



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. 2021104176
)	
William Kingrey)	
)	
For Approval of a)	
Shoreline Substantial Development Permit and)	ORDER REOPENING
Reasonable Use Exception)	RECORD
)	

SUMMARY

The request for a shoreline substantial development permit and reasonable use exception is **REMANDED** for additional information and review consistent with this decision.

SUMMARY OF RECORD

Request:

William Kingrey (Applicant) requested a shoreline substantial development permit and a reasonable use exception to reconstruct an existing legally nonconforming single-family residence within the same building footprint, add a second floor to the residence, and replace decks that were removed in 2020; replace an existing detached garage with a smaller garage in the same footprint; regrade a portion of the site to improve stormwater management; and expand an existing driveway to provide wheelchair access to the reconstructed residence. The subject property is located at 2908 Fishtrap Loop NE, Olympia, Washington.

Hearing Date:

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on October 10, 2023. The record was held open through October 12, 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 record was also held open through October 12, 2023 for five additional items offered by Staff and the Applicant at hearing, some of which were timely submitted and admitted; the last of the items was submitted by the Applicant on October 24, 2023.

Testimony:

At the hearing the following individuals presented testimony under oath:

Kraig Chalem, Senior Planner, Thurston County Community Planning & Economic Development Department

Dawn Peebles, Program Manager, Thurston County Environmental Health Division

Laura Murray, Applicant

William Kingrey, Applicant

Exhibits:

At the hearing the following exhibits were admitted in the record:

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

- A. Notice of Public Hearing, dated September 8, 2023
- B.1. Master & Reasonable Use Exception Application, received August 10, 2021
- B.2. Master & Joint Aquatic Resource Protection Application, received May 11, 2023
- C.1. Original Project Narrative, dated August 10, 2021
- C.2. Revised Project Description, dated 2023
- D.1. Communication Matrix, Kraig Chalem, Senior Planner, dated October 10, 2021
- D.2. Communication Matrix, Kraig Chalem, dated January 27, 2023
- D.3. Applicant's Reply to Communication Matrix, Kraig Chalem, received May 11, 2023
- E. Comment memo from Brad Beach, Nisqually Indian Tribe, dated August 17, 2023
- F. Comment email from Shaun Dinubilo, Squaxin Island Tribe, dated May 10, 2021
- G. Comment memo from Dawn Peebles, Thurston County Public Health and Social Services Department, dated October 6, 2023
- H. Mark Bieber Comment of Geotechnical Report, dated October 2, 2023
- I. Geotechnical Report, by Mud Bay Geotechnical Services, LLC, dated April 29, 2023
- J. Property Survey, dated January 4, 1989
- K. Revised Site Plan, received May 11, 2023

- L. Comment memo from Amy Crass, Thurston County Environmental Health, dated November 3, 2021
 - M. Impervious Coverage Calculation, dated July 20, 2023
 - N. Drainage-Stream Type Assessment by Agua Tierra Land and Water Services, Inc., dated September 20, 2009
 - O. Washington Department of Fish & Wildlife, Hydraulic Project Approval permit, issued June 1, 2020 and received August 10, 2021
 - P. Floodplain Habitat Assessment Report, prepared October 2018 and received August 10, 2021
 - Q. Elevation Certificate for west and east residences, FEMA, received August 10, 2021
- Exhibit 2.A Kingrey Cabin Restoration Site Plan (depicting existing structures and OHWM)
- Exhibit 2.B Proposed Utility Plan & Parking Pad
- Exhibit 3 Hydraulic Project Approval, dated June 1, 2020 (duplicate of Exhibit 1.O)
- Exhibit 4 Geotechnical Report, dated April 22, 2013
- Exhibit 5 Email correspondence between William Kingrey and Shaun Dinubilo re: cultural resources dated May 2023 and email from William Kingrey to Sonja Cady dated October 12, 2013
- Exhibit 6.A Email from the Applicant, dated October 24, 2023
- Exhibit 6.B Plant list – undated, no author given

Based on the record developed at hearing, the following findings and conclusions are as part of a Remand Order:

FINDINGS

1. William Kingrey (Applicant) requested a shoreline substantial development permit (SSDP) and a reasonable use exception (RUE) to reconstruct an existing legally nonconforming single-family residence (referred to herein as the cabin) within the same building footprint including new foundation, add a second floor to the residence, and replace decks that were removed in 2020; replace an existing detached garage with a smaller garage in the same footprint but setback nine feet farther from the shoreline; regrade a portion of the site to improve stormwater management; and install a driveway to the reconstructed residence. The subject property is located at 2908 Fishtrap Loop NE, Olympia, Washington.¹ *Exhibits 1, 1.B1, 1.B2, 1.C2, and 1.K.*
2. The subject property is 2.04 acres in area and is developed with two residences, a

