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HOUSE BILL 2740

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Seaquist and Angel

Read first time 01/13/10. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to the definition of land use decision in the land  
2 use petition act; and amending RCW 36.70C.020.

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

4 **Sec. 1.** RCW 36.70C.020 and 2009 c 419 s 1 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Energy overlay zone" means a formal plan enacted by the county  
9 legislative authority that establishes suitable areas for siting  
10 renewable resource projects based on currently available resources and  
11 existing infrastructure with sensitivity to adverse environmental  
12 impact.

13 (2) "Land use decision" means a final determination by a local  
14 jurisdiction's body or officer with the highest level of authority to  
15 make the determination, including those with authority to hear appeals,  
16 on:

17 (a) An application for a project permit or other governmental  
18 approval required by law before real property may be improved,  
19 developed, modified, sold, transferred, or used, but excluding

1 applications for permits or approvals to use, vacate, or transfer  
2 streets, parks, and similar types of public property; excluding  
3 applications for legislative approvals such as area-wide rezones and  
4 annexations; and excluding applications for business licenses;

5 (b) An interpretative or declaratory decision regarding the  
6 application to a specific property of zoning or other ordinances or  
7 rules regulating the improvement, development, modification,  
8 maintenance, or use of real property; and

9 (c) The enforcement by a local jurisdiction of ordinances  
10 regulating the improvement, development, modification, maintenance, or  
11 use of real property. However, when a local jurisdiction is required  
12 by law to enforce the ordinances in a court of limited jurisdiction, a  
13 petition may not be brought under this chapter.

14 Where a local jurisdiction allows or requires a motion for  
15 reconsideration to the highest level of authority making the  
16 determination, and a timely motion for reconsideration has been filed,  
17 the land use decision occurs on the date a decision is entered on the  
18 motion for reconsideration, and not the date of the original decision  
19 for which the motion for reconsideration was filed.

20 (3) "Local jurisdiction" means a county, city, or incorporated  
21 town.

22 (4) "Person" means an individual, partnership, corporation,  
23 association, public or private organization, or governmental entity or  
24 agency.

25 (5) "Renewable resources" has the same meaning provided in RCW  
26 19.280.020.

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