
HOUSE BILL 1924

State of Washington 59th Legislature 2005 Regular Session

By Representatives Kretz, Pearson, Haler and Condotta

Read first time 02/10/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to awarding prevailing or substantially prevailing
2 state and local agencies attorneys' fees in appeals involving the state
3 environmental policy act and critical areas; amending RCW 4.84.370; and
4 creating a new section.

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

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

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

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

1 90.58 RCW, the prevailing party on appeal was the prevailing party or
2 the substantially prevailing party before the (~~shoreline[s]~~)
3 shorelines hearings board; and

4 (b) The prevailing party on appeal was the prevailing party or
5 substantially prevailing party in all prior judicial proceedings.

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

10 (3) Reasonable attorneys' fees and costs shall be awarded to the
11 prevailing or substantially prevailing state agency, county, city, or
12 town on appeal before the superior court, court of appeals, or supreme
13 court of a decision made by the state agency, county, city, or town:

14 (a) According to chapter 43.21C RCW; or

15 (b) Regarding the designation and protection of critical areas
16 according to RCW 36.70A.170 and 36.70A.172.

17 NEW SECTION. Sec. 2. This act applies to appeals of state agency,
18 county, city, or town decisions filed with the superior court, court of
19 appeals, or supreme court on and after August 1, 2005.

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