

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2740

Chapter 59, Laws of 2010

61st Legislature
2010 Regular Session

LAND USE PETITION ACT--DEFINITION OF "LAND USE DECISION"

EFFECTIVE DATE: 06/10/10

Passed by the House January 28, 2010
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2010
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved March 15, 2010, 2:52 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2740** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 15, 2010

**Secretary of State
State of Washington**

HOUSE BILL 2740

Passed Legislature - 2010 Regular Session

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.

Passed by the House January 28, 2010.
Passed by the Senate March 3, 2010.
Approved by the Governor March 15, 2010.
Filed in Office of Secretary of State March 15, 2010.