



COUNTY COMMISSIONERS

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**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2019102369
	)	
<b>Jacque Carter</b>	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
	)	
For a Reasonable Use Exception	)	
_____	)	

**SUMMARY OF DECISION**

The request for a reasonable use exception to construct a 1,976 square foot shop building within a wetland buffer and to approve a previously constructed patio expansion within a wetland and stream buffer is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

Jacque Carter (Applicant) requested a reasonable use exception (RUE) to construct a shop building within a Category III wetland buffer, and to obtain formal authorization for a previously constructed patio expansion within the wetland buffer and the buffer of Hopkins Ditch. The original request was for a 2,800 square foot shop building to be located 122 feet from the wetland edge. In response to feedback at the open record hearing, the Applicant revised the design to reduce the building area to 1,976 square feet and increase the setback to approximately 145 feet. The subject property is located at 9800 Kimmie Street SW, Tumwater, Washington.

**Hearing Date**

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the application on May 23, 2023. The record was held open through May 25, 2023 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. As confirmed by the Hearing Clerk, no post-hearing public comments were submitted, and the record closed with respect to public comment on May 25, 2023.

The record was also held open through June 6, 2023 for the Applicant to submit a revised site plan and project narrative, and through June 13, 2023 for the County to provide analysis of the revision, with final Applicant comment due not later than June 20, 2023. The documents were timely submitted, and the record closed upon receipt of the Applicant's reply on June 20, 2023.

No in-person site visit was conducted, but the undersigned viewed the subject property on Google Maps.

### **Testimony**

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

Scott McCormick, Associate Planner, Thurston County Community Planning & Economic Development Department

Jacque Carter, Applicant

### **Exhibits**

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

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

- A. Notice of Public Hearing, dated May 12, 2023
- B. Zoning/Site Map
- C. Master Application, received May 20, 2019
- D. Reasonable Use Exception application, received May 20, 2019
- E. Site Plan, dated December 15, 2022
- F. Kimmie Street Delineation & Buffer Mitigation Plan Update, dated December 2022
- G. High Ground Water map by Bracy & Thomas, date stamped September 13, 2019
- H. Notice of Application, dated August 9, 2019 with adjacent property owners list, dated August 8, 2019
- I. Comment letter from the Nisqually Indian Tribe, dated August 12, 2019
- J. Email from Arthur Saint, P.E. to Robert Smith, Senior Planner, dated August 7, 2019
- K. Approval memo from Amy Crass, Thurston County Environmental Health, dated July 9, 2019
- L. Comment letter from Washington Department of Ecology, dated June 18, 2019
- M. Comment letter from Nisqually Indian Tribe, dated June 5, 2019
- N. Comment email from Rhonda Foster, Squaxin Island Tribe, dated June 3, 2019

O. Critical Area Review Clearance for Gopher and Prairie Habitat, dated September 19, 2018

Exhibit 2 Revised Site Plan and Narrative (four pages, including floor plan and house elevations)

Exhibit 3 Memo from Scott McCormick, dated June 8, 2023

Exhibit 4 Applicant's final reply, dated June 20, 2023

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

### FINDINGS

1. Jacque Carter (Applicant) requested a reasonable use exception (RUE) to construct a shop building within a Category III wetland buffer, and to authorize a previously constructed patio expansion within the wetland buffer and the buffer of Hopkins Ditch. The original request was for a 2,800 square foot shop building to be located 122 feet from the wetland edge. In response to feedback at the open record hearing, the Applicant revised the design to reduce the building area to 1,976 square feet and increase the setback to approximately 145 feet.<sup>1</sup> The subject property is located at 9800 Kimmie Street SW, Tumwater, Washington.<sup>2</sup> *Exhibits 1, 1.D, 1.E, and 2.*
2. The RUE application was received on May 20, 2019 and deemed complete for purposes of commencing project review on June 17, 2019. *Exhibit 1.H.*
3. The subject property is 4.78 acres in area and is developed with a 1,660 square foot single-family residence and a 480 square foot attached garage, which were lawfully constructed in 2013. There is a patio adjacent to the south side of the residence, which the Applicant expanded in 2020. The original patio was 1,056 square feet in area per Thurston County Assessor records. The 2020 addition to the patio is a circular area with a diameter of 20 feet, or approximately 353 square feet.<sup>3</sup> *Exhibits 1, 1.E, and 1.F; Scott McCormick Testimony.*

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<sup>1</sup> The Applicant's revised plans also included building elevations depicting a proposed new second story covered deck, which would extend over a portion of the original, pre-expansion patio. The Hearing Examiner is making no decision on that proposal as it is outside the scope of the RUE application, and it was not described in the public notice documents. The Applicant may wish to seek an administrative interpretation as to whether the deck might be authorized without a RUE, given that the residence and patio are legally nonconforming, and the deck would not increase the extent of encroachment.

