



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of)	NO. 2022101751
)	
George Tholl)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Reasonable Use Exception and)	
<u>Administrative Shoreline Variance</u>)	

SUMMARY OF DECISION

The request for approval of a reasonable use exception to construct a single-family residence and associated utilities within a landslide hazard area buffer and of an administrative shoreline variance to allow an impervious surface coverage of 38.2% is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

George Tholl (Applicant) requested a reasonable use exception (RUE) to construct a single-family residence and associated utilities within a landslide hazard area buffer, and an administrative shoreline variance to allow an impervious surface coverage of 38.2%. The subject property is located at 22413 Autumnwood Court SE, Yelm, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on August 8, 2023. The record was held open through August 10, 2023 to allow members of the public who experienced technology-based barriers to joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comment was submitted.

The Hearing Examiner also held the record open through August 11, 2023 for County Staff to submit additional critical areas analysis, and through August 14, 2023 for the Applicant to respond. The requested information was timely submitted, and the record closed on August 14, 2023.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:

Kraig Chalem, Senior Planner, Thurston County

Dawn Peebles, Senior Environmental Health Specialist, Thurston County

George Tholl, Applicant

Exhibits

At the open record public hearing, the following exhibits were admitted into the record:

Exhibit 1 Community Planning and Economic Development Report including the following attachments:

- A. Staff Project Hold Letter, dated June 27, 2022
- B. Reasonable use exception applications, submitted October 14, 2022
- C. Variance Application, submitted October 14, 2022
- D. Notice of Application, sent January 25, 2023
- E. Notice of Public Hearing, issued July 28, 2023
- F. Plat of Clearwood Div.8, AF#870538, recorded June 15, 1972
- G. Impervious Surface-worksheet, submitted June, 28 2022
- H. Geotech Report, submitted October 14, 2022
- I. Prairie Screening Data Sheet
- J. Environmental Health comments, provided March 17, 2023
- K. Public Works Development Approval letter, provided April 25, 2023
- L. Public Works review of Geotech Report, provided July 31.2023
- M. Nisqually Indian Tribe comments on Notice of Application, dated October 14, 2022
- N. Squaxin Island Tribe comments on Notice of Application, dated January 30, 2023
- O. Site Plans, received October 14, 2022
- P. Reasonable Use Exception Narrative, received October 14, 2022
- Q. Drainage Report, received October 14, 2022
- R. Variance Narrative, received October 14, 2022
- S. Certificate of Water Availability, dated March 29, 2022
- T. Master Application and Supplemental Application for On-Site Sewage System, received April 12, 2022

Exhibit 2 Community Planning and Economic Development Memo, dated August 11, 2023
re: critical areas

Exhibit 3 Email response from Applicant, dated August 13, 2023

Based on the record developed through the open record hearing process, the Hearing Examiner enters the following findings and conclusions.

FINDINGS

1. George Tholl (Applicant) requested a reasonable use exception (RUE) to construct a single-family residence and associated utilities within a landslide hazard area buffer, and an administrative shoreline variance to allow an impervious surface coverage of 38.2%. The subject property is located at 22413 Autumnwood Court SE, Yelm, Washington.¹ *Exhibits 1, 1.B, 1.C, 1.O.*
2. The RUE and administrative shoreline variance applications were received on October 14, 2022 and determined to be complete for the purpose of commencing project review on November 11, 2022. *Exhibit 1.D.*
3. The subject property is Lot 63 of the plat of Clearwood Division 8. The subject property is 8,680 square feet in area and is located within 200 feet to the north of (but not immediately adjacent to) Clear Lake; there is community association-owned land to the south of the subject property, between the subject property and the lake. Access to the subject property is from Autumnwood Court SE, which runs along the northern property boundary. The subject property is undeveloped and forested. Surrounding parcels are developed with single-family residences. *Exhibits 1, 1.C, 1.F, and 1.O; George Tholl Testimony.*
4. The proposed residence would have a footprint of 2,670 square feet including the attached garage and roof overhang. The residence would be placed centrally on the lot, 29 feet from the southern property line and 33 feet from the northern property line. The approved septic drainfield location is on the north side of the residence, between the residence and Autumnwood Court SE. The septic location prevents the residence from being sited closer to the street, resulting in a driveway area of 650 square feet. *Exhibits 1.O, 1.P, and 1.R.*
5. The subject property is zoned Residential LAMIRD Two Dwelling Units per Acre (RL 2/1). *Exhibit 1.* Primary permitted uses in the zone include single-family and two-family residences, agriculture, and home occupations. *Thurston County Code (TCC) 20.13A.020.* Although the subject property is nonconforming with respect to the 12,500-square-foot minimum lot size of the RL 2/1 zone (TCC 20.13A.030.1.a), the subject property is considered a legal building lot because it was created through the plat of Clearwood Division 8 in 1972. *Exhibit 1.F.*

