

Bond Case Briefs

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ZONING & PLANNING - WASHINGTON

Kanam v. Kmet

Court of Appeals of Washington, Division 2 - May 3, 2022 - P.3d - 2022 WL 1397407

County resident brought action against city seeking declaratory judgment declaring invalidity of two city zoning ordinances.

Superior Court granted city's motion to dismiss and denied resident's motion for reconsideration.

The Court of Appeals held that:

- Resident lacked standing, and
- City's joint comprehensive growth management plan with county did not confer taxpayer standing.

County resident failed to show that he was affected in any material way by ordinances of city that he did not inhabit, and thus, he lacked standing to bring action against city to obtain judgment declaring the invalidity of two city zoning ordinances which made using building he sought to purchase for storage purposes a non-conforming use that would require him to obtain a conditional use permit, where he did not allege that he was a city purchaser, did not allege he was a city resident or that he owned any real property in the city, and did not allege that his interest in the building at issue was more than speculative.

City's joint comprehensive growth management plan with county did not make county resident a city taxpayer so as to confer taxpayer standing to bring action against city he did not inhabit to obtain declaratory judgment to declare invalidity of two city ordinances which made using building he sought to purchase for storage purposes a non-conforming use that would require him to obtain a conditional use permit; prospective purchaser did not show that city ordinances were connected in any way to the joint plan, as nothing in the plan universally adopted or even cited the ordinances, nor did he show that county could jointly enforce the city ordinances.