

APPENDIX

The following is a nonexclusive list of Washington Supreme Court cases that may no longer be interpreted as requiring heightened scrutiny in article I, section 3 substantive due process challenges to laws regulating the use of property:

- Abbey Rd. Grp., LLC v. City of Bonney Lake*, 167 Wn.2d 242, 218 P.3d 180 (2009) (plurality opinion)
- Allen v. City of Bellingham*, 95 Wash. 12, 163 P. 18 (1917)
- Amunrud v. Bd. of Appeals*, 158 Wn.2d 208, 143 P.3d 571 (2006)
- Asarco, Inc. v. Dep't of Ecology*, 145 Wn.2d 750, 43 P.3d 471 (2002)
- Biggers v. City of Bainbridge Island*, 162 Wn.2d 683, 169 P.3d 14 (2007) (plurality opinion)
- Brown v. City of Seattle*, 150 Wash. 203, 272 P. 517, 278 P. 1072 (1928)
- Christianson v. Snohomish Health Dist.*, 133 Wn.2d 647, 946 P.2d 768 (1997)
- City of Olympia v. Mann*, 1 Wash. 389, 25 P. 337 (1890)
- City of Seattle v. Ford*, 144 Wash. 107, 257 P. 243 (1927)
- City of Seattle v. Montana*, 129 Wn.2d 583, 919 P.2d 1218 (1996) (plurality opinion)
- City of Seattle v. Proctor*, 183 Wash. 293, 48 P.2d 238 (1935)
- City of Seattle v. Ross*, 54 Wn.2d 655, 344 P.2d 216 (1959)
- City of Spokane v. Latham*, 181 Wash. 161, 42 P.2d 427 (1935)
- Convention Ctr. Coal. v. City of Seattle*, 107 Wn.2d 370, 730 P.2d 636 (1986)
- Cougar Bus. Owners Ass'n v. State*, 97 Wn.2d 466, 647 P.2d 481 (1982)
- Covell v. City of Seattle*, 127 Wn.2d 874, 905 P.2d 324 (1995)
- Crane Towing, Inc. v. Gorton*, 89 Wn.2d 161, 570 P.2d 428 (1977)
- Duckworth v. City of Bonney Lake*, 91 Wn.2d 19, 586 P.2d 860 (1978)
- Ellestad v. Swayze*, 15 Wn.2d 281, 130 P.2d 349 (1942)
- Erickson & Assocs. v. McLerran*, 123 Wn.2d 864, 872 P.2d 1090 (1994)
- Guimont v. Clarke*, 121 Wn.2d 586, 854 P.2d 1 (1993)
- Hass v. City of Kirkland*, 78 Wn.2d 929, 481 P.2d 9 (1971)
- Hauser v. Arness*, 44 Wn.2d 358, 267 P.2d 691 (1954)
- Homes Unlimited, Inc. v. City of Seattle*, 90 Wn.2d 154, 579 P.2d 1331 (1978)
- Horney v. Giering*, 132 Wash. 555, 231 P. 958 (1925)
- Isla Verde Int'l Holdings, Inc. v. City of Camas*, 146 Wn.2d 740, 49 P.3d 867 (2002)
- Lenci v. City of Seattle*, 63 Wn.2d 664, 388 P.2d 926 (1964)
- Lutz v. City of Longview*, 83 Wn.2d 566, 520 P.2d 1374 (1974)

