

Bond Case Briefs

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ZONING & PLANNING - WASHINGTON

Schnitzer West, LLC v. City of Puyallup

Supreme Court of Washington - May 10, 2018 - P.3d - 2018 WL 2144379

Commercial property developer filed petition against city requesting a declaration that ordinance, which imposed a variety of new design standards and development regulations, was an invalid land use decision under the Land Use Petition Act (LUPA).

The Superior Court entered judgment in favor of developer. City appealed, and the Court of Appeals reversed and remanded. Developer appealed, and the Supreme Court granted review.

The Supreme Court of Washington held that:

- Ordinance was applied to a specific tract of land;
- Ordinance was a classification change;
- City council was a “specific party” for purposes of whether ordinance was a site-specific rezone; and
- Ordinance was not excluded from review as a legislative approval.

Zoning ordinance extending overlay zone for “limited manufacturing” was applied to a specific tract of land, for purposes of determining whether it was a site-specific rezone reviewable under the Land Use Petition Act (LUPA); ordinance carved out single annexed property from adjacent parcels and left all surrounding annexed properties unaffected, despite their similar characteristics, location, and zoning.

Ordinance extending overlay zone for “limited manufacturing” to landowner’s property was a classification change, for purposes of determining whether it was a site-specific rezone reviewable under the Land Use Petition Act (LUPA), where overlay imposed a building size limitation, restricted the design, size, setback, and orientation of buildings, imposed landscaping, open space, and pedestrian infrastructure requirements, and established regulations pertaining to outdoor storage uses, storm water management, and signage.

City council was a “specific party” for purposes of issue of whether ordinance extending overlay zone for “limited manufacturing” to landowner’s property was requested by city as a specific party and thus was a site-specific rezone reviewable under the Land Use Petition Act (LUPA); city council expressly classified its actions as “approval,” and city code itself named the city council as a specific party with authority to initiate a site-specific rezone application.

Site-specific ordinance extending overlay zone for “limited manufacturing” to landowner’s property was not excluded from review under the Land Use Petition Act (LUPA) as a legislative approval “such as area-wide rezones and annexations,” as overlay extension was not an area-wide rezone or annexation, nor was it similar in nature to either, but rather was a site-specific rezone, confined to a specific tract and impacting a sole owner.