¹ The legal description of the subject property is stated in the staff report as follows: “Section 06 Township 19 Range 1W Quarter SE SW Govt Lt 2 N 660F OF W 141.56F OF E 990F LESS RD”. *Exhibit 1.*

detached garage, a greenhouse, a well, and a septic system. The parcel is bordered on the north by a shared driveway extending from Fishtrap Loop, and on the south by Big Fishtrap Inlet of Puget Sound. The larger of the two residences (917 square feet), which the Applicant is currently occupying, is near the western property line and is set back approximately 20 feet from the ordinary high water mark. The smaller of the two residences (464 square feet, the cabin²) is to the southeast of the larger residence and is set back approximately five feet from the ordinary high water mark. The 696 square foot garage is centrally located and is set back 116 from the ordinary high water mark. The septic biofiltration pods and greenhouse are at the north end of the parcel. *Exhibits 1, 2A, 1.K, and 1.I.*

3. The subject property is zoned Residential LAMIRD One Dwelling Unit per Acre (RL 1/1). *Exhibit 1.* Primary permitted uses in the zone include single-family and two-family residences (limited to one residential structure per lot), agriculture, and home occupations. *Thurston County Code (TCC) 20.11A.020.* Surrounding properties are developed with single-family residences. *Exhibit 1.*
4. Development within 200 feet of the Puget Sound shoreline is regulated under the Shoreline Master Program for the Thurston Region (SMPTR). The SMPTR designates the subject shoreline as Conservancy. *Exhibit 1.* Residential development is allowed in the Conservancy shoreline environment subject to the standards established in the SMPTR. These standards include a minimum building setback of 100 feet from the ordinary high water mark. *Exhibit 1; SMPTR, Section 3, Chapter XVI(D)(4).* A SSDP was requested for the project because the fair market value would exceed \$8,504 and it was determined to not otherwise be exempt.³ *Exhibits 1 and 1.B2.*
5. For marine shorelines with a Conservancy shoreline environment designation, the Thurston County critical areas ordinance (CAO) requires a marine riparian habitat area buffer 250 feet deep as measured from the OHWM, or from the top of the bank if the OHWM cannot be identified. *TCC 24.25.050.* A marine riparian habitat area must be retained in its existing condition unless explicitly authorized by the CAO. *TCC 24.25.050.* According to the staff report, the entire site area available for development is encumbered by critical areas and buffers. *Exhibit 1.*
6. The subject property contains slopes exceeding 40% in gradient and 10 feet in height, meeting the criteria for a landslide hazard area. *Exhibit 1.I.* Based on a geotechnical evaluation conducted in April 2023, the subject property descends approximately 35 feet from the driveway at the north end of the parcel to the developed area to the south. The areas to the east and west of the structures feature artificially steepened slopes that were created through previous grading and development activities. The slopes increase in

² The area stated in this finding is from the staff report. The Applicant gave slightly larger number, which appears to include the small deck noted on assessor website.

³ WAC 173-27-040(2)(g) exempts the construction of a single-family residence “which meets all requirements of the state agency or local government...” *WAC 173-27-040(2)(g).* In this case, Staff determined that an SSDP is required because the structures are legally nonconforming. *Kraig Chalem Testimony.*

height moving southward, reaching a maximum height of approximately 25 to 30 feet along the shoreline. The slopes adjacent to the residences are approximately 15 feet tall and are as close as four feet from the structures.⁴ The slope face is unreinforced and bare of vegetation. With respect to natural slopes constituting a landslide hazard, it does not appear that the proposed development activities would impact a natural landslide hazard slope or its required buffer. *Exhibit 1.I.*

7. The existing structures on site were constructed in the early 1960s and predate adoption of the SMPTR, the critical areas ordinance (CAO), and the building code. Although there are no building permits on file, the Community Planned and Economic Development Department (CPED, Department) considers the structures to be legally nonconforming. *Exhibit 1; Kraig Chalem Testimony.* Both structures proposed for reconstruction are in poor condition due to the effects of powderpost beetle infestation. In addition, the cabin needs a new foundation, and the garage was damaged when a previous stormwater system that ran beneath the building failed and washed the dirt out from under the floor. *Exhibits 1.B2, 1.C2, and 4.*
8. The cabin is within the Coastal AE FEMA flood zone, and the base flood elevation is 13 feet NAVD 88. The lowest adjacent grade at the cabin is 12.39 feet. *Exhibits 1 and 1.Q.* The County Building Plans Examiner commented that if the cost of repair and improvements exceeds 50% of the market value of the cabin, the structure would need to be elevated on columns two feet above the base flood elevation, and a current FEMA flood elevation certificate would be required. *Exhibit 1.* In the shoreline application, the Applicant submitted that the floor elevation of the remodeled cabin would be 17 feet, three inches. *Exhibit 1.B2.*
9. The Applicant submitted a 2023 site evaluation by a geotechnical engineer, which reviewed a proposal described as “[modifying] the existing cabin structure and detached garage/shop structure cabin improvements.” This report indicated that, in the opinion of its author, the existing manmade slope cuts are not at risk of deep-seated failure, and surface improvements to the slope would be sufficient to mitigate the geologic hazards arising from the proposed cabin work. The recommended improvements include installing a WSDOT standard plat chain link fence type 3 or 4 to serve as a catchment for minor debris on the artificially steepened slopes. The 2023 geotechnical report contains detailed recommendations on foundation support, drainage, erosion control, and grading. *Exhibit 1.I.*
10. In reviewing the proposal, the County’s engineering geologist submitted that the 2023 geotechnical report, together with an earlier 2013 geotechnical report for an apparently similar cabin remodel proposal, satisfy the technical reporting requirements of the CAO. The County’s engineering geologist recommended that the project follow the

