GMA development regulations still exist in each county?

The following diagram, Figure B-1, depicts the universe of all existing recorded lots and active lot applications. Lots and lot applications are considered pre-GMA vested if the preliminary application for subdivision was submitted prior to the GMA effective date.

Figure B-1. Universe of Recorded Lots and Active Lot Applications

		GMA Passage ▼	GMA Effective Date ▼
		Pre-GMA Vested preliminary subdivision application submitted prior to GMA effective date	Non-Vested (or GMA Vested) preliminary subdivision application submitted on or after GMA effective date
		(A)	(B)
Development Potential	(1)	Active Lot Applications not yet recorded	Active Lot Applications not yet recorded
	(2)	Recorded Lots not yet developed	Recorded Lots not yet developed
Completed Development	(3)	Recorded Lots developed on or after GMA effective date - Link to PSRC permit database	Recorded Lots developed on or after GMA effective date - Link to PSRC permit database
	(4)	Recorded Lots developed prior to GMA effective date	

Question #3a seeks to tally, for rural areas, the number of building permits for new housing units issued for recorded lots in cell A-3, as well as these permits as a percentage of all building permits for new housing issued for recorded lots in cells A-3 and B-3. Question #3b seeks to determine conformity to

GMA zoned minimum lot size and/or maximum density requirements for the recorded lots in cell A-3. (Cells A-3 and B-3 are shaded in dark orange).

Question #3c seeks to tally, for rural areas, the number of active lot applications in cell A-1 and recorded lots in cell A-2. (Cells A-1 and A-2 are shaded in light orange). After meeting with county planning staff, however, it was determined that this line of analysis was infeasible due to the necessary data being unavailable or unsuitable.

Methodology

The methodology for answering the data questions was developed in collaboration with county planning staff. The general methodological approach is described and documented here, along with examples of how the methodology can be tailored for local implementation to account for differences in data availability, format, and quality between counties.

GMA Effective Date

To apply the methodology, the effective date of GMA implementation must first be established. Given that the data analysis was focused on the region’s rural areas, the adoption date of GMA rural zoning regulations by each county was determined to be the appropriate effective date.

Figure B-2: GMA Adoption Dates: Comprehensive Plans and Rural Zoning Regulations

	Adoption Date of Comprehensive Plans	Adoption Date of Rural Zoning Regulations
King County	February 1994	February 1994
Kitsap County	May 1998	May 1998
Pierce County	November 1994	July 1995
Snohomish County	June 1995	December 1996

Note: If this analysis were to be applied to other areas, e.g. urban unincorporated areas, cities, the effective date would be the adoption date of GMA zoning regulations for those areas.

Data Requirements

The methodology describes how to create relationships between multiple data sets to link otherwise disconnected data attributes together in a single database to run the data analysis. Figure B-3 below identifies the data sets and required data fields needed to conduct the analysis and indicates if the data set is available in geospatial file format.

Figure B-3: Data Requirements

Data Set	Data Fields	Geospatial?
PSRC Building Permit Data	County Parcel ID number Address Issue date Permit type (new, demo, replacement) Structure type (sf, mf, mh, other) Number of units UGA	✓
<i>(See Figure B-2)</i>	<i>GMA effective date</i>	
County Parcel Layer	Parcel ID number	✓
County Assessor Data	Parcel ID number Address Legal lot name Lot size	
County Subdivision Data	Parcel ID number Legal lot name Preliminary application date Parent lot size Number of child lots Number of dwelling units Gross density	
<i>Intermediate Data Set (See Figure B-5b)</i>	<i>Varies by county</i>	
County Comprehensive Plan Zoning Layer	Comprehensive plan zoning Zoned minimum lot size Zoned maximum density	✓

