
ZONING - WASHINGTON

Prosser Hill Coalition v. County of Spokane

Court of Appeals of Washington, Division 3 - August 22, 2013 - P.3d - 2013 WL 4478227

Coalition of neighbors filed a Land Use Petition Act (LUPA) petition for review of approval of a conditional use permit for a private airstrip. The Spokane Superior Court remanded for a new hearing. County and permit applicants appealed, and neighbors cross-appealed.

The Court of Appeals held that:

- Failure to include property owners' names in caption in petition did not divest superior court of jurisdiction;
- Land Use Petition Act did not require that a summons accompany filing of LUPA petition;
- Notice of application for conditional use permit for airstrip was insufficient; and
- Neighbors were not entitled to costs.

Notice of application for conditional use permit for airstrip was insufficient, where county code stated that notice had to be posted along the most heavily traveled street, proposed airstrip was not adjacent to a road, two nearest roads were a dirt road leading to a private residence and a paved thoroughfare in the area, applicant only posted notice on the dirt road leading to the private residence, and notice gave an erroneous description of where the airstrip site would be located.

One purpose of specific statutory requirements for public notice of an impending land use decision is to ensure that decision makers receive enough information from those who may be affected by the action to make an intelligent decision.

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