⁴ Of note, a 2013 geotechnical report, which also contemplated cabin remodel, states that the horizontal distance between the cut slope and the house wall may be as little as one to two feet. This report also states: “While the oversteepened slope has the appearance of stability, it cannot be considered to be stable. There is the risk of dicing type of failure of the soils forming the vertical face....,” which the report notes could result in property damage and/or human safety impacts during either construction or occupancy of the cabin. *Exhibit 4.*

recommendations of both reports, which may be difficult to achieve because the reports appear to contain conflicting recommendations. While the 2023 report recommends that only surface treatments are needed to protect slope stability during and after construction, the 2013 report recommends requesting that the required setback from toe of slope be reduced by the County building official to four feet and that the slope above be regraded to achieve 2:1 H:V. *Exhibits 1.I and 4.* The County Engineer submitted that while the cabin site is not ideal, there are no feasible alternative locations⁵, and recommended that no work (other than structural and safety improvements) be performed on the residence to the northwest of the cabin. The County Engineer also recommended that a structural concrete wall on the slope facing side of the structure be considered in the design. *Exhibit 1.H.*

11. An engineered drainage system was installed on site in 2011, which includes a small pond, a domed inlet grate, two catch basins, and six-inch PVC piping, which outfalls at the beach. *Exhibit 1.C2 and 1.K.* The 2023 geotechnical report recommends that the surface of the developed portion of the parcel be graded to allow water to flow and collect in a manner that does not increase surface erosion, that that stormwater not be allowed to flow as surface water toward the top of steep slopes. *Exhibit 1.I.* The Applicant proposes to regrade the area south of the garage to capture stormwater from the driveway and convey it to the existing catch basin. *Exhibits 1.C2 and 1.K.*
12. The provided site plan does not identify the Conservancy shoreline setback or the marine riparian area buffer, nor does it call out distances from the proposed work to any of the regulatory boundaries (shoreline setback, ordinary high water mark, critical areas and buffers, landslide slopes, etc). *Exhibit 1.K.*
13. There is conflicting information in the record with respect to the nature and extent of the proposed modifications to the cabin. The shoreline permit application (JARPA) describes the project as “replacing” the cabin in Section 6a (which is consistent with the building condition described by the Applicant and the foundation improvements required) but uses the term “remodeling” in Section 6b. In Section 6e, there is reference to “demolition of the SE structure.” The JARPA cover sheet describes the project as “replace 2 structures.” *Exhibit 1.B2.* The JARPA states that “currently the smaller unit is uninhabitable due to foundation problems” (Exhibit 1.B2, page 5), and it also rates the cabin’s condition as “poor” due (at least in part) to infestation by powderpost beetle (Exhibit 1.B2, page 4). This description of the reason for and extent of work proposed is different from the description in the staff report, in which County Planning Staff characterized the project as adding a second story to an existing structure. *Exhibit 1, pages 1 and 3.*
14. Another project element not clearly called out and analyzed is the proposal to replace 310 square feet of decking removed in 2020 or 2021 in conjunction with bulkhead replacement. Based on the submitted site plan (Exhibit 1.K), the deck occupied the space

⁵ The County Engineer’s remarks are brief and he was not available at hearing; it is not clear upon what this opinion that there are no feasible alternative locations is based.

between the cabin and the bulkhead and also extended west parallel to the bulkhead between the larger residence and the bulkhead. *Exhibit 1.K*. The SMPTR allows decks to extend into shoreline setbacks as long as they are not more than 30 inches above average grade. *SMPTR, Section Three, Chapter XVI(C)(16)*. However, the SMPTR also says in the nonconforming use section that an abandoned or discontinued nonconforming structure or use shall not be resumed, and abandonment is presumed if structure not used for 12 consecutive months. *SMPTR Section One, Chapter V.E(5)*. Although the Applicant testified at hearing that it was always the intention to redevelop this deck in its former footprint, the deck has been absent for well over 12 months. Also, an unidentified portion of the area formerly occupied by the deck was supposed to be planted as mitigation for the bulkhead replacement project. The Applicant did not provide the requested Appendix B from floodplain habitat assessment in Exhibit 1.P, which would have contained the bulkhead project plans and would have shown where the plantings were supposed to go. More information is needed about the current existing conditions where the proposed deck replacement would go, and what if any plantings have been installed, and where, as part of the bulkhead project.