¹ The legal description of the subject property is: Section 06 Township 15 Range 3E Plat CLEARWOOD DIV 8 LT 63 Document 017/097. *Exhibit 1.*

6. Clear Lake is a Shoreline of the State regulated under the Shoreline Master Program for the Thurston Region (SMPTR). The SMPTR designates the subject property as a Rural environment. Single-family residential development is allowed in the Rural shoreline environment subject to the development standards contained in the SMPTR. In relevant part, these standards require a minimum 50-foot building setback from the ordinary high water mark (OHWM) and a maximum impervious surface coverage of 30%. The proposed residence would be set back at least 120 feet from the OHWM of Clear Lake, but the impervious surface coverage would be 38.2%, or 3,320 square feet of the 8,680 square foot lot. The requested administrative shoreline variance is to address the excess impervious surface coverage. *Exhibits 2, I.C, and I.O; SMPTR Section Three, Chapter XVI, Part D.3; SMPTR Section Five, Chapter V, Part C; TCC 24.25.060 (specifying that lakes are regulated by the SMPTR).*²
7. The additional impervious surface coverage is needed due to the small area of the lot relative to the lot size assumed by the SMPTR (the minimum lot area in the Rural environment is 20,000 square feet), the additional driveway length needed as a result of the septic system placement, and the Applicant's desire for a residence that is consistent with both the minimum requirements of the Clearwood covenants, conditions, and restrictions (CC&Rs) and the character of surrounding development. *Exhibit 1.R; George Tholl Testimony.*
8. Although the subject property is mostly flat, there is steeply sloped community association-owned land between the southern property boundary and Clear Lake. The top of the steep slope is within the southwest corner of the subject property. The slope meets the criteria for a landslide hazard area (TCC 24.03.010), a critical area regulated by Thurston County critical areas ordinance (CAO), because the gradient exceeds 40% and the vertical height exceeds 15 feet. *Exhibits 1.H and 1.O; George Tholl Testimony.*
9. The buffering requirement for landslide hazard areas is the greater of (1) fifty feet from the toe and top of slope, or (2) the distance measured from the toe of slope (or ordinary high water mark, for marine bluffs) upward at a slope of 2:1 horizontal to vertical to a point that intersects with the existing topography of the site, or (3) the minimum distance recommended by a geotechnical professional. *TCC 24.15.015; Exhibit 2.* In this case the applicable 50-foot buffer from the top of the landslide hazard slope encompasses roughly the southern half of the subject property. Looking at the site plan it is clear that, due to the substandard size of the parcel, the 50% loss of buildable site area would not leave sufficient area for a reasonably sized residence, a septic system, and street setbacks. *Exhibit 1.O.*

² Although TCC 24.25.060 specifies that "lakes" are regulated by the SMPTR, "ponds" require a 100-foot undisturbed critical area buffer. Planning Staff credibly submitted that Clear Lake is a lake that is regulated by the SMPTR. However, if the 100-foot pond buffer were applicable to Clear Lake, the project would easily comply as the buffer area consists of steep slopes on adjacent land that would not be disturbed by the proposed construction. *Exhibits 2 and 1.O.*