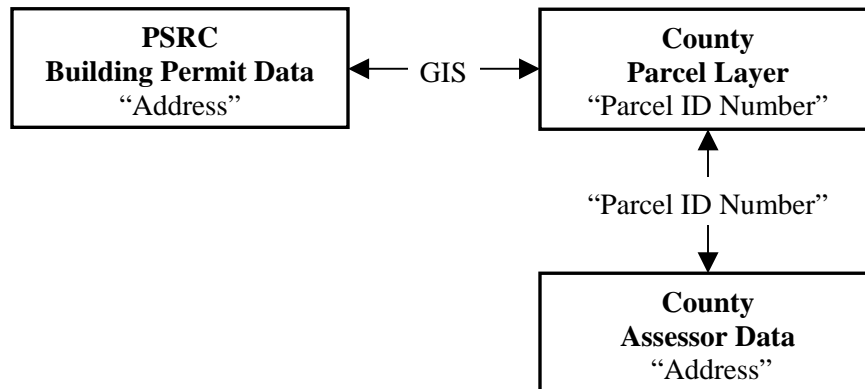
PSRC Building Permit Data

PSRC’s database of residential building permits provides the foundation for the data analysis. The database contains individual records of building permits issued within the region for new housing, as well as demolitions and replacements, each year from 1991-2003. The records, with few exceptions, have a “Parcel ID Number” and “Address” and are geo-referenced with x,y coordinates that allow the data to be brought into a GIS. The records are also coded with the following attributes: county, year of issue, permit type, structure type, number of units, and a binary UGA field which indicates if the permit is located inside or outside of the region’s designated urban growth areas.

The methodology begins by querying the permit database, by county for a selected year of issue, for all records of new housing units permitted outside of the UGA, along with the “Parcel ID Number” and “Address” fields. The “Parcel ID Number” is the key field for establishing relationships between the building permit data and other data sets, and must be as complete as possible for the analysis to be robust.

In cases where a building permit record is missing a “Parcel ID Number,” it can be obtained by overlaying the building permit with the county parcel layer in GIS. The building permit may not always align with the correct parcel, however, due to geocoding error and conflation issues (where GIS layers are out of alignment). To verify the match, one needs to join the county assessor data to the county parcel layer via the “Parcel ID Number” field, then compare the “Address” fields between the building permit and assessor data. (See Figure B-4).

**Figure B-4. Connecting the Data –
Obtaining “Parcel ID Numbers” Where Missing or Incorrect in the PSRC Building Permit Data**



Analysis Part I – Pre-GMA Vesting and Recent Development Trends

Question #3a: Since GMA development regulations were adopted by each county, how many building permits (number and percentage) authorizing new housing units in the counties’ rural areas were issued on pre-GMA vested lots?

To answer Question #3a, the queried building permit records must first be assigned the relevant “GMA Effective Date” from the table in Figure B-2. They are then associated with lot records in the county parcel layer and assessor data via the “Parcel ID Number” field. The lots must then be related to county subdivision data to obtain a “Preliminary Application Date” for each lot. The comparison of the “GMA Effective Date” and “Preliminary Application Date” will determine whether or not the development was permitted on a pre-GMA vested lot (see Figure B-5a and B-5b).

The Random Sample Method

Creating the relationship between child lots in the parcel/assessor data and parent lots and “Preliminary Application Dates” in the subdivision data can be extremely difficult, however, and requires a tailored approach in each county to account for differences in local data availability, format, and quality. The process is greatly facilitated by the availability of an electronic county subdivision database. The database should extend at least as far back as the county’s GMA effective date and include the following data attributes: “Parcel ID Number,” “Legal Lot Name,” and “Preliminary Application Date.” An intermediate data set is also likely to be needed to link the “Parcel ID Number” and/or “Legal Lot Name” of the parent lot with those of the resulting child lots on which the building permits were issued.

If an electronic subdivision database and supporting intermediate data set are unavailable or incomplete, the “Preliminary Application Date” for each lot must be manually looked up in the county’s databases or data archives, which can be an arduous, time-consuming process. Where this is the case, the data analysis can be continued on a random sample of the building permit records – 10% suggested – to reduce the amount of manual research required to a reasonable level.