15. Another project element not fully described or analyzed is that the Applicant proposes to extend the existing driveway south to provide access and parking for the cabin. Based on the submitted site plan and project narrative, the work would require cutting approximately two feet into the slope and installation of concrete retaining walls, which would not be part of the primary residential structure within the shoreline. The site plan does not call out the shoreline setback and it is not possible to know whether this proposed retaining wall is within shoreline jurisdiction. In other recent cases, the County has required shoreline conditional use permit approval for concrete retaining walls within the shoreline jurisdiction. The geotechnical reports do not expressly address this retaining wall work. *Exhibits 1.K, 1.I, 1.C2, and 4*.
16. The SMPTR allows “alterations or expansions of nonconforming structures” provided the criteria set forth in Section One, Chapter V(E)(2) are satisfied. The SMPTR does not define “alteration,” but the Thurston County Code (TCC) defines “alteration” as “change to, addition to, or modification of an existing use or physical structure that is beyond routine repair and maintenance but does not amount to total replacement.” *TCC 20.03.040(3.6)*. The TCC defines “total replacement” as “the removal of more than fifty percent of the lineal footage of existing exterior ground floor walls.” *TCC 20.03.040(111.9)*.
17. The CAO allows the vertical expansion of legal nonconforming structures within frequently flooded areas pursuant to TCC 24.50.030.A, provided the cost does not exceed 50% of the structure’s fair market value. In this case, County Staff identified the fair market value of the structure as \$33,000 in 2021. Regardless of what language best describes the proposed cabin work (alteration, replacement, vertical expansion), The shoreline permit application discloses a fair market value for the overall project (including the cabin, garage, grading, and driveway improvements) of \$450,800. *Exhibits 1 and 1.B2*. There is no analysis of this cost exceedance in the record.

18. The Applicant proposes to reconstruct the cabin instead of remodeling the larger residence, because remodeling the larger residence would be more costly due to structural / geotechnical issues and powderpost beetle impacts. Also, the floor elevation of the larger residence is 14 feet, three inches, which is only a few inches taller than the last “king tide.” *Exhibits 1.B2, 1.C1, and 4.* The reasons stated by the Applicant for choosing to alter the cabin instead of the larger residence the Applicant now occupies, included 1) “there’s no place else on the property that allows such a close up and private access to the water and the natural world” and 2) “while it would be reasonable to upgrade either residence and retain our access to the waterfront, it would be much more expensive to upgrade the west residence due to structural and geological considerations [and] it is much easier to renovate a house you do not live in.” *Exhibit 1.B2, page 3.*
19. The CAO requires that activities within critical areas first avoid impacts, then minimize impacts, and then mitigate impacts to ensure that there is no net loss of critical areas functions. With respect to the geologic hazard, Staff submitted that mitigation relates to eliminating or minimizing the risk of hazard to the property, including following the recommendations of the geotechnical reports. To address the potential for erosion and to protect the marine riparian habitat area consistent with the no net loss requirement, Staff recommended that the Applicant submit a vegetative enhancement plan, including the removal of invasive species and the planting of native species, to be approved at a later date by the County’s biologist. The Applicant submitted a floodplain habitat assessment prepared in 2018 for the bulkhead replacement proposal. This document lacks drawings and figures detailing the work done and any mitigation provided. It contains no assessment of impacts from the currently proposed work, nor any mitigation for such impacts. Staff submitted that preparation of a biological assessment/mitigation plan prior to land use permit approval should not be required due to the poor quality of the site and the fact that the work would be performed within the existing building footprint. Staff submitted that any enhancement of the site would be an improvement over existing conditions. *Exhibits 1 and 1.P; Kraig Chalem Testimony.* This is an atypical process for a reasonable use exception.
20. Notice of the public hearing was mailed to all owners of property within 500 feet of the site on September 25, 2023 and published in The Olympian on September 29, 2023, at least 10 days prior to the hearing. *Exhibits 1, 1.A and 1.A1.* There was no public comment at hearing.
21. At the conclusion of the hearing, the record was held open for submission of several items offered by the parties and admitted during the hearing, which were expected to be submitted by October 12th, including: the 2013 David Strong geotechnical report from Planning; two additional site plans dated 11/8/2021 (utility line and overall site plan) from the Environmental Health Division; and from the Applicant, emails from Shaun Dinubilo and Brad Beach not yet in the record, the planting plans and any graphics/figures from the Floodplain Habitat Assessment Report “Appendix B,” which appendix was not included in the version of the report in the record at 1.P, and the approved HPA from the 2021 bulkhead replacement project. The items from Planning and Environmental Health were timely submitted and admitted as exhibits 2 and 4. The