10. Based on the results of a geotechnical investigation prepared by a qualified professional, the proposed building site is not within an active landslide hazard area or erosion hazard area. The geotechnical engineer recommended that a minimum building setback of 14 feet from the top of the steep slope be maintained, consistent with the minimum standards of the International Building Code. *Exhibit 1.H.* Thurston County's engineering geologist accepted the analysis, noting that the proposed setback exceeds that required using the calculation of TCC 24.15.015(2) (the intersection point of a 2:1 slope from the toe of the slope). *Exhibit 1.L.*
11. The submitted geotechnical report contains numerous recommendations to ensure slope stability during and after construction, including recommendations to install erosion control devices (such as silt fence) prior to commencing construction, avoid clearing vegetation outside of the building area, replant disturbed areas, and control stormwater runoff. *Exhibit 1.H.*
12. The proposed residence would be set back at least 14 feet from the top of the slope, with a significantly greater setback (approximately 30 feet) achieved at the southeast corner. The setbacks would be generally consistent with the setbacks of adjacent residences. The septic drainfields would be located outside of the critical area buffer on the north side of the residence. *Exhibit 1.O.*
13. The Applicant proposes to retain trees and shrubs located outside of the building envelope and septic area. *Exhibit 1.P.*
14. The proposed residence would be served by the Clearwood Group A community water system. *Exhibits 1.J and 1.S.*
15. The Thurston County Environmental Health Division preliminarily approved the proposed septic system design. *Exhibits 1.J and 1.T; Dawn Peebles Testimony.*
16. Stormwater runoff from the developed portion of the site would be infiltrated within an infiltration trench to be located in the southeast corner of the property, more than 14 feet from the top of the landslide hazard slope. The soils in the area are suitable for infiltration, and the location is consistent with the project geotechnical engineer's recommendation. *Exhibits 1.O, 1.Q, and 1.H.* County Public Works Staff reviewed the proposal against the requirements of the Drainage Design and Erosion Control Manual and determined that the applicable requirements are satisfied. Public Works recommended approval of the RUE subject to a condition notifying the Applicant of a possible Department of Ecology Construction Stormwater Permit requirement. *Exhibit 1.K.*
17. There are no federally listed or state priority species of wildlife known to inhabit the site. Prairie habitat is not present on the site, and there are no Mima mounds or Oregon white oaks on site. *Exhibits 1 and 1.I.*

18. The construction of a single-family residence and accessory structures is exempt from review under the State Environmental Policy Act. *Exhibit 1; TCC 17.09.055; WAC 197-11-800.*
19. Notice of the open record hearing was mailed to property owners within 500 feet of the subject property on July 24, 2023 and was published in *The Olympian* on July 28, 2023. *Exhibit 1.A; Kraig Chalem Testimony.* There was no public comment on the application. Having heard all testimony and submitted supplemental analysis requested by the undersigned, Planning Staff maintained their recommendation that if approval is granted the conditions stated in the staff report should be imposed. *Exhibits 1 and 2; Kraig Chalem Testimony.* The Applicant raised no objections to the recommended conditions. *George Tholl Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for Reasonable Use Exceptions pursuant to TCC 2.06.010(F) and TCC 24.45.030.

The Hearing Examiner has jurisdiction to hear and decide the administrative shoreline variance pursuant to TCC 20.60.025, which allows for the consolidation of multiple permit types using the review and approval process of the highest permit type. In this case the RUE (a Type III procedure requiring Hearing Examiner decision) is the highest permit type.

Criteria for Review

Pursuant to TCC 24.45.030, the Hearing Examiner shall grant a reasonable use exception if findings can be made showing compliance with all of the following criteria:

- A. No other reasonable use of the property as a whole is permitted by this title; and
- B. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC; and
- C. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety, or welfare on or off the development proposal site, or increase public safety risks on or off the subject property; and
- D. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property; and
- E. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions; and

- F. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site; and
- G. The reasonable use shall not result in the unmitigated adverse impacts to species of concern; and
- H. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

Pursuant to WAC 173-27-170, an administrative shoreline variance must demonstrate compliance with the following shoreline variance review criteria:³

- 2. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(c), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
-
- 4. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

³ See SMPTR Section One, Chapter V, Part E.6. The referenced WAC 173-14-150 no longer exists; the variance criteria are set forth in WAC 173-27-170.

