



COUNTY COMMISSIONERS

Carolina Mejia, District One  
Gary Edwards, District Two  
Tye Menser, District Three  
Wayne Fournier, District Four  
Emily Clouse, District Five

## HEARING EXAMINER

*Creating Solutions for Our Future*

### BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of	)	NO. 2023104664
	)	
<b>John and Kim Britcher</b>	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
For a Reasonable Use Exception	)	
_____	)	

### SUMMARY OF DECISION

The request for a reasonable use exception to construct an accessory dwelling unit within the mapped Nisqually hillside overlay district is **GRANTED** subject to conditions.

### SUMMARY OF RECORD

#### Request

John and Kim Britcher requested a reasonable use exception to construct an accessory dwelling unit as an addition to an existing single-family residence within the mapped Nisqually hillside overlay district. The subject property is located at 654 Sandra Lee Court SE, Olympia, Washington.

#### Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on April 9, 2024. The record was held open through April 11, 2024 to allow members of the public who had technology problems that prevented their joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing comments were submitted, and the record closed on April 11, 2024.

#### Testimony

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

Heather Tschaekofske, Associate Planner/Biologist, Thurston County Community Planning and Economic Development Department

Mark Biever, L.E.G., Water Resources Specialist, Thurston County Community Planning and Economic Development Department

Arthur Saint, P.E., Civil Engineer, Thurston County Public Works Department

Dawn Peebles, Senior Environmental Health Specialist, Thurston County Public Health and Social Services Department

Chad Shroeder, High-Tech Building and Design, Applicant Representative

Liz Kohlenberg

### **Exhibits**

The following exhibits were admitted to the record through the open record public hearing process:

- Exhibit 1      Community Planning and Economic Development Report including the following attachments:
- A. Notice of Public Hearing, dated March 29, 2024
  - B. Zoning Vicinity Map
  - C. Master Application, submitted October 3, 2023
  - D. Reasonable Use Exception Application, submitted October 3, 2023
  - E. Site plan, revised and submitted February 13, 2024 (includes revegetation plan)
  - F. Geotechnical report, dated September 8, 2023
  - G. Reasonable Use Exception Narrative, submitted October 3, 2023
  - H. Notice of Applications, dated October 18, 2023
  - I. Comment memorandum from Mark Biever, Thurston County Engineering Geologist, dated November 22, 2023
  - J. Comment memorandum from Department of Ecology requesting soil sampling, dated November 1, 2023, and concurrence letter, dated March 18, 2024
  - K. Soil sampling report, dated February 2, 2024
  - L. Comment memorandum from Lisa Christensen, Thurston County Public Health & Social Services Department, dated November 28, 2023
  - M. Comment letter from Brad Beach of the Nisqually Indian Tribe, dated October 26, 2023
  - N. Comment email from Shaun Dinubilo of the Squaxin Island Tribe, dated October 30, 2023
  - O. Public comment dated October 31, 2023

- P. Applicant response to public comment, dated November 7, 2023
- Exhibit 2 Public comment received after publication of the staff report:
- A. Comment from Sandra Lee Braget, received April 8, 2024
  - B. Comment from Liz Kohlenberg, received April 8, 2024
    - 1. Images from Liz Kohlenberg, received April 8, 2024
    - 2. Mud Bay Geotechnical Services Report, submitted by Liz Kohlenberg, dated April 8, 2024

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

### FINDINGS

1. John and Kim Britcher (Applicants) requested a reasonable use exception (RUE) to construct an attached accessory dwelling unit (ADU) as an addition to an existing single-family residence within the mapped Nisqually hillside overlay district. The subject property is located at 654 Sandra Lee Court SE, Olympia, Washington.<sup>1</sup> *Exhibits 1, 1.C, 1.D, 1.E, and 1.G.*
2. The RUE application was received on October 3, 2023 and determined to be complete on October 12, 2023. *Exhibit 1.H.*
3. The subject property is 1.08 acres in area and is developed with a single-family residence built in 1967, a septic system, and a shed. The total existing impervious surface coverage including the driveway and a walkway is 5,563 square feet. Surrounding parcels are similarly developed with single-family residences. *Exhibits 1 and 1.E.*
4. The subject property is zoned Rural Residential, One Dwelling Unit per Acre (RR 1/5). Primary permitted uses in the RR 1/5 zone include agriculture and single-family and two-family residences. *Exhibits 1 and 1.B; Thurston County Code (TCC) 20.09.020.*
5. Although the subject property is nonconforming with respect to the minimum lot area of the RR 1/5 zone, it is considered a legal building lot, having been created through the Nisqually Heights plat recorded in 1967. *Exhibit 1.*
6. The subject property is within the Nisqually hillside overlay district, an area comprised of the bluff to the west of the Nisqually River. As described in the Thurston County critical areas ordinance (CAO), the district “is characterized as a special landslide hazard area in Thurston County due to past unstable slope conditions.” *TCC 24.15.020.B.*