WDFW HPA for the 2021 bulkhead project was submitted on the day of hearing and admitted as Exhibit 3, although it was already in the record at Exhibit 1.O – a fact no one noticed at hearing. The further email from the Squaxin Island Tribe rescinding its request for cultural resources survey was submitted by the Applicant on October 17th and admitted at Exhibit 5. The subsequent Brad Beach email was not submitted, and neither was Appendix B from the 2018 Floodplain Habitat Assessment Report. In place of Appendix B, on October 24, 2023, the Applicant submitted an email (Exhibit 6.A) in which he offered to: obtain and abide by the recommendations of a professionally prepared mitigation sequencing plan; to oversee the installation of native plant species along the areas under the decks on the south side of the cabin and improve the overall health of the habitat by removing invasive species; to implement best management practices or other mitigation measures as warranted to protect all of the riparian habitat functions; and to post a bond or whatever else is required to ensure the work is done correctly and on time. He also submitted a document entitled Planting Plan, but it has no date, no author, and its source and intended time of implementation are not stated (Exhibit 6.B). *Exhibits 1.O, 2.A, 2.B, 3, 4, 5, 6.A, and 6.B.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for shoreline substantial development permits pursuant to RCW Chapter 36.70, WAC 173-27, and Section One, Part V of the Shoreline Master Program for the Thurston Region.

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.

Criteria for Review

Shoreline Substantial Development Permit (WAC 173-27-150)

To be approved by the Hearing Examiner, the proposed shoreline substantial development permit must be consistent with:

- A. The policies and procedures of the Shoreline Management Act;
- B. The provisions of applicable regulations; and
- C. The Shoreline Master Program for the Thurston Region.

A. Shoreline Management Act

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Act. The Thurston County Shoreline Master Program (SMPTR) provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses”

and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The SMA mandates that local governments adopt shoreline management programs that give preference to uses (in the following order of preference) that: recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline, are to be given preference.

B. Applicable regulations from the Washington Administrative Code

WAC 173-27-140 Review criteria for all development.

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

C. Shoreline Master Program for the Thurston Region

SMPTR Section One, Chapter V. ADMINISTRATIVE PROCEDURES

E. Nonconforming Uses, Lots and Structures

2. Alterations and Expansions of Nonconforming Structures. Proposed alterations or expansions of nonconforming structures may be allowed subject to conditions of approval attached by the decision-making body (e.g., Administrator, Board or Council). The proposal may also be denied. In determining whether to approve a proposed alteration and expansion, the decision-making body should consider the following criteria:
 - a. The extent to which the proposed alteration or expansion is inconsistent with the Policies and Regulations of the Master Program.

- b. The extent to which the proposal is compatible, in terms of use, appearance and other factors, with neighboring land uses.
- c. The extent to which a precedent might be set which would, cumulatively, result in development which is inconsistent with the Program.
- d. The extent to which measures may be taken to mitigate inconsistencies with Policies or Regulations of the Master Program, or adverse impacts of the proposal.

Expansions of nonconforming structures are prohibited when the expansion is to accommodate a nonconforming use; provided that when such accommodation entails only a change in density, the expansion shall not be automatically prohibited.

...

- 5. Resumption of Discontinued or Abandoned Nonconforming Use or Structure. A nonconforming use or structure, when abandoned or discontinued, shall not be resumed. Discontinuance or abandonment is presumed to occur when the land or structure is not used for a particular use for twelve (12) consecutive months. Any person wishing to appeal a staff determination that discontinuance or abandonment has occurred may appeal to the legislative body within ten (10) days of the determination by filing an appeal with the local government department responsible for administering the Program.

...

- 7. Reconstruction of a Nonconforming Structure. In the event that a nonconforming structure is less than fifty percent (50%) destroyed by fire, explosion, natural catastrophe, or act of public enemy, nothing in this Program shall prevent the reconstruction of the nonconforming structure provided that reconstruction must be completed within one (1) year after the destruction. The determination of whether a building or structure is less than fifty percent (50%) destroyed shall rest with the building department. In the event that fifty percent (50%) or more of the structure is destroyed, then reconstruction is prohibited.

SMPTR Section Two, Chapter VII, Shoreline Environments

B. CONSERVANCY ENVIRONMENT (Refer to WAC 173-16-040(4)(b)(ii))

Purpose. The intent of a Conservancy Environment designation is to protect, conserve and manage existing resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. The preferred uses are nonconsumptive of the physical and biological resources of the area and activities and uses of a nonpermanent nature which do not substantially degrade the existing character of the areas. Nonconsumptive uses are those uses which utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources of the area.

Definition. The "Conservancy Environment" designates shoreline areas for the protection, conservation and management of existing valuable natural resources and historic and cultural areas. This environment is characterized by low-intensity land use and moderate-intensity water use with moderate to little visual evidence of permanent structures and occupancy. Sustained management of the pastoral, aquatic, and forest resources, as well as rigidly controlled utilization of nonrenewable and other nonmineral resources which

do not result in long-term irreversible impacts on the natural character of the environment are permitted. Intensity of recreation and public access may be limited by the capacity of the environment for sustained recreational use.

Goal Statements

...

5. Shoreline Use. A goal is to locate structures and uses in such a position that they are not highly visible from the water.