Conclusions Based on Findings

Reasonable Use Exception

1. No other reasonable use of the property as a whole is permitted by the critical areas ordinance. Based on the uses allowed in the RL 2/1 zone, the area of the subject property, and the character of surrounding development, single-family residential use is the only reasonable use of the property. *Findings 3 and 5.*
2. No reasonable use with less impact on the critical area or buffer is possible. The extent of critical area buffer on the small lot precludes the establishment of a reasonable building site. The proposed residence is reasonable in scale and would be sited to maximize the distance of the septic system from the top of the slope and the lake. The building setbacks from the top of the slope would be consistent with geotechnical recommendations. *Findings 4, 8, 9, 10, and 12.*
3. With conditions of approval, the requested residential development would not result in damage to other property and will not threaten the public health, safety, or welfare on or off the development site, or increase public safety risks on or off the subject property. The residence and infiltration trench would satisfy the minimum slope setback recommended by the project geotechnical engineer. There are no residences immediately downslope of the subject property. The conditions of approval require erosion control measures to be used during construction and disturbed areas outside of the building area to be replanted. The conditions also require protection of any cultural resources discovered during construction. The Environmental Health Division did not identify any issues of concern with respect to the proposed septic system. An additional condition has been added requiring implementation of the recommendations in the geotechnical report. *Findings 3, 10, 11, 12, 14, 15, and 16.*
4. The proposed reasonable use is limited to the minimum encroachment necessary to prevent denial of all reasonable use of the property. As described in Conclusion 2, it would not be possible to establish reasonable use of the property without encroachment into the landslide hazard buffer. The proposed site design and building scale represent the minimum encroachment necessary for reasonable use. *Findings 4, 8, 9, 10, and 12.*
5. As conditioned, the proposed reasonable use will result in minimal alteration of the critical area. No disturbance of the steep slope is proposed; most of the slope is off site and a minimum 14-foot building setback would be maintained from the top of the slope. *Findings 12 and 13.*
6. As conditioned, the proposal ensures no net loss of critical area functions and values. Compliance with the 14-foot building setback and other recommendations of the geotechnical engineer would ensure continued slope stability. *Findings 10, 11, 12, and 13.*
7. The use would not result in unmitigated adverse impacts to species of concern. *Finding 17.*

8. The location and scale of existing development on surrounding properties is not the sole basis for granting the reasonable use exception. The RUE is necessary because the landslide hazard buffer encompasses roughly half of the undersized parcel, preventing the development of a residence of reasonable area and a septic system. *Findings 4 and 9.*

Administrative Shoreline Variance

9. Strict application of the impervious surface limitation of the Rural shoreline environment would preclude or significantly interfere with reasonable use of the property. As described in Conclusion 1, single-family residential use is the only reasonable use of the property, and the proposed residential development is reasonable in scale. *Findings 3, 4, 5, 6, and 7.*
10. The hardship leading the requested variance is specifically related to the small, legally nonconforming size of the property relative to the minimum lot size required in the SMPTR. The subject property is a platted legal lot of record. *Findings 5, 6, and 7.*
11. The project design is consistent with surrounding residential uses and as conditioned would not cause adverse impacts to the shoreline environment. The project design places the septic system as far from the lake as possible for the protection of both lake water quality and slope integrity. The residence would be set back at least 120 feet from the shoreline, an amount far exceeding the minimum required by the SMPTR. *Findings 3, 4, 6, and 7.*
12. Based on the character of surrounding properties, granting the variance (which would allow similar development) would not be a grant of special privilege. *Findings 3, 4, 7, and 12.*
13. The variance is the minimum necessary to afford relief. The proposed building footprint is reasonable in scale, and the driveway is the minimum length needed to clear the septic system. *Finding 4.*
14. No evidence was submitted that the public would suffer a substantial detrimental effect. Stormwater runoff would be managed through an infiltration trench. There was no public comment on the application. *Findings 16 and 19.*
15. Cumulative impacts have been considered, and it does not appear that they are an issue of concern in this case. The proposed deviation from the impervious surface standard is modest. The subdivision was established 50 years ago, and the surrounding parcels have already been developed. *Findings 3, 5, 6, and 7.*

