

**O'Donnell, Mary Beth**

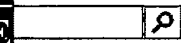
---



CP16#0272

**From:** Carol Levanen <cnldental@yahoo.com>  
**Sent:** Wednesday, September 03, 2014 12:43 PM  
**To:** Madore, David, Mielke, Tom, Barnes, Ed  
**Subject:** Tikka Short Plat

Please forward this information to Peter Silliman regarding legality of requiring an easement as a condition of approval Thanks!  
<http://app.leg.wa.gov/RCW/default.aspx?cite=64.40.020>



Inside the Legislature

- ★ Find Your Legislator
- ★ Visiting the Legislature
- ★ Agendas, Schedules and Calendars
- ★ Bill Information
- ★ Laws and Agency Rules
- ★ Legislative Committees
- ★ Legislative Agencies
- ★ Legislative Information Center
- ★ E-mail Notifications
- ★ Civic Education
- ★ History of the State Legislature

Outside the Legislature

- ★ Congress - the Other Washington
- ★ TVW
- ★ Washington Courts
- ★ OFM Fiscal Note Website



[RCWs](#) > [Title 64](#) > [Chapter 64 40](#) > [Section 64 40 020](#)

[64 40 010](#) << [64 40 020](#) >> [64 40 030](#)

**RCW 64.40.020**

**Applicant for permit — Actions for damages from governmental actions.**

(1) Owners of a property interest who have filed an application for a permit have an action for damages to obtain relief from acts of an agency which are arbitrary, capricious, unlawful, or exceed lawful authority, or relief from a failure to act within time limits established by law: PROVIDED, That the action is unlawful or in excess of lawful authority only if the final decision of the agency was made with knowledge of its unlawfulness or that it was in excess of lawful authority, or it should reasonably have been known to have been unlawful or in excess of lawful authority

(2) The prevailing party in an action brought pursuant to this chapter may be entitled to reasonable costs and attorney's fees

(3) No cause of action is created for relief from unintentional procedural or ministerial errors of an agency.

(4) Invalidation of any regulation in effect prior to the date an application for a permit is filed with the agency shall not constitute a cause of action under this chapter

[1982 c 232 § 2.]

**Notes:**

**Findings -- Recommendations -- Reports encouraged -- 2007 c 231:**  
See note following [RCW 43 155 070](#)