...

8. Restoration. The goal of this element is to restore to a useful or original condition those areas (including waters) which are blighted by present uses and dilapidated or abandoned structures.

SMPTR Section Three, Chapter XVI. (B) Residential Development Policies

....

7. Removal of vegetation should be minimized and any areas disturbed should be restored to prevent erosion and other environmental impacts.
8. Waste materials from construction should not be left on shorelines or beaches but stored upland.
-
10. Residential structures should be located to minimize obstruction of views of the water from upland areas. The intent of this policy is to encourage the retention of views in and through new residential developments. This policy is not intended to prohibit the development of individual shoreline lots simply because it may minimize or eliminate views from upland properties.
11. Residential development along shorelines should be designed and sited to make unnecessary such protective measures as filling, beach feeding, bulkheading, shoreline berms, construction groins or jetties, or substantial grading of the site.

SMPTR Section Three, Chapter XVI. (C) Residential Development General Regulations

3. Residential development proposals shall identify those areas of natural vegetation, retention, and erosion control measures.
4. Residential development shall be arranged and designed to protect views, vistas, aesthetic values to protect the character of the shoreline environment and the views of neighboring property owners.
5. Residential structures shall not exceed thirty-five (35) feet above average grade unless it can be shown through the variance process that a higher structure will not interfere with visual access to the water from landward or adjacent properties. [Exception: See Urban Environment regulation 1.d]
-
16. Each shoreline environment has a setback requirement for structures, from the ordinary high-water mark. Uncovered porches, decks or steps may project into the required

setback provided such structures are no higher than thirty (30) inches above the average grade. The setback in each environment may be increased or decreased by the Administrator in the following way:

- a. Increased Setback Requirements. The setback may be increased if the building area or setback areas have a slope of greater than forty percent (40%), severe slope instability exists or a feeder bluff is present. (Refer to the Coastal Zone Atlas of Washington, Volume 8, to identify these areas on marine shorelines.)
- b. Decreased Setback Requirements. The setback may be relaxed provided that existing structures within three hundred (300) feet of each property line infringe on the setback. In such cases, the setback shall be determined by averaging the setback's existing structures within three hundred (300) feet along the waterfront of each property line. This shall not be construed to allow residential development over water. The setback shall be the minimum required in the environment on properties within three hundred (300) feet where residences do not exist for purposes of averaging.

SMPTR Section Three, Chapter XVI. (D)(4) Conservancy Environment

- a. Residential densities shall not exceed one (1) unit per acre regardless of housing type.
- b. For shoreline lots not clustered, the minimum lot size shall be forty thousand (40,000) square feet of dry land area and the minimum lot width shall be one hundred (100) feet (measured at the ordinary high water mark and at the building setback line). Lot coverage with impervious surfaces in this environment shall not exceed thirty percent (30%).
- c. The basic setback for residential structures shall be one hundred (100) feet from the ordinary high-water mark and/or comply with General Regulation #16.
- d. Land clearing and grading is permitted after obtaining a shoreline permit, an exemption from the Administrator, or a land clearing permit from the local jurisdiction for preparation of new building sites. A buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure. The ground cover in the buffer may be disturbed only after approval of the Administrator where one or more of the following conditions apply:
 - (1) A building site has been approved in the buffer area and an erosion control and vegetation protection plan has been approved by the Administrator.
 - (2) The applicant wishes to landscape the area with other vegetation and has an erosion control plan approved by the Administrator.
 - (3) When the construction of access pathway is proposed for to the shoreline, vegetation will be removed only within the boundaries of constructed access pathway.

SMPTR Section Two, Chapter V. REGIONAL CRITERIA

The Shoreline Master Program for the Thurston Region contains regional criteria that apply to the proposal. All development within the jurisdiction of this Master Program shall demonstrate compliance with the following criteria:

- A. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.
- B. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.
- C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.
- D. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly-owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.
- E. Governmental units shall be bound by the same requirements as private interests.
- F. Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.
- G. Shorelines of this Region which are notable for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor quality shoreline conditions shall be eliminated when a new shoreline development or activity is authorized.
- H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

Reasonable Use Exception

Pursuant to TCC 24.45.030, the Hearing Examiner shall grant the Reasonable Use Exception if:

- 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.

Additional Applicable Code Provisions

TCC 24.50.020 Alteration, maintenance or vertical expansion of legally established nonconforming structures.

Alteration or expansion of legally established nonconforming structures or uses, including structures or uses that do not require a permit, is allowed subject to all of the following:

- A. Maintenance. All legally established, nonconforming structures can be maintained (e.g., painting and repairs);
- B. Alteration and Vertical Addition. Interior remodels and the addition of upper stories or increased height to legally established nonconforming structures are permitted, subject to the requirements of Section 24.50.020(C). Except as specifically allowed under this chapter, such additions shall not be cantilevered into or extend beyond the existing or approved building footprint into a critical area or associated buffer;
- C. Vertical Additions. Alterations to legally established nonconforming structures shall only be allowed for the addition of height consistent with applicable height regulations in the underlying zoning district in effect at the time of addition. Within marine bluff or landslide hazard areas, or their buffers, vertical additions are only allowed if a geological assessment demonstrates that it will not negatively impact slope stability.