---

<sup>1</sup> The staff report provides the following as the legal description for the subject property: “Section 18 Township 18 Range 1E Quarter NE NW Plat NISQUALLY HEIGHTS LT 4 Document 015/048.” It is also known as Tax Parcel Number 65120000400. *Exhibits 1 and 1.C.*

7. Although the existing residence is built on a relatively flat area in the western portion of the subject property, the eastern and southern portions of the property contain steep slopes meeting the CAO criteria for landslide hazard independently of the Nisqually hillside overlay designation. The slopes exceed 15 feet in height and 40% in gradient; they are heavily vegetated with shrubs, vines, and mature trees. The existing residence is set back roughly 25 feet from the top of the slope. *Exhibits 1 and 1.E.*
8. Pursuant to TCC 24.15.021 (which was adopted in 2012, after the subject property was developed), residential development within the Nisqually hillside overlay district is prohibited, although the residential density otherwise allowed may be transferred to an unencumbered portion of the property or an adjacent parcel. The Nisqually hillside overlay district is comprised of a 200-foot buffer from the top of McAllister bluff (i.e., the top of slope on the subject property), but it allows a 50-foot buffer for the portion of the bluff between I-5 and Martin Way for undeveloped lots within a subdivision and for lots that are less than one acre in area. In this case, none of the exceptions to the 200-foot buffer requirement apply, as the lot is developed, exceeds one acre in area, and is not between I-5 and Martin Way. The Nisqually hillside overlay district's 200-foot buffer encumbers the entire parcel. *Exhibits 1, 1.E, and 1.F.*
9. The Applicants proposed a 706 square foot ADU to create wheelchair-accessible living and bathroom space, as one of them is mobility impaired and the existing residence has narrow doors and a stepped-down living room and lacks accessible shower facilities. The unit would also include a kitchen. Moving is not feasible for the Applicants due to health and financial issues. Creation of the ADU would allow the Applicants to receive specialized care at home, and/or it could free up room in the primary residence for a caretaker. The total impervious surface coverage of the addition would be 926 square feet, which total includes footprint and roof coverage. *Exhibits 1.E and 1.G; Testimony of Chad Shroeder and Kim Britcher.*
10. The ADU would be adjacent to the northwest corner of the existing residence, on the opposite side of the house from the landslide hazard area slopes, in an open lawn area next to the driveway from Sandra Lee Court. The addition would be at least 50 feet from the top of the slope. *Exhibit 1.E.*
11. The Applicants submitted a geotechnical report prepared by a Licensed Engineering Geologist in support of the application. The report was prepared after a site visual reconnaissance, subsurface evaluation, slope analysis, and literature review. The conclusions of the report included that the proposed building site is not within an active landslide hazard area and that a 50-foot building setback from the crest of the slope (as proposed) is recommended. The report includes recommendations for storm drainage and erosion control to aid slope stability. One of the drainage recommendations is to tightline all roof and footing water sources to an existing catch basin, approved dispersion area, established channel, or down the slope. This recommendation is not reflected in current site plans, which indicate use of roof downspouts and splash blocks. *Exhibits 1.E and 1.F.*

