



FACT SHEET – Innocent Purchaser

P1.6F

NEED FOR PERMIT: Sometimes a person may buy or receive a tract of land that was not created in conformance with adopted regulations and codes. By law, the Department of Building and Planning cannot issue building, septic, or any other development permits for an illegally divided property. A person may be granted “innocent purchaser relief” to continue with development per RCW 58.17.210, CCC 18.34.170C.

COWLITZ COUNTY CODE/ORDINANCE REVIEW CRITERIA:

- CCC 18.10 - Land Use Ordinance
- CCC 18.34 - Short Subdivision
- CCC 19.15 Critical Areas Ordinance
- Comprehensive Plan
- Other codes/ordinances applicable to development proposed.

PRE-APPLICATION REVIEW:

- Optional.
- Meetings held 4th Tuesday of each month.
- See Pre-Application Submittal Checklist Requirements and timelines.

DEPARTMENT PROCESSING TIME:

- Preliminary Review once application is complete 60 -120 days.

APPLICATION SUBMITTAL - PRELIMINARY APPLICATION PROCESSING:

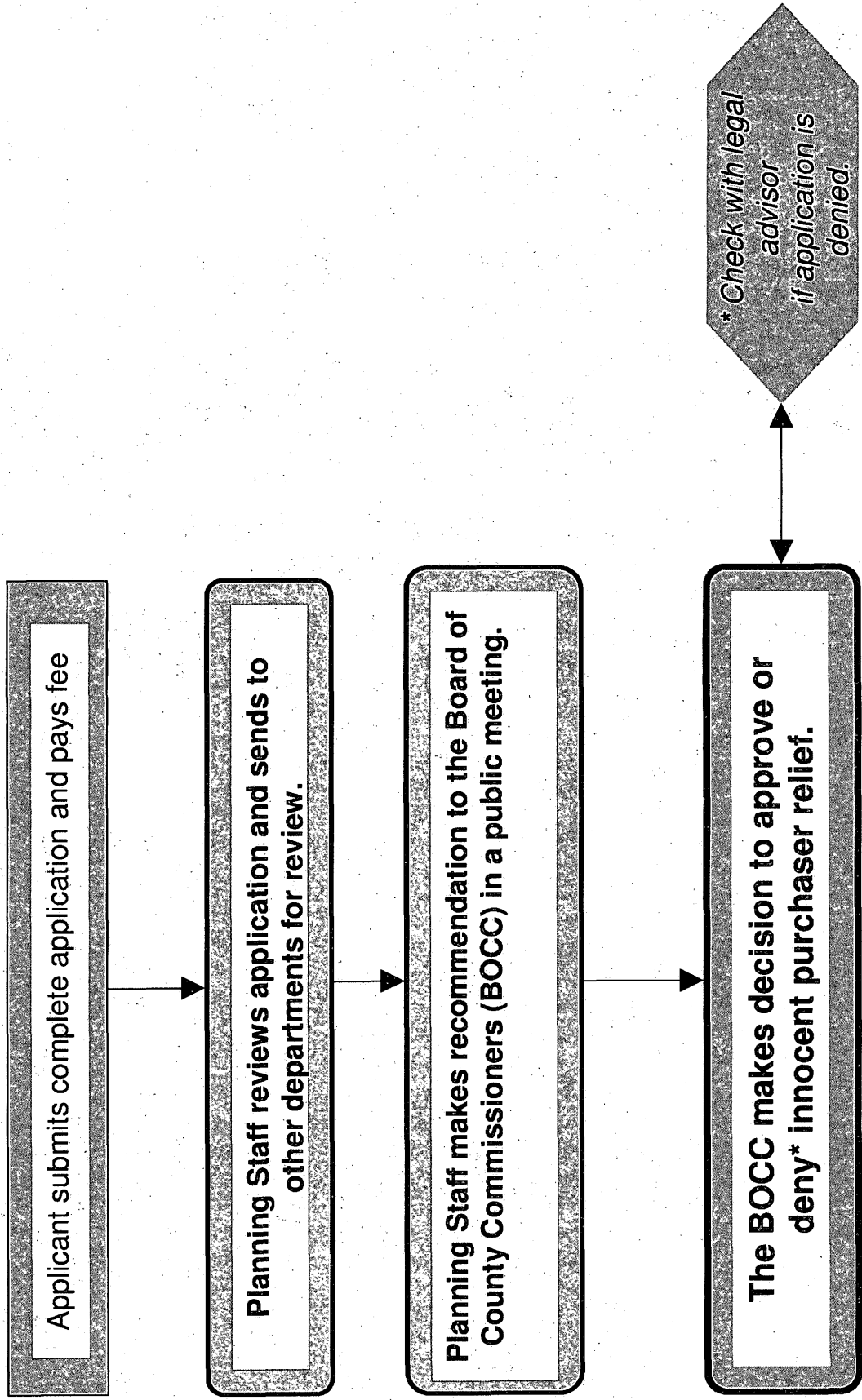
- Application determined complete.
- Staff writes staff report and schedules an open record public meeting date in front of the Board of County Commissioners and notifies the applicant, adjacent property owners, and publishes and posts legal notices.
- The Board of County Commissioners holds the public meeting and hears from staff, the applicant and takes public testimony.
- The Board may approve or deny the innocent purchaser request.