<sup>2</sup> The legal description of the subject property is a portion of Section 22 Township 17 Range 2W Quarter NW SW Survey LT 2 Document 002/114; also known as tax parcel number 12722320500. *Exhibit 1.*

<sup>3</sup> Note, the Staff Report calls out 150 square feet of patio added; however, the critical areas report (which is the primary source for all project information) says a) the patio addition was 20 feet in diameter, which results in an area of 315 square feet and also b) that the total impact area of patio was 353 square feet. The circle on site plan is too large to only be 150 square feet. *Exhibits 1, 1.E, 1.F. and 2.*

4. The subject property is within the rural portion of the County and is zoned Rural - One Dwelling Unit per Ten Acres (R 1/10), as are adjacent lands to the north, east, and south. The land immediately west of the subject property is within the Tumwater Urban Growth Area and is zoned Light Industrial, and the land to the northwest of the subject property is within the Tumwater city limits. *Exhibit 1.*
5. The purpose of the R 1/10 zone is “to protect public health and safety by reducing development in environmentally sensitive and hazardous areas ....; provide for residential uses, agriculture, forestry, conservation and associated uses appropriate for a low density rural area that will not require urban services; and provide for mining through a special use process.” *Thurston County Code (TCC) 20.09C.010.* Primary permitted uses in the R 1/10 zone include single-family residences (limited to one primary residential structure per lot), agriculture, forest practices, and outdoor recreation. *TCC 20.09C.020.*
6. Based on evaluation by a professional biologist, the subject property contains one Category III wetland (Wetland A) and a maintained agricultural ditch (Hopkins Ditch) that is classified as a Type Ns stream. Hopkins Ditch runs through the wetland from roughly the southwest corner of the property to the northeast corner of the property. Wetland A has a habitat score of 6, requiring a 200-foot standard buffer pursuant to TCC Table 24.30-1. The standard buffer may be administratively reduced by 25% to 200 feet if mitigation is provided. Hopkins Ditch requires a buffer of 100 feet pursuant to TCC Table 24.25-1. Further, structures requiring a permit must be set back an additional 15 feet from the wetland and stream buffer edges. *Exhibit 1.K; TCC Table 24.30-1; TCC 24.01.035; TCC 24.30.050.*
7. Wetland A and its 200-foot buffer encompass virtually all of the subject property, leaving only 1,920 square feet unencumbered at the far northwest corner of the site.<sup>4</sup> This area currently contains a portion of the existing driveway. The nearby residence is approximately 100 feet from the wetland edge, the original patio is approximately 65 feet<sup>5</sup> from the wetland edge at its closest point, and the recent patio expansion is 48 feet from the wetland edge and 97 feet from Hopkins Ditch. The 25% wetland buffer reduction allowed by TCC 24.30.050 would not create sufficient area to construct a shop consistent with all setback requirements, as the area largely contains the existing driveway. However, it would be large enough to contain a significant portion of the shop, and the Applicant proposes to place the shop in that area. Although the precise wetland setback for the revised shop proposal is not depicted on the site plan, using the scale indicated, the setback would be approximately 145 feet at the closest point. The shop would be in a previously cleared area as far north and west (away from the wetland) as possible without encroaching into the driveway and would be farther from the wetland than all existing development. The existing residence and septic drainfield are to the

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<sup>4</sup> Hopkins Ditch and its buffer are wholly within Wetland A and its buffer and do not add to the overall area of land encumbered by critical areas. *Exhibit 2.*

<sup>5</sup> This number is approximate because the patio has an irregular edge, and the distance is not clearly depicted on the site plan. *Exhibit 2.*

south and southeast of the proposed building site, and therefore would be between the shop and the wetland in those areas. *Exhibits 1.F and 2.*

