



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. 2021103102
)	
Kim Burdette)	FINDINGS, CONCLUSIONS
)	AND REMAND (Clarified)
For a Reasonable Use Exception)	
_____)	

SUMMARY OF DECISION

The request for a reasonable use exception to allow construction of a single-family residence and associated appurtenances within two wetland buffers is **REMANDED** for additional information.

SUMMARY OF RECORD

Request

Kim Burdette (Applicant) requested a reasonable use exception (RUE) to allow construction of a single-family residence, driveway, and septic system within two Category II wetland buffers. The subject property is located at 8815 Libby Road NE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the application on April 25, 2023. The record was held open through April 27, 2023 to allow members of the public who may have had difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comments were submitted, and the record closed on April 27, 2023.

No in-person site visit was conducted, but the Examiner viewed the property and its environs on Google Maps.

Testimony

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

Sharon Lumbantobing, Senior Planner, Thurston County Community Planning & Economic Development Department

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

Arthur Saint, Civil Engineer, Thurston County Public Works Department

Kim Burdette, Applicant

Richard Glatthaar, Neighbor

Exhibits

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

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

- A. Notice of Public Hearing, issued April 11, 2023
- B. Master Application and Reasonable Use Exception Application, received June 16, 2021 and revised September 16, 2021
- C. RUE Project Description, received October 16, 2022
- D. Site plan, received June 16, 2021, and revised December 16, 2022, and revised on April 10, 2023
- E. Wetland Delineation Report, received June 16, 2021, revised September 16, 2021, and revised on April 10, 2023
- F. Mitigation Plan, received June 16, 2021, and revised October 16, 2022
- G. Wetland A Rating
- H. Wetland B Rating
- I. Impervious Surface Worksheet
- J. Notice of Application for Reasonable Use Exception, dated May 4, 2022
- K. Approval memo from Amy Crass with Thurston County Environmental Health, dated July 16, 2021
- L. Public comment from Mary and Scott Oliver, dated May 23, 2022
- M. Public comment from Inge Hart, dated May 20, 2022
- N. Public comment from Rich Glatthaar, dated May 24, 2022
- O. Public comment from Inge Hart, dated January 19, 2023
- P. Applicant's reply to public comment 1, dated October 17, 2022
- Q. Applicant's reply to public comment 2, dated October 17, 2022
- R. Communications Matrix
- S. Applicant's reply, dated January 20, 2023

- Exhibit 2 Email correspondence between Inge Hart, Kim Burdette, and Sharon Lumbantobing, dated May 20, 2022 to April 17, 2023
- Exhibit 2A Additional email correspondence between Inge Hart, Kim Burdette, and Sharon Lumbantobing, dated April 17, 2023
- Exhibit 3A Public comment from Inge Hart, dated April 20, 2023
- Exhibit 3B Public comments from Mary and Scott Oliver, dated April 21, 2023 and May 23, 2022
- Exhibit 4 Septic system design, dated May 11, 2021

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

FINDINGS

1. Kim Burdette (Applicant) requested a reasonable use exception (RUE) to construct a single-family residence, driveway, and septic system within two Category II wetland buffers. The subject property is located at 8815 Libby Road NE, Olympia, Washington.¹ *Exhibits 1, 1.B, 1.C, 1.D, 1.E, 1.G, and 1.H.*
2. The RUE application was received on June 16, 2021 and deemed complete for purposes of commencing project review on July 13, 2021. *Exhibits 1.B and 1.J.*
3. The subject property is 7.36 acres in area and is undeveloped except for a gravel driveway, covering approximately 2,000 square feet, which runs along the northern property line, and a well, which is located near the driveway entrance from Libby Road.² The subject property is otherwise forested. Surrounding land uses are single-family residential. *Exhibits 1, 1.D, 1.E, and 1.I.*
4. The subject property is within the rural portion of the County and is zoned Rural Residential Resource One Dwelling Unit per Five Acres (RRR 1/5). Primary permitted uses in the RRR 1/5 zone include single-family and two-family residences, agriculture, accessory farm housing, and home occupations. *Exhibit 1; Thurston County Code (TCC) 20.09A.020.*

