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HOUSE BILL 2911

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State of Washington

57th Legislature

2002 Regular Session

By Representative Sehlin

Read first time 02/05/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to requiring appellants of certain land use  
2 decisions to file a bond for the potential payment of attorneys' fees;  
3 and amending RCW 4.84.370.

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

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

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

16 (a) The prevailing party on appeal was the prevailing or  
17 substantially prevailing party before the county, city, or town, or in  
18 a decision involving a substantial development permit under chapter  
19 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.

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

9 (3) A party filing for appeal with the court of appeals or supreme  
10 court shall, at the time of filing, file with the court a bond in an  
11 amount to be determined by the supreme court. The amount shall be a  
12 predetermined amount that covers the average cost of attorneys' fees  
13 for land use appeals subject to this section.

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