TCC 24.50.030 Alteration, expansion, repair, and maintenance—Frequently flooded areas.

Repair, maintenance, alteration, or expansion of a lawfully established nonconforming structure in frequently flooded areas shall only be allowed in the one-hundred-year floodplain, channel migration hazard area, or a high groundwater hazard area no development zone (NDZ) when consistent with all of the following:

- A. Alteration Within Existing Footprint. Alteration, repair, and maintenance of a legally established nonconforming structure are allowed within the existing building footprint (outside wall at the foundation) including attached decks, porches, and patios. However, within the floodway, repair, maintenance, alteration, expansion or improvements to a structure shall not increase the ground floor area, and the cost of repairs shall not exceed fifty percent of the structure's market value as determined by an accredited appraisal or the Assessor's valuation, at the owner's option. The value shall be determined based on the value of the structure either before the repair, maintenance, alternation, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic buildings is not subject to the value limit above. The cumulative value of all past known alterations, repairs, and expansions conducted on or after July 24, 2012, shall be included when determining the cost of a proposed project;
- B. Vertical Addition. Expansion of the nonconforming portion of a structure (i.e., the portion of the structure in the critical area) is prohibited with the exception of vertical additions consistent with applicable height regulations in the zoning district and the value limits specified in subsection "A" of this section. However, such additions shall not be cantilevered to extend beyond the existing structure's footprint into a flood or channel migration hazard area;
- C. Enclosing Decks, Porches, and Patios. Enclosing legally established nonconforming decks, porches, or patios for use as livable space is not permitted, unless the deck, porch, or patio is already covered by an existing, permitted, permanent roof structure, as determined by the approval authority consistent with the value limits specified in subsection "A" of this section; and
- D. Expansion of Conforming Portions of the Structure. If only a portion of the structure is nonconforming, expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area consistent with Chapter 14.38 TCC.

TCC 24.50.050 Discretionary replacement or relocation of nonconforming structures.

Discretionary replacement of legally established nonconforming structures and/or related appurtenances may be allowed pursuant to the applicable requirements of this chapter, and the shoreline master program for the Thurston Region, as amended, and in compliance and satisfaction of the following:

- A. Discretionary replacement of legally established nonconforming structures within frequently flooded areas, one-hundred-year channel migration hazard areas, and high groundwater flood hazard area NDZ is prohibited;

- B. There is no alternative outside of the critical area and associated buffer, or there is not minimally sufficient buildable area (not to exceed three thousand five hundred square feet) on the property outside the critical area and associated buffer to accommodate the building/structure, as determined by the approval authority;
- C. The replacement of a nonconforming structure and/or related appurtenances shall conform to the provisions of the shoreline master program, as amended;
- D. If there is no alternative location outside of the critical area and associated buffer to accommodate the structure, then replacement/relocation would occur consistent with this section and provisions for the development of existing lots in TCC Section 24.50.060 and TCC Section 24.50.065, if applicable;
- E. When possible and practical, driveways, patios, and walkways located within a critical area buffer shall be made of pervious materials and roof top runoff shall be dispersed and directed into bioretention facilities. See Chapter 15.05 TCC for additional requirements. In geologic hazard areas, the approval authority may require stormwater to be treated, tight lined and/or infiltrated, as warranted, to avoid destabilizing a slope or bluff (See TCC Section 24.15.170); and
- F. If a structure is relocated, the original building site and other degraded habitat immediately adjacent to the original building site shall be restored. The applicant shall submit a restoration plan that employs native trees and vegetation. If final inspection occurs prior to restoration being complete, the applicant shall provide a performance surety consistent with Chapter 24.70 TCC to ensure survival or replacement of plants used in the restoration.

Conclusions Based on Findings

1. More specific and detailed information about the extent, nature, and cost of the proposed alterations to the legally nonconforming cabin are required to determine under which shoreline master program and critical areas provisions the project is required to be reviewed. An accurate and complete site plan is needed to support approval of the requested applications.
2. Washington courts have established that the continuation of nonconforming uses is generally disfavored. *Open Door Baptist Church v. Clark County*, 140 Wash.2d 143, 150, 995 P.2d 33 (2000). ““In enacting [nonconforming use] ordinances ... municipal authorities have had in mind the injustice and doubtful constitutionality of compelling the immediate removal of the objectionable buildings already in the district, and have usually made express provision that these nonconforming uses may be continued, without the right to enlarge or rebuild after destruction.”” *State ex rel. Miller v. Cain*, 40 Wash.2d 216, 221, P.2d 505 (1952). Similarly, an owner’s right to maintain, alter, rebuild, or repair a nonconforming structure is subject to the restrictions imposed by zoning laws. Courts have upheld ordinances imposing reasonable phase-out deadlines for eliminating nonconforming structures. *Total Outdoor Corp. v. City of Seattle*, 187 Wash.App. 337, 348-349, P.3d 766 (2015). Both the County’s shoreline master program and critical areas ordinance contain provisions regulating the maintenance, continuation, alteration, and expansion of nonconforming structures.