¹ The legal description of the subject property is as follows: Section 06 Township 19 Range 1W Quarter SE SE LL-0216 LT 3 Document 8307060012. *Exhibit 1.*

² The wetland delineation report (Exhibit 1.E, prepared in August of 2021) describes the road as “unmaintained” (page 1), and the accompanying photos depict a dirt road. Based on neighbor comments (Exhibit 3A) and the Applicant’s testimony at the hearing, the Applicant surfaced the road with gravel sometime after the report was prepared.

5. Based on evaluation by a professional biologist, the subject property contains two Category II wetlands.³ Wetland A, located in the eastern portion of the property, is approximately one acre in area and is classified as a palustrine shrub scrub forested wetland. Wetland B, located in the western portion of the property, is a palustrine shrub scrub forested wetland that is part of a wetland mosaic that totals approximately two acres in area. Both wetlands extend offsite to the south. *Exhibit 1.E.*
6. Each of the Category II wetlands requires a standard buffer width of 240 feet. The buffers overlap in the center of the parcel and the combined buffers encumber the entire parcel. In addition to the buffering requirement, a construction setback of 15 feet is required from the wetland buffer edge. *Exhibits 1, 1.E, 1.F, 1.G, and 1.H; TCC Table 24.30-1; TCC 24.01.035.*
7. The standard wetland buffers may be administratively reduced by 25% to 180 feet if mitigation is provided. *TCC 24.30.050.* The allowed 180-foot buffer line is not depicted on the site plan. Of note, based on the scaling of the site plan, reduced 180-foot buffers might result in a small wedge of developable land near the northern property line (north of the development envelope proposed), although it appears questionable whether the area would be adequate for the building envelope and septic system proposed. *Exhibit 1.D.*
8. The Applicant proposes to construct the residence in the central portion of the property, roughly equidistant from Wetlands A and B. The residence would be accessed via the existing gravel driveway, which would be maintained at its current width of 12 feet and extended south to the residence. The proposed new driveway improvements would total 2,900 square feet. The driveway would not be paved, except for a three-foot apron in front of the garage. The septic system would be installed to the east and northeast of the residence and would occupy 3,000 square feet. *Exhibits 1.D, 1.F, and 1.I.*
9. Conflicting information was provided as to the scale of development proposed, and the location of the development relative to the wetland edges. The Applicant proposes a three-bedroom, two-story residence. Although the project narrative submitted in October 2022 states that a 3,000 square foot residence is proposed (later clarified as referring to total living space in correspondence from April 17, 2023 in the record at Exhibit 2A), the site plan indicates a building footprint of 4,900 square feet for all impervious surfaces associated with the two-story residence, including decks and porches. Correspondence from April 17, 2023 (Exhibit 2A) clarifies that the 4,900 square feet would also include the attached garage. At hearing, he testified that the residence would have a 3,000 square foot footprint in addition to a two-car garage of unspecified dimensions.⁴ In his testimony, the Applicant submitted that the actual building footprint for the residence, garage, decks, and porches would be approximately 3,600 square feet, and that the 4,900

³ The site plan incorrectly indicates a Category III classification for both wetlands. *Exhibit 1.D (compare with Exhibits 1.G and 1.H).*

⁴ Despite being asked multiple times, the Applicant did not clarify on the record how the two-story residence could have a 3,000 square foot footprint and be a total of 3,000 square feet; no square footage for the second floor was stated.