Figure B-5a: Connecting the Data – Answering Question #3a

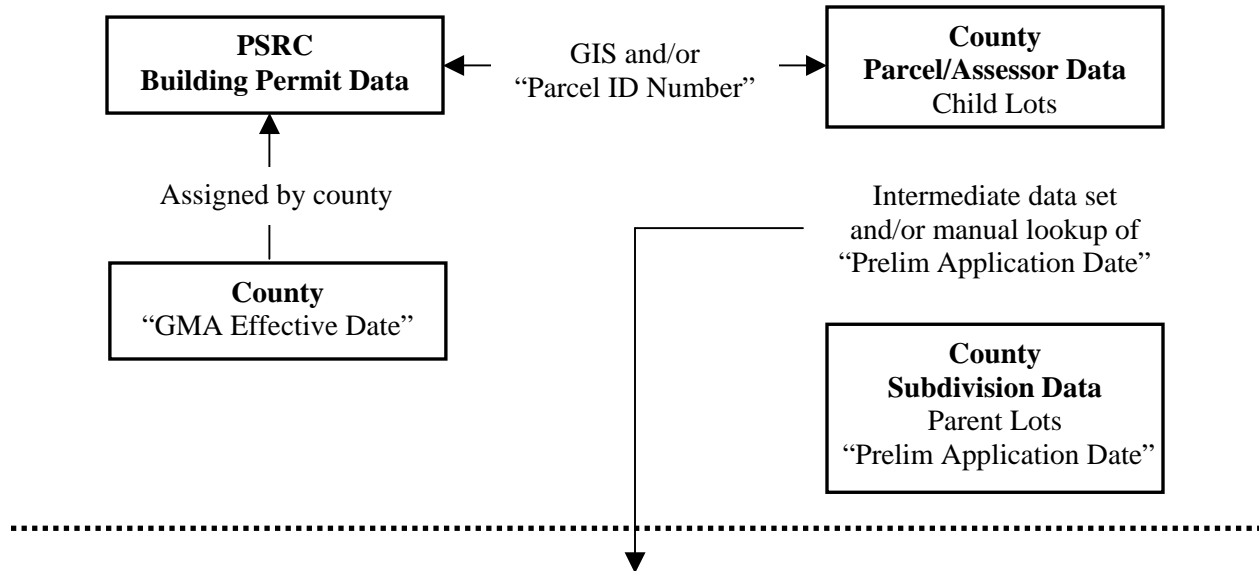


Figure B-5b: Connecting the Data – Relating Child Lots to Parent Lots

County	Electronic Subdivision Data	Intermediate Data Set	Manual Lookup?
King County	✓	Incomplete (Parent-to-child parcel history table)	✓
Kitsap County	Incomplete	??	✓
Pierce County	Incomplete	✓ (Geospatial subdivision layers)	✓
Snohomish County			
Formal Plats:	✓	✓ (Plat-to-child parcel numbering system)	No
Short Plats:	Not available	??	✓

Data Limitations

In each county, there are limitations present in the data sets needed to carry out the ideal methodology for answering Question #3a. The limitations are documented here:

- King County:** King County has a complete electronic subdivision database of formal plats, short plats, and planned unit development (PUD) applications going back to 1989. However, the intermediate data set needed to establish the connection between the county’s subdivision and parcel/assessor data, a history table of parent “Parcel ID Numbers” and the resulting child “Parcel ID Numbers,” is incomplete. As such, the “Preliminary Application Dates” for lots connected to the King County building permits would need to be obtained through manual lookup between the parcel/assessor and subdivision data sets.
- Kitsap County:** Kitsap County has an electronic Land Information System (LIS) database of land use permits, including subdivision applications. However, the subdivision permits in the LIS database do

not contain “Preliminary Application Dates.” As such, the “Preliminary Application Dates” for lots associated with the Kitsap County building permits must be obtained through manual lookup in the county’s data archives.