3. In order for the cabin work to qualify under the SMPTR's nonconforming structures provisions, the record must demonstrate compliance with either SMPTR Section One, Chapter V.E(2) or Section One, Chapter V.E(7), each of which has different criteria. If the proposal is accurately described as "alteration and expansion" then the Applicant is required to demonstrate that the criteria of SMPTR Chapter One, Chapter V.E(2) are satisfied. There is no narrative addressing these criteria from the Applicant, nor analysis by Staff. With extensive powderpost beetle damage and a new foundation raising the floor of the structure several feet, the project could arguably be more accurately described as reconstruction of a nonconforming structure. Reconstruction of a nonconforming structure destroyed by fire, explosion, or natural catastrophe - which in this case might be beetle infestation - can be allowed; however, reconstruction is only allowed if the structure is less than 50% destroyed. There is little to no analysis of the SMPTR nonconforming structure provisions in the record. Unless the proposal to alter/replace/remodel/vertically expand the cabin qualifies under one of those two sections, approval of a shoreline variance would be required to complete the work proposed within five feet of the Eld Inlet shoreline. There is not enough information in the record to grant permission under the SMPTR for reconstruction of the deck previously nearly adjacent to the ordinary high water mark that has not been in use for more than two years.
4. To the extent that the proposal can comply with the County's critical area ordinance provisions governing nonconforming structures, it is a question in the mind of the undersigned whether a reasonable use exception is required. Assuming that for cost reasons the project cannot satisfy the CAO's nonconforming use provisions, an RUE must be approved. The criteria for RUE approval (stated in full above) require an applicant to demonstrate that that no other reasonable use of the property as a whole is permitted, that no reasonable use with less impact on the critical area or buffer is possible, that the proposal is limited to the minimum encroachment into the critical area and/or buffer necessary, and the proposal ensures no net loss of critical area functions and values. The criteria for approval specifically require the proposal to include a mitigation plan consistent with this title and best available science. None of this is addressed in the record submitted. The responses in the Applicant's narrative citing his personal preference to reside near to the water and the relative ease of remodeling the structure not currently inhabited do not satisfy RUE criteria for approval. There is no discussion in the record of why reasonable residential use of the subject property could not be provided in the location of the existing garage, which could be rebuilt to any configuration, nor any discussion of why reasonable residential use of the property can't be made in the relatively large, flatter area between the existing residence and the septic system / Fishtrap Loop Road. Both locations are outside the required Conservancy shoreline setback, and each presents ample opportunity to reduce impacts to the shoreline and the marine riparian habitat area by moving residential use farther from the marine environment.

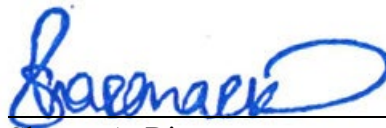
DECISION

Based upon the preceding findings and conclusions, the requested shoreline substantial development permit and reasonable use exception are **REMANDED** in lieu of denial for the following:

- 1) An accurate site plan shall be submitted that calls out all regulatory features onsite, which include at a minimum the ordinary high water mark, the Conservancy shoreline setback, the locations of the geologic hazard areas, and the extent of the marine riparian habitat buffer. The site plan must call out distances from all proposed work, including the proposed concrete retaining wall, to the edges of all regulatory features and associated buffers.
- 2) The application materials shall be supplemented with an accurate and complete description of the work proposed to the cabin and sufficient information to demonstrate compliance with either set of nonconforming structure standards set forth in the SMPTR. If these cannot be satisfied, a shoreline variance application shall be required.
- 3) The application materials for reasonable use exception shall be supplemented with sufficient additional information to address all criteria for RUE approval, including all eight subparts of TCC 24.45.030.
- 4) The application materials shall be supplemented with a professionally prepared mitigation plan as required in TCC 24.45.030.F.
- 5) The record shall be supplemented with more robust analysis by Planning Staff of the project's compliance with applicable nonconforming use provisions.
- 6) More express direction from the County engineering geologist is required as to, in the event of eventual approval of all required permits, which recommendations of the 2013 and 2023 geotechnical reports must be complied with.
- 7) The undersigned will retain jurisdiction over the instant applications for one year. The Applicant and staff may reschedule the matter for hearing at the earliest mutually available opportunity within that time. At the end of one year, this remand shall become a denial if no other action is taken by the parties.

At the Applicant's option, rather than submitting revised materials, the Applicant may treat this decision as **DENIAL** of the requested applications for purposes of appeal.

Decided November 3, 2023.



Sharon A. Rice
Thurston County Hearing Examiner

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____.