8. The revised proposed shop would be 38 feet wide and 52 feet long. The dimensions are designed to accommodate an RV, truck, and trailer, with smaller areas allocated to a workshop and gym. *Exhibit 2; Jacques Carter Testimony.* These dimensions represent a substantial decrease from the originally proposed dimensions of 40 feet by 70 feet. *Exhibits 1, 1.E, and 3.*
9. At hearing, the Applicant submitted that the patio extension and shop building proposed represent development contemplated at the time of property purchase, and that the Applicant was unaware of the critical areas limitations, because there was no discussion of such restrictions at the time he constructed the residence. Further, he was not aware that the at-grade patio extension would require a permit. *Jacques Carter Testimony.*
10. The Applicant submitted a buffer mitigation plan based on the original proposal to construct a 2,800 square foot shop. The plan assumed a total impact of 3,153 square feet (2,800 square feet for the shop and 353 square feet for the patio expansion). The proposal was to mitigate the impact at a 1:1 ratio as required by TCC Table 24.30-3 by enhancing 3,153 square feet of lawn area between the shop and the wetland with flowering current, salmonberry, beaked hazelnut, nootka rose, and sword fern. This mitigation was expected to provide an ecological lift to the area as compared to the original proposal, ensuring no net loss of critical area functions. As proposed, the mitigation is designed to provide a multi-layer shrub canopy that would provide forage, habitat opportunity, screening, and refuge for wildlife, and would slow runoff velocity and facilitate infiltration. *Exhibit 1.F.* The Applicant also proposed to remove garden sheds totaling approximately 400 square feet from the wetland buffer. *Exhibit 1; Jacques Carter Testimony.*
11. Aerial photography indicates that trees have been removed from the wetland buffer and/or have fallen since 2015. *Exhibit 1.* The Applicant admitted to removing four trees from the proposed shop area, because the roots were damaging the adjacent septic system. The Applicant submitted that trees die every year along the wetland edge due to the wet soil. Although Planning Staff initially recommended that the Applicant submit a professionally prepared restoration plan to address trees removed or fallen, Staff submitted at the hearing that the issue could be adequately addressed by simply adding the planting of 20 cedar trees to the proposed mitigation. Staff submitted that cedars could survive in the wet soil and would be less likely to fall than species such as alder. *Exhibit 1; Scott McCormick Testimony.*
12. Species of concern mapped as potentially occurring on the subject property include cutthroat trout, big brown bat, and Townsend's big-eared bat. Cutthroat trout are prevented from accessing the subject property due to stream blockages between the subject property and fish-bearing waters. The Applicant's biologists submitted that the addition of the shop would not adversely affect bats. *Exhibit 1.F.* Planning Staff

submitted that, due to past tree removal, mitigation in the form of tree planting is needed to ensure that there would be no adverse impact to wildlife. *Exhibit 1.*

13. Thurston County Public Works Staff submitted that an engineered drainage plan would be required with the building permit application. *Exhibit 1.J.*
14. The subject property is served by an existing well and septic system. The Thurston County Environmental Health Division did not identify any concerns or any conditions needed for the project to comply with the Thurston County Sanitary Code, and the Division recommended approval of the RUE. *Exhibit 1.K.*
15. The proposed development is categorically exempt from review under the State Environmental Policy Act. *Exhibit 1; Washington Administrative Code (WAC)197-11-800; TCC 17.09.055(B).*
16. The Washington Department of Ecology submitted comments identifying water quality requirements that apply or might apply to the project, including construction stormwater permit requirements that would apply if certain criteria are satisfied. The potential permit requirement is incorporated into the recommended conditions of RUE approval. *Exhibits 1.L and 1.*
17. Notice of the open record hearing was mailed to property owners within 500 feet of the site on May 4, 2023 and published in *The Olympian* on May 12, 2023. *Exhibits 1 and 1.A.* There was no public comment prior to or at the open record hearing on the application.
18. Having heard all testimony at hearing, and having considered the questions of the undersigned and the Applicant's revised proposal further reducing the intrusion of the proposed improvements into the on-site critical area buffers, Planning Staff expressed support for the revised proposal described in Exhibit 2 and maintained their recommendation that if approval is granted, the conditions recommended in the staff report be imposed, with one additional condition that would allow Staff to require a revised and clarified site plan prior to building permit issuance. *Exhibit 3.* Consistent with the post-hearing schedule, the Applicant submitted comments dated June 20, 2023 indicating that he agreed with Planning Staff's additional condition. *Exhibit 4.*

## **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 R 1/10 zoning designation, the intent of the zone, the existing use of the property, and the character of the area, single-family residential use is the only reasonable use of the property. A shop and patio are typical accessories to a residential use, and the scale of existing development on the property is small relative to the size of the parcel. *Findings 3, 4, and 5.*
2. With the revised shop area and location shown in Exhibit 2, and with mitigation of past tree removal, no reasonable use with less impact on the critical area or buffer is possible. The Applicant has designed the project to avoid or minimize wetland buffer impacts, such that the encroachment of the shop into the inner 75% of the wetland buffer would be limited to approximately five feet.<sup>6</sup> The shop would not encroach into the buffer of Hopkins Ditch. With respect to the patio, no expansion is possible without encroaching into the inner 75% of the wetland buffer due to the location of the house and the extent of