12. Thurston County's Staff Licensed Engineering Geologist reviewed the Applicants' geotechnical report and determined that it satisfies the CAO's reporting requirements and supports the development requested. In review comments, the County Geologist noted that the lot size is very close to the one-acre maximum for a 50-foot buffer under TCC 24.15.021.C and that the setback depicted on the site plan exceeds 50 feet. The County Geologist recommended that stormwater infiltration on site must be limited, and that all runoff from the addition must be tightlined to an existing catch basin as recommended in the Applicant consultant's report. *Exhibit 1.I; Mark Biever Testimony.*
13. There is an existing catch basin in the driveway on the subject property that discharges to a drainage system along Steilacoom Road. The roof downspouts on the existing residence tie into this catch basin, and the Applicants expressed willingness to connect the proposed ADU addition to the driveway catch basin as well. A final drainage plan would be reviewed during building permit review. Due to the small size of the addition, Public Works Staff is not concerned about facility sizing. *Exhibit 1.E; Testimony of Arthur Saint and Chad Schroeder; see also Exhibit 2B.*
14. To offset potential erosion risks associated with the project, the Applicants propose to plant 94 salal plants (or equivalent native plantings from the list provided in the consultant's geotechnical report at page 7) within a 964 square foot area immediately east of the proposed development footprint, between the ADU and the stop of the slope. This proposed mitigation planting area is currently lawn. County Planning Staff submitted that the proposed mitigation is adequate to ensure no net loss of critical area functions provided the geotechnical recommendations are followed. *Exhibits 1, 1.E, and 1.F; Heather Tschaekofske Testimony.*
15. The subject property is mapped as having Mazama pocket gopher soils. The Applicants would be required to file a habitat conservation plan application pursuant to TCC 17.40 prior to building permit issuance and pay applicable mitigation fees. *Exhibit 1; Heather Tschaekofske Testimony.*
16. The subject property is in an area potentially affected by emissions from the old Asarco smelter in Ruston, Washington. As recommended by the Department of Ecology (DOE), the Applicants conducted soil sampling to determine whether arsenic and lead levels require cleanup under state standards. No sample results exceeded the maximum allowable concentration for either substance, and the DOE determined that no soil remediation is necessary for the subject property. *Exhibits 1.J and 1.K.*
17. The existing septic system was approved as a repair in 2022 and is sized to serve a maximum of three bedrooms. Although the existing residence has two bedrooms and the number of bedrooms with the proposed ADU would be three, an expansion of the septic system may be required due to the ADU classification. Thurston County Environmental Health Division's November 28, 2023 memo suggesting system adequacy (Exhibit 1.L) was based on the assumption that only an addition was proposed. Further review for

septic system adequacy would be conducted during the building permit process. *Dawn Peebles Testimony; Exhibit 1.L.*

18. Notice of the open record hearing was mailed to property owners within 500 feet of the subject property on March 20, 2024 and published in *The Olympian* on March 29, 2024. *Exhibit 1.A.*
19. Public comment opposing the application was submitted by area residents concerned with slope stability and loss of scenic views. Members of the McAllister Creek Homeowners Association (MCHA) residing downslope of the subject property experienced significant property damage during a series of landslides in 1996. *Exhibits 1.O, 2.A, 2.B, and 2.B1.* The MCHA commissioned an independent geotechnical assessment in response to the Applicants' RUE application (Exhibit 2.B2). The neighbors' geotechnical assessment did not include an on-site investigation, but included review of the site plan, the Applicants' geotechnical report, photos and testimony provided by MCHA, soil and landslide hazard mapping, and LiDAR imagery. The recommendations of MCHA's consultant included the following:

Despite that no indications of active or recent deep-seated slope instability were observed, it should be restated that the slopes within the McAllister Creek Neighborhood and extending north and south of the study area show landforms potentially indicative of pre-historic deep-seated mass-wasting. Due to the geology of the site and the potential for perched groundwater, landslides similar to the 1996 landslides could occur during a winter with heavy rain or a rain on top of snow event. Any excess water from additional impervious surfaces resulting from new development discharged at the top of the slope would increase the potential for landslides to occur. At a minimum, we recommend that further investigation and geotechnical design be conducted to determine the effects of the development on nearby and on-site slope stability prior to approval of the development.

*Exhibit 2.B2, page 8.* The MCHA requested that the Applicants be required to tightline stormwater runoff into the storm drainage system and connect the ADU to the City of Lacey sewer system, which runs down Steilacoom Road. *Exhibit 2.B; Liz Kohlenberg Testimony.*

20. With respect to the requested connection to public sewer, County Staff noted that there is no Sanitary Code requirement for connection. Staff submitted that the anticipated septic flows are not concerning even in the event that the septic system must be expanded to meet Sanitary Code requirements for an ADU, because even septic flows from an expanded system would be anticipated to result in significantly less impact on the slopes than stormwater runoff from the proposed additional impervious surfaces. *Testimony of Dawn Peebles and Mark Biever.*
21. Having reviewed all materials and heard all public comment, Planning Staff maintained their recommendation that if the RUE criteria are found to be met, the conditions stated in the staff report should be imposed on RUE approval. *Exhibit 1; Heather Tschaekofske*

*Testimony.* The Applicant representative waived objection to the recommended conditions. *Chad Schroeder 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.

### **Criteria for Review**

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.

