

Bond Case Briefs

Municipal Finance Law Since 1971

OPEN MEETINGS - WASHINGTON

Tateuchi v. City of Bellevue

Court of Appeals of Washington, Division 1 - December 28, 2020 - P.3d - 2020 WL 7692154

Non-profit corporation and one of its members filed petition under the Land Use Petition Act (LUPA), seeking to revoke property owner's conditional use permit authorizing use of a rooftop in city as helistop, and filed claim against city council, alleging violation of the Open Public Meetings Act (OPMA) in connection with appeal of city's decision denying LUPA petition.

The Superior Court affirmed the city's decision, and dismissed the action. Plaintiffs sought direct review before the Supreme Court, which transferred review.

The Court of Appeals held that:

- Term "abandoned" in city zoning ordinance governing conditional use permits required overt act plus intent to abandon the conditional use of the property;
- Property owner's failure to use rooftop for helicopter takeoffs or landings during 12-month period did not amount to "abandonment" of conditional use permit;
- City council meeting on appeal of city's decision denying LUPA petition was exempt from the OPMA; and
- Defendants were entitled to award of attorney fees, as prevailing parties on appeal in land use decision.