square foot box depicted on the site plan would be better characterized as a building envelope than a building footprint, and that the 4,900 square feet would include all impervious surfaces and the required 15-foot construction setbacks from the wetland buffer edge. However, reducing the 70 by 70-foot development envelope on the site plan to 40 by 55 feet by imposing 15-foot construction setbacks on three sides leaves a development envelope of only 2,200 feet. Finally, the mitigation plan indicates that the impervious surfaces associated with the residence would be 4,900 square feet, plus an additional 200 square feet of impervious surfaces for a “sidewalk” (which the Applicant clarified in testimony is a proposed walkway to the front door). Although the walkway is shown on the site plan as being outside of the 4,900 square foot development envelope, the Applicant submitted at the hearing that the walkway would be included in the 4,900 square feet. *Exhibits 1.C, 1.D, 1.F, and 2A; Kim Burdette Testimony.*

10. With the 4,900 square foot building footprint and site design depicted on the site plan, the Wetland B buffer is shown as being reduced to 105 feet adjacent to the proposed residence (which distance is not depicted at the location where the residence is closest to the wetland, so it is unclear what the actual minimum setback is proposed to be). The Wetland A buffer would be reduced to 81 feet at its narrowest point (adjacent to the east-most septic system component). As far as construction setbacks for the residence, the site plan depicts a gap (unmarked) between the reduced buffer edge and the building envelope, which suggests a construction setback. However, at the hearing, Planning Staff suggested that the construction setback is included in what is depicted as the buffer (such that actual buffer proposed would be 15 feet narrower than depicted/called out in the application materials), while the Applicant submitted, conversely, that the construction setbacks are included in the 4,900 square foot building envelope (such that the actual buffer between Wetland B and the residence could be greater than 105 feet). *Exhibit 1.D; Sharon Lumbantobing Testimony; Kim Burdette Testimony.* Also, as depicted on the site plan, the area proposed to be retained as buffer for Wetland B could be increased by simply changing the wetland buffer setback line to be perpendicular to the north property line, which would represent far less buffer reduction and thus more closely approach the minimum encroachment necessary into the buffer. It is not possible from the information provided on the site plan to estimate how much more buffer area could be provided by this simple realignment of the retained buffer line into a perpendicular position, but from what is shown, doing so would not interfere with any portion of the proposed improvements. Finally, clearing limits are not called out in any detail, so it is not known whether the entire area between the depicted “105-foot” and “81-foot” buffers proposed to be retained would be entirely cleared. *Exhibit 1.D.*
11. Based on the development depicted on the site plan, the total area of buffer impact would be 11,800 square feet, including 4,900 square feet for the residence/garage and surrounding improved area within the development envelope including the paved walkway, 2,900 square feet for the driveway, 3,000 square feet for the septic system, and 1,000 square feet for a yard.⁵ The total impervious surface coverage is stated as 10,000

⁵ This calculation assumes that the 200 square feet of sidewalk are within the 4,900 square foot development envelope.

square feet, or 3.1% of the site area; however, the locations of impervious surfaces are not identified. *Exhibits 1.D, 1.E, 1.F, and 1.I.*

