
HOUSE BILL 1084

State of Washington 64th Legislature 2015 Regular Session

By Representatives Pollet, Tarleton, Ryu, and Santos

Prefiled 01/08/15.

1 AN ACT Relating to notice requirements for land use applications,
2 approvals, and decisions; amending RCW 36.70C.040; adding a new
3 section to chapter 36.70B RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that property
6 interests of adjacent landowners and residents, neighborhood designs,
7 and environmental values can be adversely affected by land use
8 decisions concerning: (1) Boundary line adjustments; (2) short plats
9 and short subdivisions; and (3) project permits that allow uses of
10 property not foreseeable under established land use or zoning
11 regulations, and that will have probable significant impacts. The
12 legislature recognizes that, in order to protect their interests and
13 values, neighbors and community organizations may need to file timely
14 challenges to land use decisions, and to do so, they must receive
15 timely and appropriate notice of the land use decisions.

16 The legislature finds that due process requires notice to be
17 given to adjacent landowners and residents of the land use decisions
18 specified in this section. Notice is necessary to ensure that
19 adjacent landowners and residents have the opportunity to file
20 challenges or assert their property interests. The legislature
21 intends that the statute of limitations set forth in chapter 36.70C

1 RCW for challenging land use decisions does not begin to run until
2 notice of a land use decision is provided to adjacent landowners and
3 residents in accordance with section 2 of this act.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70B
5 RCW to read as follows:

6 (1) In addition to meeting all other applicable requirements of
7 this chapter, a city with a population of five hundred thousand or
8 more planning under RCW 36.70A.040 must provide notice in accordance
9 with this section of applications, approvals, or decisions
10 concerning:

11 (a) Lot line or boundary adjustments;

12 (b) Short plats and short subdivisions; and

13 (c) Permits or licenses, including but not limited to rezones or
14 conditional uses, that:

15 (i) Authorize or otherwise effect a change of the use of property
16 permitted under established, applicable land use or zoning
17 regulations; and

18 (ii) Will have a probable significant impact, which absent
19 approval of the permit or license would not be foreseeable under
20 established, applicable land use or zoning regulations.

21 (2) Notice of application for a permit, license, or other
22 governmental approval specified in subsection (1) of this section
23 must be provided to all adjacent landowners and residents upon
24 receipt of a complete application by the officer charged with
25 administration of regulations pertaining to project permits. All
26 adjacent landowners and residents must be given an opportunity to
27 comment on the application and to participate in any hearings.

28 (3) If an application for a permit, license, or other
29 governmental approval specified in subsection (1) of this section is
30 approved, the officer charged with administration of regulations
31 pertaining to project permits must provide notice of the approval or
32 decision to all adjacent landowners and residents.

33 (4) The legislative body of a city with a population of five
34 hundred thousand or more planning under RCW 36.70A.040 must adopt
35 regulations and procedures for providing notice in accordance with
36 this section.

37 (a) At a minimum, notice required under this section must be:

1 (i) Mailed to each adjacent landowner and resident at the mailing
2 address on record with the city or county, or if no mailing address
3 is on record, the physical address of the adjacent property; and

4 (ii) Posted on the property subject to the permit, license, or
5 other governmental approval in a manner reasonably calculated to
6 provide notice to all adjacent landowners and residents.

7 (b) Notice is effective three days after being mailed to all
8 adjacent landowners and residents, or on the date that notice is
9 posted on the subject property, whichever is later.

10 (5) For purposes of this section, "adjacent landowners and
11 residents" means owners as shown by the records of the county
12 assessor, residents, and persons who are both owners and residents of
13 real property located within three hundred feet of any portion of the
14 boundary of the property subject to the permit, license, or other
15 governmental approval. If the owner of the subject property owns one
16 or more adjacent parcels of real property, then notice must be given
17 to the owners and residents of real property located within three
18 hundred feet of any portion of the boundaries of adjacently located
19 parcels owned by the owner of the subject property.

20 **Sec. 3.** RCW 36.70C.040 and 1995 c 347 s 705 are each amended to
21 read as follows:

22 (1) Proceedings for review under this chapter shall be commenced
23 by filing a land use petition in superior court.

24 (2) A land use petition is barred, and the court may not grant
25 review, unless the petition is timely filed with the court and timely
26 served on the following persons who shall be parties to the review of
27 the land use petition:

28 (a) The local jurisdiction, which for purposes of the petition
29 shall be the jurisdiction's corporate entity and not an individual
30 decision maker or department;

31 (b) Each of the following persons if the person is not the
32 petitioner:

33 (i) Each person identified by name and address in the local
34 jurisdiction's written decision as an applicant for the permit or
35 approval at issue; and

36 (ii) Each person identified by name and address in the local
37 jurisdiction's written decision as an owner of the property at issue;

38 (c) If no person is identified in a written decision as provided
39 in (b) of this subsection, each person identified by name and address

1 as a taxpayer for the property at issue in the records of the county
2 assessor, based upon the description of the property in the
3 application; and

4 (d) Each person named in the written decision who filed an appeal
5 to a local jurisdiction quasi-judicial decision maker regarding the
6 land use decision at issue, unless the person has abandoned the
7 appeal or the person's claims were dismissed before the
8 quasi-judicial decision was rendered. Persons who later intervened or
9 joined in the appeal are not required to be made parties under this
10 subsection.

11 (3) The petition is timely if it is filed and served on all
12 parties listed in subsection (2) of this section within twenty-one
13 days of the issuance of the land use decision.

14 (4) For the purposes of this section, the date on which a land
15 use decision is issued is:

16 (a) Three days after a written decision is mailed by the local
17 jurisdiction or, if not mailed, the date on which the local
18 jurisdiction provides notice that a written decision is publicly
19 available;

20 (b) If the land use decision is made by ordinance or resolution
21 by a legislative body sitting in a quasi-judicial capacity, the date
22 the body passes the ordinance or resolution; ~~((or))~~

23 (c) If the land use decision concerns a project permit specified
24 in section 2(1) of this act, the date that notice is effective under
25 section 2(4)(b) of this act; or

26 (d) If ~~((neither (a) nor (b) of this subsection applies)) (a),~~
27 (b), and (c) of this subsection do not apply, the date the decision
28 is entered into the public record.

29 (5) Service on the local jurisdiction must be by delivery of a
30 copy of the petition to the persons identified by or pursuant to RCW
31 4.28.080 to receive service of process. Service on other parties must
32 be in accordance with the superior court civil rules or by first-
33 class mail to:

34 (a) The address stated in the written decision of the local
35 jurisdiction for each person made a party under subsection (2)(b) of
36 this section;

37 (b) The address stated in the records of the county assessor for
38 each person made a party under subsection (2)(c) of this section; and

1 (c) The address stated in the appeal to the quasi-judicial
2 decision maker for each person made a party under subsection (2)(d)
3 of this section.

4 (6) Service by mail is effective on the date of mailing and proof
5 of service shall be by affidavit or declaration under penalty of
6 perjury.

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