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**HOUSE BILL 1084**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Pollet, Tarleton, Ryu, Santos, and Gregerson

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

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

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

The legislature finds that due process requires notice to be given to adjacent landowners and residents of the land use decisions specified in this section. Notice is necessary to ensure that adjacent landowners and residents have the opportunity to file challenges or assert their property interests. The legislature intends that the statute of limitations set forth in chapter 36.70C RCW for challenging land use decisions does not begin to run until notice of a land use decision is provided to adjacent landowners and residents in accordance with section 2 of this act.

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

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

(a) Lot line or boundary adjustments;

(b) Short plats and short subdivisions; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

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

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

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

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

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

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

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

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

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

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

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

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

**--- END ---**