- **Pierce County:** Pierce County has an online database of land use permits, including subdivision permits that are coded with “Subdivision Permit Numbers” and “Preliminary Application Dates.” The county also has a set of geospatial subdivision layers (of format plats, short plats, large lots and mobile home parks), which are coded with “Subdivision Permit Numbers” that can be assigned to the building permit records and parcel/assessor data via a GIS overlay. However, there are two major limitations in the county’s online subdivision permit database that limits its usability. First, the online subdivision database cannot be accessed in a tabular electronic format, which effectively prevents it from being connected to other data sets. As such, the “Preliminary Application Dates” for lots connected to the Pierce County building permits must first be looked up manually in the online subdivision database based on the “Subdivision Permit Number.” Second, the “Preliminary Application Date” field in the database is incomplete. If the “Preliminary Application Date” is unavailable online, it must be obtained through manual lookup in the county’s data archives.
- **Snohomish County:** Snohomish County has the data sets needed for carrying out the ideal methodology to answer Question #3a for formal plat lots. The county has an electronic database of all format plat subdivisions recorded since 1995. The formal plat records are coded with a 6-digit “Plat ID Number” and “Preliminary Application Date.” The county utilizes a parcel numbering system for formal plat lots, in which the 6 digits of the “Plat ID Number” are adopted as the leading digits in the 12-digit child “Parcel ID Number.” This numbering system effectively functions as the intermediate connection between parent plats in the subdivision database and child lots in the county’s parcel/assessor data that are associated with the Snohomish County building permits. For short plats, the “Preliminary Application Date” must be manually looked up in the county’s data archives.
- **All Counties:** Finally, in all counties, the following technical issue may pose complications for connecting a child lot with the correct county subdivision record. For large, phased subdivisions, counties may permit each phase separately, where each phase has a unique “Preliminary Application Date” but still retains the same parent “Parcel ID Number.” In rare cases, some phases of the subdivision may be pre-GMA vested, while others are not. In such instances, additional information or local review would be needed to ensure that the child lot is connected to the correct subdivision phase record.

In short, data limitations prevent the methodology for answering Question #3a from being fully implemented in each county, with the exception of formal plat lots in Snohomish County. But the random sampling plus manual research approach should allow for a limited, but statistically valid, analysis that can be used to estimate, for each county, the percentage (but not number) of building permits authorizing new housing in the rural areas that were issued on pre-GMA vested lots.

Analysis Part 2 – Analysis of Conformity

Question #3b: How many of these pre-GMA vested lots (number and percentage) are not consistent with current GMA zoned minimum lot size and maximum density requirements?

The methodology for answering Question #3b has not yet been tested. However, this section lays out a proposed approach for conducting the analysis.

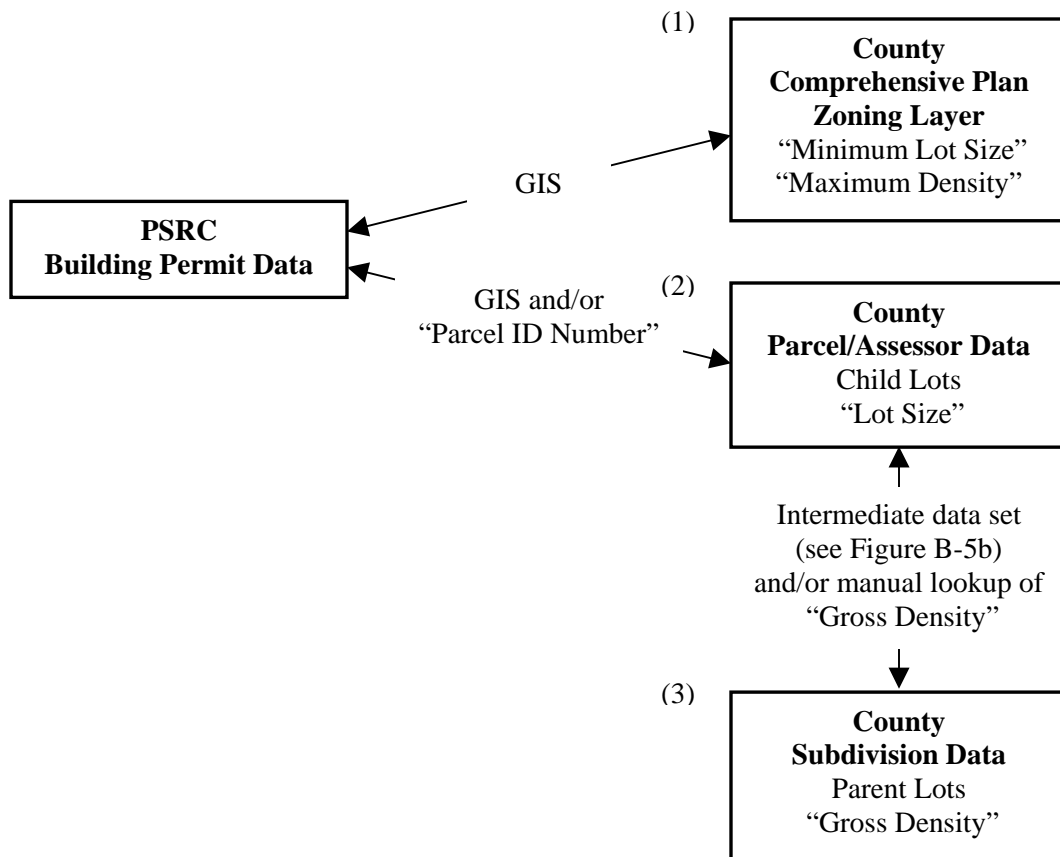
(1) To answer Question #3b, the building permit records would first need to be assigned with the current GMA zoned “Minimum Lot Size” and “Maximum Density” regulations governing development. This can

