
SENATE BILL 6534

State of Washington 63rd Legislature 2014 Regular Session

By Senators Pedersen, Roach, and Kline

Read first time 02/03/14. Referred to Committee on Governmental Operations.

1 AN ACT Relating to prevailing party fees and costs for appeals of
2 land use decisions; 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] hearings~~
2 ~~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.

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