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<sup>6</sup> The Examiner notes that typically, a 15-foot construction setback would be required in addition from the outer edge of the reduced retained buffer, and mitigation would be required for encroachment into the construction setback as well; however, in this case, the would-be additional 15 feet is a cleared lawn area in a previously developed portion of the site, and no additional mitigation should be required.

wetland buffer on the site. The expansion area is relatively small and, with implementation of the mitigation plan, can be adequately offset by removing the existing sheds from the buffer. *Findings 6, 7, 8, 9, 10, and 11.*

3. As conditioned, the proposal 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 conditions of approval require installation of erosion control and compliance with Department of Ecology requirements. Thurston County Environmental Health did not identify any issues of concern with respect to the project. *Findings 14 and 16.*
4. With the revised shop area and location shown in Exhibit 2, and with removal of existing sheds from the wetland buffer to offset the new patio, it is reasonable to conclude that no use with less impact on the critical area or buffer is possible. Wetland A encumbers virtually the entire parcel, and the impacts associated with the shop would be mostly contained within the outer 25% of the buffer, in a previously disturbed area that is farther from the wetland than existing structures. *Findings 7, 8, and 10.*
5. As conditioned, the proposal would result in minimal alteration of the critical area. No direct impacts to the wetland are proposed. Buffer impacts would be mitigated through implementation of the mitigation plan, and through the planting of additional cedar trees. Erosion control measures would be implemented during construction, and the buffer boundary would be marked with signs prior to building permit approval. *Findings 7, 10, 11, and 18.*
6. As conditioned to require implementation of the buffer mitigation plan and the planting of additional cedar trees, the proposal would ensure no net loss of critical area functions and values. *Findings 11 and 18.*
7. As conditioned, the use would not result in unmitigated adverse impacts to species of concern. *Findings 11 and 12.*
8. This decision is not based on the location and scale of existing development. Approval of the RUE is based on the Applicant's inability to make reasonable use of the parcel without intrusion into the wetland buffer. *Finding 7.*

### **DECISION**

Based on the preceding findings and conclusions, the request for a reasonable use exception is **GRANTED** subject to the following conditions:

1. A final site plan reflecting the approved revised proposal shall be required prior to building permit issuance that clearly calls out minimum distances of all existing and proposed improvements from edges of critical areas.
2. A minimum of four inches of mulch shall be placed around the base of the mitigation plantings immediately after plant/tree installation.

3. The project shall be in compliance with the recommendations contained in the project “Kimmie Street Delineation & Buffer Mitigation Plan Update”, dated December 2022 as amended to include the planting of 20 cedar trees as recommended by Planning Staff or the Applicant consultant as mitigation for past tree removal. Based on the reduced 1,976 square foot shop area, the 3,153 square foot planting area depicted on the December 2022 mitigation plan may be reduced to 2,309 square feet, at Applicant’s option.
4. A wetland buffer critical area signage plan shall be submitted prior to building permit issuance. These signs shall be installed prior to final building permit approval. One critical area sign shall be installed within 20 feet of property lines and at least every 100 feet along the restored wetland buffer. A critical area sign template can be provided by County staff.
5. The Applicant shall remove all construction related debris to an approved site (landfill or recycling center) outside of critical areas and their buffers.
6. Erosion control shall be installed prior to building permit issuance.
7. Mitigation plantings shall be installed prior to final occupancy approval of future building permits unless a financial instrument such as bond or irrevocable assignment of savings is in place prior to final occupancy approval for mitigation and monitoring costs at 125% of their fair market value. The financial instrument only needs to cover those mitigation, restoration, and monitoring requirements that have not been completed prior to final occupancy approval for the proposed shop building permit.
8. All development shall be in substantial compliance with the drawings and site plan submitted and made part of this staff report. Any expansion or alteration of this use will require approval of a new or amended approval. The Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
9. 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 Applicant's responsibility to obtain this permit if required.

**DECIDED** June 26, 2023.



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Sharon A. Rice  
Thurston County Hearing Examiner

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



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

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

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

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

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

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

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

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

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

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

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



<b>Project No.</b> _____ <b>Appeal Sequence No.:</b> _____
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**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\_\_\_.