Manos v. City of Seattle, 173 Wash. 662, 24 P.2d 91 (1933)
Margola Assocs. v. City of Seattle, 121 Wn.2d 625, 854 P.2d 23 (1993)
Markham Advert. Co. v. State, 73 Wn.2d 405, 439 P.2d 248 (1968)
Maytown Sand & Gravel, LLC v. Thurston County, 191 Wn.2d 392, 423 P.3d 223 (2018)
McNaughton v. Boeing, 68 Wn.2d 659, 414 P.2d 778 (1966)
Myrick v. Bd. of Pierce County Comm'rs, 102 Wn.2d 698, 677 P.2d 140, 687 P.2d 1152 (1984)
Orion Corp. v. State, 109 Wn.2d 621, 747 P.2d 1062 (1987)
Patton v. City of Bellingham, 179 Wash. 566, 38 P.2d 364 (1934)
Presbytery of Seattle v. King County, 114 Wn.2d 320, 787 P.2d 907 (1990)
Ragan v. City of Seattle, 58 Wn.2d 779, 364 P.2d 916 (1961)
Remington Arms Co. v. Skaggs, 55 Wn.2d 1, 345 P.2d 1085 (1959)
Rivett v. City of Tacoma, 123 Wn.2d 573, 870 P.2d 299 (1994)
Robinson v. City of Seattle, 119 Wn.2d 34, 830 P.2d 318 (1992)
Sintra, Inc. v. City of Seattle, 131 Wn.2d 640, 935 P.2d 555 (1997)
Sintra, Inc. v. City of Seattle, 119 Wn.2d 1, 829 P.2d 765 (1992)
State ex rel. Brislawn v. Meath, 84 Wash. 302, 147 P. 11 (1915)
State ex rel. Faulk v. CSG Job Ctr., 117 Wn.2d 493, 816 P.2d 725 (1991)
State ex rel. Modern Lumber & Millwork Co. v. MacDuff, 161 Wash. 600, 297 P. 733 (1931)
State ex rel. Rhodes v. Cook, 72 Wn.2d 436, 433 P.2d 677 (1967)
State ex rel. Spokane Int'l Ry. Co. v. Kuykendall, 128 Wash. 88, 222 P. 211 (1924)
State ex rel. Warner v. Hayes Inv. Corp., 13 Wn.2d 306, 125 P.2d 262 (1942)
State v. Bowen & Co., 86 Wash. 23, 149 P. 330 (1915)
State v. Conifer Enters., Inc., 82 Wn.2d 94, 508 P.2d 149 (1973)
State v. Fabbri, 98 Wash. 207, 167 P. 133 (1917)
State v. Van Vlack, 101 Wash. 503, 172 P. 563 (1918)
Tiffany Family Tr. Corp. v. City of Kent, 155 Wn.2d 225, 119 P.3d 325 (2005)
Town of Woodway v. Snohomish County, 180 Wn.2d 165, 322 P.3d 1219 (2014)
Valley View Indus. Park v. City of Redmond, 107 Wn.2d 621, 733 P.2d 182 (1987)
Viking Props., Inc. v. Holm, 155 Wn.2d 112, 118 P.3d 322 (2005)
Wash. Kelpers Ass'n v. State, 81 Wn.2d 410, 502 P.2d 1170 (1972)
Weden v. San Juan County, 135 Wn.2d 678, 958 P.2d 273 (1998)
W. Main Assocs. v. City of Bellevue, 106 Wn.2d 47, 720 P.2d 782 (1986)
Willoughby v. Dep't of Labor & Indus., 147 Wn.2d 725, 57 P.3d 611 (2002)

Yim et al. v. City of Seattle
(Stephens, J., concurring in part and dissenting in part)

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STEPHENS, J. (concurring in part, dissenting in part)—I agree with the majority’s answers to the first two certified questions, but I write separately because the third certified question does not involve a matter of state law and is therefore not appropriately before this court.

“[C]ertified questions should be confined to uncertain questions of state law.” *City of Houston v. Hill*, 482 U.S. 451, 471 n.23, 107 S. Ct. 2502, 96 L. Ed. 2d 398 (1987) (citing 17 CHARLES ALAN WRIGHT, ARTHUR R. MILLER & EDWARD H. COOPER, FEDERAL PRACTICE AND PROCEDURE § 4248 (1978)). Any federal court may certify a “question of local law” to this court, RCW 2.60.020, but “[t]he decision whether to answer a certified question . . . is within [our] discretion,” *Broad v. Mannesmann Anlagenbau, AG*, 141 Wn.2d 670, 676, 10 P.3d 371 (2000) (citing *Hoffman v. Regence Blue Shield*, 140 Wn.2d 121, 128, 991 P.2d 77 (2000); RAP 16.16(a)). At times, we have “declined to answer certified questions where . . . any