be done by overlaying the building permit records with a county’s comprehensive plan zoning layer in GIS.

(2) Then, the building permit records need to be reconnected with lot records in the counties’ parcel/assessor databases to obtain “Lot Size” information. A comparison of actual “Lot Size” against the zoned “Minimum Lot Size” is the first step to determining whether a pre-GMA vested development is in conformance with current GMA lot size regulations or not. If this first test indicates that the “Lot Size” of a permitted development is non-conforming, an additional test is required.

(3) For the second test, the building permit records and associated child lots must be reconnected to county subdivision data to obtain the actual “Gross Density” of the subdivision. A comparison of zoned “Maximum Density” with actual “Gross Density” should, in theory, establish whether a permitted development is in conformance with GMA zoned density regulations or not (see Figure B-6). (Note: In some cases, “Built Density” or “Net Density” instead of “Gross Density” may be the more appropriate measure for determining conformity).

Figure B-6: Connecting the Data – Answering Question # 3b



Data Limitations

Again, this methodology requires establishing a connection between the child lots on which the building permits were issued and parent lot records in each county’s subdivision database. The data limitations described in section “Methodology Part I” will thus pose the same barriers to carrying out the methodology for answering Question #3b. If random sampling and manual research were required to answer Question #3a for a county, they would be necessary for answering Question #3b as well.

It is also possible that additional technical issues may complicate the proposed approach to answering Question #3b. For example, it is not known if the data necessary for calculating the “Gross Density” of parent lots is consistently available in each county’s subdivision database. Moreover, if “Built Density” or “Net Density” is the more relevant measure of conformity, it is not known if that information is also available in the county subdivision databases. Finally, there may be circumstances where a development was allowed under a non-standard provision or exception to established GMA zoning regulations – e.g. rural cluster developments – and is considered compliant with GMA, although it may not pass minimum lot size and maximum density conformity tests. In such cases, additional information or local review would be needed to make the final determination of conformity.

Appendix B – Summary

The two-part methodology documented in this appendix should allow for the analysis of how pre-GMA vesting has affected recent residential development trends in the region’s rural areas. The first part estimates the annual share of building permits authorizing new housing in the counties’ rural areas that is comprised of pre-GMA vested development. The second part then determines, in theory, how much of the vested development is out of conformance with current GMA zoned lot size and density regulations, and therefore inconsistent with that component of the GMA development standards for rural communities.

Data limitations in each county currently prevent the methodology from being carried out on the full universe of building permit data. However, a tailored approach in each county, supported by manual data research, can be carried out on a random sample of the building permits and associated lots to produce statistically valid results. Moreover, the analysis can be run for any year from 1991 onward, making it a powerful tool for establishing and tracking trends in vested development over time. It is hoped that this data analysis methodology will provide a useful and practical monitoring tool that the region’s counties can use to inform their ongoing growth management planning efforts.