DURATION OF SPECIAL USE: Approved innocent purchasers are permanent and are enacted immediately.

APPEAL: If the Board denies innocent purchaser relief, there are no administrative appeal processes in place. However, state law provides other legal remedies for the applicant; the sale may be cancelled, and the applicant may recover damages from the seller or agent according to RCW 58.17.210. Your legal advisor may know of other civil remedies.

If you have further questions, please call (360) 577-3052.

INNOCENT PURCHASER RELIEF REVIEW PROCESS





APPLICATION

A-1

Applicant: Please print in ink or type. A Permit Technician will review this application at intake for completeness.

Property Information

Project Address _____ City _____ Parcel # _____
Section(s) _____ Township _____ Range _____ Tax Lot _____ Acres _____

Owner/Applicant Information

Applicant/Authorized Agent _____

Mailing Address _____ City _____ State _____ Zip Code _____

Daytime Telephone _____ Email Address _____

Property Owner _____

Mailing Address _____ City _____ State _____ Zip Code _____

Daytime Telephone _____ Email Address _____

Contractor Name _____ License # _____ Exp. Date _____ Telephone _____

Lending/Bonding Co. _____ Address _____ Telephone _____

Project Description

Please provide a brief description of your project:

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature _____ **Date** _____

Print Name _____

OFFICE USE ONLY

Application Type _____ Date _____

Permit Number _____ Accepted By _____



Land Use - Submittal Requirements

P1.1

This checklist identifies the minimum materials necessary for Cowlitz County to accept a Land Use application. If any of the following items are not provided, the application cannot be accepted. Acceptance of an application over the counter does not constitute approval, only that the application has enough information to be accepted as counter complete. *All applications will require the appropriate fees upon submittal.*

Land Use Application	Letter of Authorization	Master Application	Applicant Checklist	Property Packet	Site Plan	Vicinity Map ¹	Written Narrative	SEPA Environmental Checklist	Special Studies ²	Supplemental ³	Pre-Submittal Review Conducted (Staff)	Received (Staff)
Special Use	1	1	1	1-20*	1-20*	1-20*	1-20*	1-20*	2-4	-		
Variance	1	1	1	1-20*	1-20*	1-20*	1-2*0	1	2-4	-		
Zone Map / Text Amendment	1	1	1	1-20*	1-20*	1-20*	1-20*	1-20*	20	20		
Comprehensive Plan Map/Text Amendment	1	1	1	1-20*	1-20*	1-20*	1-20*	1-20*	20	20		
Innocent Purchaser	1	1	1	10	10	10	10	-	-	1		

Permit Number _____

Date Stamp

¹ May be included on Site Plan.
² If special studies are required, one (1) unbound and one (1) bound copy is required at submittal. Additional copies may be required depending on the project and reviewing agencies.
³ If applicable, the supplemental is part of the application packet.

*One copy at the time of submittal, once application is determined complete, staff will inform applicant of number of copies required.

Land Use Submittal Standard Instructions

Letter of Authorization. If not the applicant, the property owner must provide a signed letter of authorization for the applicant who is acting as the agent.

Master Application or Application. This must be typed or neatly printed in ink and signed by either the agent or the property owner.

Applicant's Checklist. This is found in the application packet and will list the requirements for submittal. This checklist allows the applicant to ensure the application is complete for submittal. The applicant is required to initial or check the column identified as Applicant Check. If information is missing the application may not be complete for submittal.

Property Packet. This is basic property information needed to evaluate the project. The Applicant's Checklist identifies what is required for each type of project application.

Site Plan. The site plan is required. Applicants may submit a legible 8 ½ "x 11" or 11" x 17" (maximum) site plan map. A cross section may be required dependant on topographical relief and/or proposed filling and grading work. The site plan must be drawn to scale and show all improvements, existing and proposed, including: parking areas, landscaping, building footprints, porches, walks, decks, overhangs, location of easements, setback measurements, legal access, road approach locations, utilities, location of fire hydrants, drainage courses (if present), stormwater facilities, site contours, maximum intervals, septic tank and drainfield locations including reserve areas, retaining walls, and other information as applicable.

Vicinity Map. The vicinity map can be included on the site plan or as a stand-alone document. The vicinity map must clearly demonstrate where the property is located.

Written Narrative - Findings. The applicant must address the review criteria specific to the application. The review criteria are part of the application packet and can be found in the Applicant's Checklist.

SEPA Environmental Checklist. This document must be filled out completely and to the best knowledge of the applicant. The document must be signed and dated.

Special Studies. Special studies such as traffic reports, preliminary drainage reports, erosion control, etc. may be required depending on the individual project. At a minimum one bound and one unbound copy is required. Additional copies may be required dependent upon the project and additional reviewing agencies.