12. As mitigation for the wetland buffer impact, the Applicant proposes to enhance a total of 12,882 square feet of buffer (an amount exceeding the 1:1 ratio required by TCC 24.30.080) within four areas: between the southwest corner of the residence and Wetland B, between the southeast corner of the residence and Wetland A, between the septic system and the driveway, and along the northern property line in the vicinity of the residence. The plantings would consist of 60 black hawthorn, Pacific willow, and Pacific dogwood trees and 140 snowberry, Pacific ninebark, and red-flowering current shrubs. The plantings are expected to improve wetland functions by increasing roughness, increasing nutrient uptake of stormwater, providing screening for wildlife, providing shade, and producing food for wildlife, thereby achieving no net loss of wetland functions and values as a result of the development. The proposal provides for three years of monitoring and maintenance. *Exhibit 1.F.* As shown on the site plan, none of the proposed mitigation plantings would be placed between the septic system and Wetland A. The vast majority of proposed mitigation plantings are not proposed to be placed between the improvements and the wetlands, and the reason for this is not explained anywhere in the record. *Exhibit 1.D.*
13. No evidence was submitted that the project would adversely impact any species of concern. *Exhibit 1.*
14. The Thurston County Environmental Health Division has reviewed and approved a septic design for the location depicted on the submitted site plan. The system would consist of Glendon above-ground pods, one for each of the three bedrooms proposed, to provide enhanced septic treatment. Due to the subject property's location near Henderson Inlet, annual renewable operational certificates would be required for the septic system. However, with the technology proposed, Environmental Health does not have concerns about downstream water quality impacts to Henderson Inlet or to the wetlands in the vicinity. The septic system would meet all applicable treatment standards. *Exhibits 1.K and 4; Dawn Peebles Testimony.*
15. Potable water would be provided to the proposed residence from the existing well, which was drilled in 1975 and which also serves another property (8900 Libby Road). There is a two-party well agreement in place. Prior to building permit issuance, a certificate of water availability would be required. *Exhibits 1.K and 1.S; Dawn Peebles Testimony.*
16. The proposed development is categorically exempt from review under the State Environmental Policy Act (SEPA). *Exhibit 1; WAC 197-11-800; TCC 17.09.055(B).*
17. Notice of the open record hearing was mailed to property owners within 500 feet of the site on April 11, 2023 and published in *The Olympian* on April 14, 2023. *Exhibits 1 and 1.A.*

18. In public comment on the application, concern was raised by the owner of the property to the north of the subject property (nearest the driveway) regarding stormwater runoff from the driveway and from the proposed residential improvements. Although a dirt driveway had been present along the northern property line for many years, the Applicant applied the current gravel surfacing only a couple years ago. The neighbor alleges that runoff from the gravel road has been entering their property since the gravel was added and is concerned that additional impervious surfaces would exacerbate that problem and would also exacerbate the ongoing problem of flooding along Libby Road during heavy rains. *Exhibit 3A*. In response to the drainage concern, Public Works Staff submitted that stormwater management would be reviewed at the time of building permit review, and that Public Works would consider impacts to the property to the north. However, complete infiltration of stormwater might not be possible, and the Drainage Design and Erosion Control Manual allows some runoff. *Arthur Saint Testimony*. The Applicant submitted that a drywell could be used to collect runoff from the residence. *Exhibit 2*.
19. One neighbor questioned the amount of clearing proposed, based on concern that remaining trees may not be windfirm. *Exhibit 1.N; Richard Glatthaar Testimony*. The subject property is forested, and tree removal from the development area would require a forest practices permit. The Applicant proposes to commence the permit process after RUE approval. The process would include SEPA environmental review and opportunity for public comment. *Kim Burdette Testimony; Sharon Lumbantobing Testimony*.
20. Public comment also objected to the scale of improvements proposed within the wetland buffers. These comments appear to have been based on the project description contained in the notice of application, which stated that a 4,900 square foot residence is proposed. *Exhibits 1.L, 1.M, and 1.O*. The Applicant testified that the residence would be approximately 3,000 square feet in area, and that the building footprint including garage, decks, and porches would be approximately 3,600 square feet. In response to questions about whether the residence could be moved northward to reduce impacts to the wetland, the Applicant submitted that it could be moved “a few feet;” however, the Applicant does not want to place the residence too close to the northern property line. *Kim Burdette 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. Considering the zoning of the subject property, the character of surrounding development, and the extent to which the site is encumbered by critical areas, single-family residential use is the only reasonable use of the property. *Findings 3 and 4.*
2. Based on the record presented, including Applicant's testimony at hearing, it would be possible to establish reasonable residential use with less impact on the wetland buffers than is depicted on the site plan. The site plan depicts an exceptionally large development envelope for a two-story residence with 3,000 square feet of living space. No compelling reason was provided for such a large envelope, and in fact the Applicant testified that the development envelope could be smaller than depicted and that the wetland buffers could be increased. However, the specifics are unclear due to the conflicting information contained in the application materials and subsequent correspondence and testimony. The site plan must be revised before the Hearing Examiner can conclude that RUE criterion 2 is satisfied. *Findings 8, 9, and 10.*
3. With respect to damage to other property, although credible evidence was submitted regarding existing drainage problems that could be exacerbated by the development, the Hearing Examiner concludes that these issues can be addressed through conditions of approval and the future building permit review process. Credible evidence was presented that septic effluent would be adequately treated on site and would not pose a threat to downstream water quality. *Findings 14 and 18.*

