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Washington State Dept. of Transp. v. City of Seattle

Court of Appeals of Washington, Division 1 - February 29, 2016 - P.3d - 2016 WL 783919

After city required grading permits for construction on temporary easements of work bridges for highway floating bridge project, Washington State Department of Transportation filed a land use petition seeking to invalidate the permits. The Superior Court granted petition and invalidated permits. City appealed.

The Court of Appeals held that:

- Exception to mootness doctrine was met, and
- City's interpretation of grading code exemption was an erroneous interpretation of the law.

Because an authoritative determination would provide future guidance, and interpretation of municipal grading code exemption for Washington State Department of Transportation (WSDOT) development in state highway right-of-way presented an issue of continuing and substantial public interest that was likely to recur, exception to mootness doctrine was met in Department's land use petition seeking to invalidate grading permits.

City's interpretation of municipal grading code exemption, requiring Washington State Department of Transportation to obtain grading permits for construction on temporary easements of work bridges necessary to access and construct portion of state highway floating bridge project, was not entitled to deference, for purposes of reviewing decision under Land Use Petition Act (LUPA), as it was an erroneous interpretation of the law. City's interpretation gave no meaning to language that exempted development undertaken by the Department in state highway right-of-way, ignored state law, and the exclusive authority of the Department to construct and acquire property for the construction of state highway right-of-way.