
HOUSE BILL 1798

State of Washington 60th Legislature 2007 Regular Session

By Representatives Eddy, Lantz, Dickerson and B. Sullivan

Read first time 01/29/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to fees and costs on appeals of land use decisions;
2 and amending RCW 4.84.370.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.84.370 and 1995 c 347 s 718 are each amended to read
5 as follows:

6 (1) Notwithstanding any other provisions of this chapter,
7 reasonable attorneys' fees and costs shall be awarded to the prevailing
8 party or substantially prevailing party on appeal before the court of
9 appeals or the supreme court of a decision by a county, city, or town
10 to issue, condition, or deny a development permit involving a site-
11 specific rezone, zoning, plat, conditional use, variance, shoreline
12 permit, building permit, site plan, or similar land use approval or
13 decision. The court shall award and determine the amount of reasonable
14 attorneys' fees and costs under this section if:

15 (a) The prevailing party on appeal was the prevailing or
16 substantially prevailing party before the county, city, or town, or in
17 a decision involving a substantial development permit under chapter
18 90.58 RCW, the prevailing party on appeal was the prevailing party or

1 the substantially prevailing party before the (~~shoreline[s]~~)
2 shorelines hearings board; (~~and~~)

3 (b) The prevailing party on appeal was the prevailing party or
4 substantially prevailing party in all prior judicial proceedings; and

5 (c) The court finds the appeal or defense advanced by the
6 nonprevailing party to be without legal or factual basis.

7 (2) In addition to the prevailing party under subsection (1) of
8 this section, the county, city, or town whose decision is on appeal is
9 considered a prevailing party if its decision is upheld at superior
10 court and on appeal.

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