DECISION

Based on the preceding findings and conclusions, the requested reasonable use exception and administrative shoreline variance are **GRANTED** subject to the following conditions:

- A. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Community Planning and Economic Development Department shall be met.
- B. The Applicant is responsible for compliance with other jurisdictional permitting requirements.
- C. The Applicant shall remove all construction related debris to an approved site (landfill or recycling center) outside of subject property. No fill is allowed on site.
- D. Should ground disturbance occur outside proposed development areas, an enhancement and maintenance plan for the property shall be prepared in accordance with title 24, TCC by a landscape architect and/or biologist and approved by Thurston County Staff before a certificate of occupancy can be issued.
- E. Should ground disturbance occur outside proposed development areas, plantings must be installed prior to final occupancy approval or a bond or irrevocable assignment of savings in the amount of 125% of the cost of mitigation plantings shall be submitted and shall be retained by Thurston County until the plantings are properly installed.
- F. A construction stormwater permit from the Washington State Department of Ecology may be required. It is the Applicant's responsibility to obtain this permit if required. Information about the permit and the application can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>.
- G. Best management practices (BMPs) such as completing work during the dry season and maintaining proper working order of equipment, as well as temporary erosion and sediment control (TESC) methods including silt fencing and/or coir logs shall be implemented. All disturbed areas will be promptly backfilled and reseeded following installation, and TESC measures will remain in place until site conditions are restored.
- H. Spaced split rail fencing sections, and/or critical area signage shall be placed along the top of the landslide hazard areas on site at the 14-foot buffer line, as a precautionary safety measure and for critical area protections.
- I. Construction fencing and erosion control shall be placed outside the buffer alongside proposed development. This fencing and erosion control shall be inspected prior to building permit issuance.

- J. Design, construction, and use of the single-family residential structure and appurtenances on site shall comply with the recommendations in the geotechnical report in the record at Exhibit 1.H.
- K. Approval of this and other County permits may be superseded by federal law. If any protected species are found during construction, the Applicant should contact the U. S. Fish and Wildlife Services.
- L. The Applicant must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent discovery of cultural resources, the Applicant must immediately stop work and contact the Tribes and the State Department of Archaeology and Historic Preservation.
- M. All development on the site shall be in substantial compliance with the approved reasonable use exception and administrative shoreline variance, as conditioned. Any alteration to the proposal will require approval of a new or amended reasonable use exception. The Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED August 25, 2023.



Sharon A. Rice
Thurston County Hearing Examiner

NOTE: Pursuant to TCC 22.62.020(C)10, affected property owners may request a change in valuation for property tax purposes.

THURSTON COUNTY
PROCEDURE FOR RECONSIDERATION AND APPEAL
OF HEARING EXAMINER DECISION TO THE BOARD

NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Community Planning & Economic Development Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$821.00** for a Request for Reconsideration or **\$1,112.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center at 3000 Pacific Ave SE, Suite 100 no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable**. If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. _____
Appeal Sequence No.: _____

☐ Check here for: **RECONSIDERATION OF HEARING EXAMINER DECISION**

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

☐ Check here for: **APPEAL OF HEARING EXAMINER DECISION**

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW _____
on this _____ day of _____, 20____, as an APPELLANT in the matter of a Hearing Examiner's decision
rendered on _____, 20____, by _____ relating to _____

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance _____
2. Platting and Subdivision Ordinance _____
3. Comprehensive Plan _____
4. Critical Areas Ordinance _____
5. Shoreline Master Program _____
6. Other: _____

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED

SIGNATURE OF APPELLANT

Address _____

Phone _____

Please do not write below - for Staff Use Only:

Fee of ☐ \$821.00 for Reconsideration or \$1,112.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.