### **Conclusions Based on Findings**

1. No other reasonable use of the property as a whole is permitted by the critical areas ordinance. Based on the area of the site, the existing use of the site and surrounding land uses, and the uses allowed outright in the RR 1/5 zone, a residential use is the only reasonable use of the property. The proposed ADU is modest in scale and is a reasonable addition to the existing residential use given the owners' needs. *Findings 3, 4, 9, and 18.*

2. No reasonable use with less impact on the critical area or buffer is possible. Because the entire parcel is within the Nisqually hillside overlay district, any addition to the residence would require intrusion into the critical area. The proposed addition would be modest in scale and would be as far from the crest of the slope as possible. The setback would be consistent with the setback allowed by TCC 24.15.021 for parcels under one acre in area. The subject parcel is only 1.08 acres in area. *Findings 3, 6, 8, 9, and 10.*
3. As conditioned and based on the record as a whole, the requested residential development would not result in damage to other property and would 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 proposed 50-foot setback is supported by geotechnical evaluation and is consistent with ordinance requirements for only slightly different property characteristics. The conditions of this decision require compliance with the recommendations of the geotechnical report and implementation of the planting plan, and explicitly require stormwater to be discharged into the catch basin system. The instant decision neither requires nor prohibits connection of the residence and the addition to public sewer so long as the onsite septic system receives final approval to serve the addition. *Findings 8, 10, 11, 12, 13, 19, and 21.*
4. As noted in Conclusion 2 above, the proposed reasonable use is limited to the minimum encroachment necessary to prevent denial of all reasonable use of the property. *Findings 3, 6, 8, 9, and 10.*
5. With conditions of approval, the proposed reasonable use would result in minimal alteration of the critical area. The addition would be more than 50 feet from the crest of the slope, in an area vegetated by lawn grass. The heavily vegetated slope face would not be disturbed. Implementation of the planting plan and the recommendations of the geotechnical report would protect against erosion and would adequately preserve slope stability following the modest addition. *Findings 7, 10, 11, 13, and 21.*
6. As conditioned, the proposal ensures no net loss of critical area functions and values. The conditions of this decision require compliance with the recommendations of the geotechnical report and implementation of the planting plan. New vegetation selected from the list of options in the geotechnical report would be planted to offset the disturbed area at a 1:1 ratio. *Findings 11, 13, and 21.*
7. With conditions of approval, the use would not result in unmitigated adverse impacts to species of concern. Mitigation of potential impacts to Mazama pocket gopher habitat would occur through the Habitat Conservation Plan application process. *Findings 14 and 21.*
8. The location and scale of existing development is not the sole basis for granting the reasonable use exception. The reasonable use exception is required due to the critical area encumbering the entire parcel. No residential development of any scale would be possible without the approval. The requested addition is modest and is consistent with the permitted uses allowed in the underlying zone. *Findings 6 and 8.*



## DECISION

Based on the preceding findings and conclusions, the request for a reasonable use exception to construct an attached accessory dwelling unit within the Nisqually hillside overlay district at 654 Sandra Lee Court is **GRANTED** subject to the following conditions:

1. Prior to or in conjunction with the issuance of any building or construction permits, all applicable regulations and requirements of the Thurston County Public Health and Social Services department, Public Works Department, Fire Marshall, and Thurston County Community Planning and Economic Development Department shall be met.
2. The Applicants are responsible for compliance with other jurisdictional permitting requirements.
3. All conditions of the building site application under project 2023101581 must be met prior to issuance of the building permit. The Applicants must obtain final Environmental Health Division approval of onsite septic service to the addition.
4. The project shall be in compliance with the recommendations contained in the project Geotechnical Report dated September 8, 2023, prepared by Quality Geo NW (Exhibit 1.F).
5. Either proposed mitigation plantings will be installed prior to final occupancy approval on future residential building permits 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 installed (Exhibit 1.E).
6. All development shall be in substantial compliance with drawings and site plan submitted and made part of this staff report, except as modified in these conditions. Any expansion or alteration of this use will require approval of a new or amended approval. The Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
7. Downspouts with splash blocks shall not be implemented for stormwater management of runoff from the addition. All runoff from new impervious surfaces shall be collected and tightlined to the catch basin in the driveway.
8. HCP application and approval for impacts to Mazama pocket gopher is required prior to building permit issuance.
9. A critical area affidavit shall be signed and recorded with the Thurston County Auditor's office, prior to building permit issuance for the proposed addition.

10. Construction fencing and erosion control shall be placed outside the top of slope alongside proposed development areas. This fencing and erosion control shall be inspected prior to building permit issuance.
11. 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.
12. The Applicants 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 disturbance or alteration, the Applicants must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation.
13. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the Applicants' responsibility to obtain this permit if required.

**DECIDED** April 19, 2024.



---

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**

<b>NOTE:</b> 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 **\$861.00** for a Request for Reconsideration or **\$1,174.00** 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 ☐ \$861.00 for Reconsideration or \$1,174.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.