4. As described in Conclusion 2, the Applicant has not demonstrated that the use is limited to the minimum encroachment into the buffer needed to prevent denial of all reasonable use of the property. The encroachment could be reduced if the building envelope depicted on the site plan were reduced (made smaller), and if the building envelope moved slightly to the north, and if the retained buffer for wetland B were simply drawn as a straight line perpendicular to the north lot line. No compelling evidence was presented in support of the retained buffer dimensions and building envelope dimensions submitted. The Hearing Examiner acknowledges that building placement must also consider potential stormwater impacts to, and any other potential conflicts with, the neighbor to the north. *Findings 8, 9, 10, 18, and 20.*
5. No direct alteration of the critical area is proposed, and impacts to vegetation would be considered as part of the forest practices application. *Findings 5, 6, 8, 10, and 19.*
6. With the mitigation proposed, there would be no net loss of critical area functions and values. *Finding 12.*
7. With the mitigation proposed and with the enhanced treatment provided by the proposed septic system, the use would not result in unmitigated impacts to species of concern. *Findings 12, 13, and 14.*
8. The location and scale of surrounding development was not the basis of the RUE request and would not be the basis for future approval of the RUE.

DECISION

Based on the preceding findings and conclusions, the request for reasonable use exception is **REMANDED** for the following:

1. Within 60 days, or not later than July 10, 2023, the Applicant shall submit the following:
 - a. An updated site plan that accurately depicts the building footprint (with structure dimensions specified), the 15-foot construction setback, the proposed yard with dimensions, the full clearing limits, and the accurate resulting undisturbed buffer widths. Both the 240-foot and 180-foot wetland buffer lines must be shown on the revised site plan. The site plan must demonstrate that the encroachment into the buffer is the minimum necessary to establish reasonable residential use of the property. It is expected that the revised building envelope will be smaller than the one originally proposed, not least because some of the 3,000 square feet of living space within the residence would be called out as being located on the second floor.
 - b. A narrative response by the Applicant to RUE criteria 2 and 4 with reference to the updated site plan, noting again that it is the Applicant's responsibility to provide evidence that all criteria are satisfied.

2. Within 10 business days of receipt of the Applicant's two items above, the County Staff shall prepare a written response to the updated site plan indicating any changes to Staff analysis and/or recommended conditions of approval.
3. As soon as Staff's written response (item 2 above) is prepared, all submittals in response to items 1 and 2 above shall be made available to parties of record who submitted comment on this application and all commenting County Staff, who will have 10 business days to submit written comment on the revised proposal.
4. The Applicant shall have 10 business days to submit a written response to all comments submitted in response to items 2 and 3 above.
5. When all of these materials are available, but **not later than August 22, 2023**, one of the following two procedures shall occur:
 - a. All materials in response to items 1 through 5 above shall be submitted (simultaneously once completely gathered) to the Examiner, who will issue a final written decision on the RUE on the complete record including all responses to the above; or
 - b. Either party may request a reconvened public hearing to allow testimony on the revised site plan and any outstanding issues of concern or areas in dispute between County and Applicant. If a hearing is to be reconvened, it will go on the earliest available regularly scheduled hearing date with notice to parties of record.

Alternatively, the Applicant may treat this decision as denial of the permit request for the purpose of proceeding directly to appeal.

ISSUED May 11, 2023.⁶



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.

⁶ A Remand decision was issued on the above-captioned application on May 11, 2023; however, after distribution to parties of record, County Staff requested clarification of the remand schedule. This clarified Remand was issued also on May 11, 2023.

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____.