Supplemental(s). If required, the applicant must submit the supplemental document with the application materials. The supplemental is found in the application packet.

Pre-Submittal Review Conducted (Staff). The applicant may wish to have a pre-submittal review appointment with assigned staff to ensure that all application materials are suitable for submittal prior to making multiple copies. The meetings are free, and the applicant can call and schedule an appointment when ready for submittal. The appointment is encouraged but not required.



Permit #: _____

<h1>Letter of Authorization</h1>	<h1>P 5.6</h1>
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I _____ (*property owner*) hereby certify that I am the owner of the property at _____ (*address or parcel number*). I certify that this application for a _____ (*type of permit*) is true and correct.

I have authorized _____ (*name of person being authorized*) to represent me as the applicant/agent.

Communications regarding additional permit information, or other permit issues, for this application should be made to either:

- Property Owner
- Applicant/ Agent
- Both

Further, I agree to allow free access to the land this application is being submitted for to all public agencies with jurisdiction. If any of the information provided in this application is incorrect, the approval may be revoked.

Property Owner's Signature: _____ Date: _____

Applicant/ Agent Signature: _____ Date: _____



Applicant's Checklist – Innocent Purchaser P1.6

The following checklist is the minimum that is required for an Innocent Purchaser application. All Innocent Purchasers must comply with all requirements within the Short Subdivision Ordinance CCC.18.34.180 and RCW.58.17.210. All applications will require the appropriate fees upon submittal.

Applicant Check	Preliminary Application Materials	Staff Check
<input type="radio"/>	Complete Master Application, including developer and property owner if different.	<input type="radio"/>
<input type="radio"/>	Name and address of surveyor and/or engineer, if applicable.	<input type="radio"/>
<input type="radio"/>	Letter of Authorization – written permission from the property owner if property owner is not the applicant.	<input type="radio"/>
<input type="radio"/>	Property Packet: <ul style="list-style-type: none"> • Copy of current deed, legal description of the property including section, township, range, subdivision, parcel and tax lot numbers, and number of acres. • Copies of restrictions, easements, covenants and/or agreements, which are existing or proposed for property. • Planning Clearance Standard Parcel Report. • Assessor's Tax Map, Air photo, existing Zoning and/or Comprehensive Plan maps. 	<input type="radio"/>
<input type="radio"/>	List of property addresses and owners within 300 feet of the proposed subdivision site. If the owner of the proposed special use site owns other real property contiguous to the project site, the list shall include the names and addresses of real property owners located within 300 feet of the contiguous ownership of the applicant.	<input type="radio"/>

Applicant Check	Site Plan	Staff Check
<input type="radio"/>	10 copies of a reproducible size 8"x11" to 11"x17" max.	<input type="radio"/>
<input type="radio"/>	Name and address of surveyor and/or engineer and property owner.	<input type="radio"/>
<input type="radio"/>	Date, scale and north arrow.	<input type="radio"/>
<input type="radio"/>	A vicinity map clearly identifying the location of the proposed site.	<input type="radio"/>
<input type="radio"/>	Dimensions and location of the proposed site, location, width and names of all public and private roads and pedestrian ways within or abutting the site, and existing and proposed structures.	<input type="radio"/>
<input type="radio"/>	Show physical features of site: <ol style="list-style-type: none"> 1. The location of permanent and topographic features, which will have an impact upon future development. 2. Hydrology, surface drainage, streams or water bodies; and wetlands. 3. Critical areas as known. 	<input type="radio"/>
<input type="radio"/>	Location of wells, drainfields or public utilities, if applicable.	<input type="radio"/>

Applicant Check	Written Narrative	Staff Check
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- | | | |
|-----------------------|---|-----------------------|
| <input type="radio"/> | Describe your circumstances of the purchase and the previous permit activity. | <input type="radio"/> |
| <input type="radio"/> | State why you believe you should qualify for an innocent purchaser status. | <input type="radio"/> |
| <input type="radio"/> | Demonstrate why the illegal division will not adversely affect public health, safety, or welfare. | <input type="radio"/> |
| <input type="radio"/> | Demonstrate that the purchase was for value without actual notice.* | <input type="radio"/> |
| <input type="radio"/> | Explain why using usual caution, due diligence and real estate methods you could not discover the status of the subject property prior to purchase. | <input type="radio"/> |

Applicant Check	Supporting Documents & Studies	Staff Check
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- | | | |
|-----------------------|---|-----------------------|
| <input type="radio"/> | Copy of Title Report issued at the time of purchase. | <input type="radio"/> |
| <input type="radio"/> | Property's land division history from February 6, 1976. | <input type="radio"/> |

*Value in real estate is defined as "the worth of the rights arising from ownership; the quantity of one thing that will be given in exchange for another. For instance, a property may have a certain value to its owner (value in use) equal to the amount of other property (typically cash) that the owner would be willing to accept in exchange for the property without loss in wealth or well-being..." Dictionary of Real Estate Terms, 2nd Ed., Jack P. Friedman and other, Barron's Educational Series, Inc. 1987.